

# MEETING OF THE PARLIAMENT

Wednesday 13 February 2002  
(*Afternoon*)

Session 1

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## Scottish Parliament

*Wednesday 13 February 2002*

*(Afternoon)*

[THE DEPUTY PRESIDING OFFICER *opened the meeting at 12:00*]

### Motion of Condolence

**The Deputy Presiding Officer (Mr George Reid):** This meeting of the Parliament has been convened to consider motion S1M-2728, a motion of condolence, in the name of Jack McConnell, on the death of Her Royal Highness, the Princess Margaret.

12:00

**The First Minister (Mr Jack McConnell):** It is with great sadness that we convey our sincere condolences to members of the royal family on the death of Her Royal Highness, the Princess Margaret, Countess of Snowdon. In particular, we express our sympathy to Her Majesty the Queen on the loss of her younger sister; to Her Majesty the Queen Mother on the loss of her beloved daughter; and to Lord Linley and Lady Sarah Chatto on the tragic loss of their mother. Our thoughts are with them at this difficult time and their grief is shared by members of the Parliament and by people across Scotland.

In offering our condolences and sympathy to her family, we also pay tribute to Princess Margaret's contribution to public life in Scotland and offer our gratitude for her particular commitment to working with children and young people.

She remained devoted to the Guide Association, of which she was president, and with which she had a close involvement for over 60 years. She was a patron of Barnardos and its president between 1948 and 1984. One of her earliest appointments in public life was as a patron of the Scottish Children's League; she became its president in 1966. She continued her support for the organisation and became president of the current body, Children 1<sup>st</sup>. Through her fundraising support, including that for the annual "touch of tartan" ball in Aberdeen, she helped to bring additional resources for the organisation's important work. That is a record of commitment to and support for our children and young people that stretches over a lifetime and that leaves a valuable and lasting legacy.

The princess was also a great supporter of the arts. She was a patron of Scottish Ballet from 1984 and was involved with the Scottish

Community Drama Association, among other organisations. Alongside that, she gave her time and energy to health and medical charities: as a patron of the Terence Higgins Trust and Lighthouse, of the Royal College of Nursing, of the Heart Disease and Diabetes Research Trust and of the Princess Margaret Rose hospital here in Edinburgh.

There are many other organisations that I could add to that list, which benefited from and welcomed her support. Through them all, we can see a thread of constant interest and concern in the princess's using her position and efforts to help others and to promote work that is dear to the hearts of people in Scotland and to our values. The affection that we have for her comes not simply from her Scottish heritage, but from that work and lifetime commitment.

She was born at Glamis castle, spent much of her childhood on Deeside and, throughout her life, took a keen interest in Scottish affairs, visiting Scotland many times each year.

Princess Margaret was more than a public figure. She was also a loving mother and grandmother, who was proud of her children and never happier than when surrounded by her family. It is that family who will mourn her most, so it is to them that the people of Scotland send our sympathies. We do so with sadness, but also with thanks for the support and commitment that she offered over the years to many people and organisations and for the contribution that her life made to improving the lives of so many others.

I move,

That the Parliament wishes to express its deep regret and sadness at the death of HRH The Princess Margaret and to convey its sincere condolences to Her Majesty The Queen, Her Majesty Queen Elizabeth The Queen Mother and other members of the Royal Family in their sad bereavement.

12:03

**Mr John Swinney (North Tayside) (SNP):** On behalf of the Scottish National Party, I associate myself with the motion moved by the First Minister and extend our sympathy to the royal family on the death of Princess Margaret.

The death of any individual brings enormous sadness for those who are left to mourn. In losing their mother, the princess's children will be enduring that sadness and we think of them today. No parent expects to lose a child, and that pain is probably the hardest to bear. We offer the Queen Mother our support in the pain that she must be suffering.

Many tributes have been paid to the princess since her death on Saturday. I was most struck by the words of the Prince of Wales, who said:

"She loved life and lived it to the full, and for that we will always remember her."

Living life to the full is much to be admired. It imprints us indelibly in the affections and memories of our friends.

Princess Margaret was born in 1930 in Glamis castle, in the constituency that I have the privilege of representing, and her birth was registered at the post office in Glamis. Each summer in her early years, Princess Margaret would visit Glamis and enjoy the Angus countryside. Her visits were interrupted by the onset of war, but they resumed regularly afterwards. The area was very precious to her, so precious that she requested that a special service be held in the chapel at the castle on the day of her funeral. A book of condolence has been opened at Glamis, and yesterday I spoke to Mary, Countess of Strathmore, who told me that many local people and visitors had taken the opportunity to sign the book.

Princess Margaret's interest in Scotland spread far beyond the confines of the county of Angus. For many years she was president of Children 1<sup>st</sup>, formerly the Royal Scottish Society for Prevention of Cruelty to Children. Until recent years she was a very active president, helping to raise funds for the vital work that Children 1<sup>st</sup> carries out in Scotland on behalf of the people of Scotland. That is just one of the causes for which she campaigned throughout her life, and for which she will be fondly remembered.

I extend my condolences to the Queen and to the royal family, and I associate my party with the motion.

12:06

**David McLetchie (Lothians) (Con):** I associate the Scottish Conservative members of the Parliament, and the Scottish Conservative party as a whole, with the motion of condolence following the death of Her Royal Highness Princess Margaret, Countess of Snowdon.

It is fitting that the motion should be lodged in the first Scottish Parliament for almost 300 years, because—as the First Minister and Mr Swinney noted—Princess Margaret's birth at Glamis was the first royal birth in Scotland since the 17<sup>th</sup> century.

Throughout her life Princess Margaret sustained and nurtured her links with Scotland. Those of us who live in the city of Edinburgh think of her association with the Princess Margaret Rose orthopaedic hospital. Tribute has also been paid to her for her support for the arts and patronage of Scottish Ballet.

It is particularly poignant that Princess Margaret's death should fall in the year of the

Queen's golden jubilee and in the very week that marked the 50<sup>th</sup> anniversary of the Queen's accession to the throne. This must be a particularly difficult week for the Queen Mother, as pride in the accomplishments of her elder daughter is mixed with the sadness of the recollection of the loss of a husband—a sense of loss now heightened by the death of her younger daughter. As Mr Swinney pointed out, the death of a child is a distressing affront to the natural cycle of life, irrespective of the age of the parent.

Today we acknowledge and pay tribute to Princess Margaret for the service that she rendered our country and the unswerving support that she has given to Her Majesty throughout her reign, both publicly and privately, as a member of the royal family. Like the First Minister and Mr Swinney, we recognise not only her patronage of and commitment to the arts, but her important contribution to the work of children's charities in Scotland and in Britain.

She combined that work and service with being a devoted mother. The tributes paid to her show the enormous affection and regard in which she was held, both within the royal family and in the wider world. As we meet this afternoon, our sympathies are with her son, David, Lord Linley, with her daughter Lady Chatto, with the Queen, with the Queen Mother and with all other members of the royal family.

12:08

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** On behalf of the Scottish Liberal Democrats, I join the other party leaders in supporting the motion moved by the First Minister, in paying tribute to Princess Margaret and in expressing condolences to her family at this sad time of bereavement.

Much has been said regarding the princess's birth at Glamis—the first royal birth in Scotland since the 17<sup>th</sup> century. Princess Margaret's birth was also noteworthy for being the last royal birth at which the Home Secretary was required to be present.

Princess Margaret had an affinity with the land of her birth. She came here not only on official duties, but on private visits, often to undertake engagements at local charitable events. She was the colonel-in-chief of the Royal Highland Fusiliers, known as Princess Margaret's Own Glasgow and Ayrshire Regiment. I recall listening to her "Desert Island Discs" broadcast, in which her record selection included "Scotland the Brave". She chose that tune especially because of the positive thoughts and memories that it evoked.

Hers was a royal life, and so a life committed to public duty. She was a lady with a lively intellect

who supported and encouraged the arts, not least Scottish Ballet and the Royal Ballet. We have already heard about the many charitable organisations to which she devoted so much time and energy. It is proper that we highlight the work that she did to help children, particularly vulnerable children and abused young people. It is striking that in recent days those involved in the charities with which the princess was associated have spoken warmly of her interest and encouragement.

Princess Margaret was a royal princess, but she was also a mother, grandmother, sister and daughter. For that reason, we hold the Queen, the Queen Mother and Princess Margaret's children—Lord Linley and Lady Sarah Chatto—in our thoughts and prayers and extend to them our deepest sympathy. We remember with gratitude a life that reflected a commitment to the service of others and to duty nobly fulfilled.

**The Deputy Presiding Officer:** I am sure that all members will want to agree to the motion.

*Motion agreed to.*

12:10

*Meeting suspended until 13:00.*

13:00

*On resuming—*

## Time for Reflection

**The Deputy Presiding Officer (Mr George Reid):** Good afternoon. The leader of today's time for reflection is Ms Kathryn Hendry, Brahma Kumaris World Spiritual University representative of the Scottish Inter Faith Council.

**Ms Kathryn Hendry (Brahma Kumaris World Spiritual University Representative, Scottish Inter Faith Council):** Om shanti. That is a greeting of peace. "Om" means "I am a soul" and "shanti" means "my original nature is peace".

Peace is a great gift. Everyone is striving for it in the world today—within the self, in the home and the family, on the street or in our world in general. Sometimes we can feel a little hopeless, not knowing what to do to bring peace into our relations. Each and every one of us can start by bringing peace into the self.

The Scottish Parliament has created this time for reflection. It is a wonderful opportunity for everyone to use a few moments to reconnect with the peace that lies below the surface of feelings and emotions—the peace that lies within—and to experience the peace that comes from a connection with the supreme soul, God.

I want members to try something—to follow me on a journey inwards. Sit comfortably in your chairs. Just relax. Feel all your muscles sinking into the chair. Feel all your weight pressing down on the chair. For a few moments, you do not have to do anything or go anywhere. Allow yourself to be here in the present.

Using the eye of your mind, imagine a shining spark of light radiating in the centre of your forehead. That is the place where thoughts come from; it is the position of I, the soul. The true nature of I, the soul, is peace, love and truth.

Choose a thought—a thought of peace. Allow that feeling to flow through your whole being, like a soothing balm that flows through you and out into the atmosphere. Hold on to that thought and enjoy the feeling of peace. From that position of peace, I can allow my mind to reach out towards the supreme soul, God, the source of all treasures, of peace, love and truth. In that place of peace, I realise that this is what I am. I am a being of peace. This is my true nature.

When I remember that, I become aware of the power of my thinking. I realise that

When I sow a thought,  
I reap a feeling.  
When I sow a feeling,

I reap a word or an action.  
 When I sow a word or an action,  
 I reap my character.  
 When I sow my character,  
 I reap my destiny.

The power of thinking is the greatest power that we have. Therefore, I must learn to keep my mind peaceful. It is from that position of peace that I am able to experience the vibrations of peace and love that flow from the supreme soul, God, who is the source of all the powers and treasures that I need to sustain me throughout the day.

I ask members to stay in an atmosphere of peace and to send vibrations of peace, sympathy and love to the soul of Her Royal Highness the Princess Margaret and to all members of the royal family.

Om shanti.

## Parliamentary Bureau Motion

**The Deputy Presiding Officer (Mr George Reid):** Order. The next item of business is consideration of a Parliamentary Bureau motion and an amendment to that motion. As today is the first time that an amendment has been lodged to a business motion, I want to explain the procedure.

Standing orders state that there can be only one speaker for and one against the business motion and any amendment to that motion. Today, therefore, there will be four speakers. No one else has the right to contribute to the debate. Each of the speakers will have a maximum of five minutes—they do not need to take all that time—and the debate cannot last longer than 30 minutes.

I ask Euan Robson to move motion S1M-2742, which is a timetabling motion on the Protection of Wild Mammals (Scotland) Bill.

13:07

**The Deputy Minister for Parliamentary Business (Euan Robson):** The motion has been agreed with all the main political parties and has been lodged in consultation both with those who are leading for and with those who are leading against the bill. Overall, the motion provides sufficient time for consideration of the 23 groups of amendments, although a business-like approach will obviously be required. The timetable compares favourably with that for stage 3 of the Housing (Scotland) Bill, when 200 amendments in 32 groups were disposed of in a shorter period.

It is important to remember that the purpose of the timetabling motion is not to inhibit proper examination of legislation, but to structure the debate to ensure that sufficient time is allowed for later groupings. That is in line with the consultative steering group recommendations.

I move,

That the Parliament agrees that, at Stage 3 of the Protection of Wild Mammals (Scotland) Bill, debate on each part of the proceedings shall be brought to a conclusion by the time-limits indicated (each time-limit being calculated from when Stage 3 begins and excluding any periods when the meeting is suspended)—

Group 1 to Group 3—no later than 45 minutes

Group 4 to Group 6—no later than 1 hour 45 minutes

Group 7 to Group 10—no later than 2 hours 15 minutes

Group 11—no later than 2 hours 45 minutes

Group 12 to Group 18—no later than 3 hours 30 minutes

Group 19—no later than 4 hours 15 minutes

Group 20 to Group 22—no later than 4 hours 45 minutes

Group 23—no later than 5 hours



Motion to pass the Bill—no later than 6 hours.

13:08

**Alex Johnstone (North-East Scotland) (Con):** The reason why I lodged amendment S1M-2742.1 is that which I made clear two weeks ago, when I first saw the provisional business motion. I am seriously concerned that we are about to amend the bill in such a radical manner that, at the end of the debate, it may be difficult to work out exactly what we are debating. For that reason, it is important that an appropriate time elapses between the completion of amendments and the debate on the motion to pass the bill.

I move amendment S1M-2742.1, to leave out “no later than 6 hours” and insert:

“to be taken on another day.”

13:08

**The Minister for Parliamentary Business (Patricia Ferguson):** I must say that I cannot help but think that Mr Johnstone is simply employing a delaying tactic. As my colleague Mr Robson has indicated, the motion was discussed and agreed by all the business managers. Despite the fact that he was given ample opportunity to do so, Mr Johnstone did not find it necessary to raise this issue at yesterday's meeting of the Parliamentary Bureau. As he has made no attempt to discuss the amendment with the business managers before today, I find it difficult to understand why he has now decided to move the amendment.

As far back as 31 January, Mr Johnstone has had opportunities to debate his suggestion in the chamber. Tomorrow's debate on the Water Industry (Scotland) Bill—for which more amendments have been lodged for than for today's debate—will be dealt with expeditiously, yet I have not had any complaints about the timetabling of that debate. If Mr Johnstone and his members have any difficulty in keeping track of what happens this afternoon, there are plenty of other members in the chamber who will be happy to assist them.

13:10

**Bill Aitken (Glasgow) (Con):** I will not detain the chamber long, because the issue is fairly straightforward. It is worth pointing out that, when this was first canvassed at the bureau, it was agreed—as the Minister for Parliamentary Business said—but with the caveat that if there were a substantial number of amendments, there could be difficulties. I was not present, but I am advised that Mr Johnstone raised the matter at the bureau two weeks ago. He certainly raised it in the chamber two weeks ago. Unless we want a great deal of confusion, there will have to be a

separation of the debate into two days. We will adhere to that line.

**The Deputy Presiding Officer:** The question is, that amendment S1M-2742.1, in the name of Alex Johnstone, which seeks to amend business motion S1M-2742, in the name of Patricia Ferguson, on the timetabling of stage 3 of the Protection of Wild Mammals (Scotland) Bill, 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)  
Elder, Dorothy-Grace (Glasgow) (SNP)  
Fergusson, Alex (South of Scotland) (Con)  
Fraser, Murdo (Mid Scotland and Fife) (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)  
Quinan, Mr Lloyd (West of Scotland) (SNP)  
Scanlon, Mary (Highlands and Islands) (Con)  
Scott, John (Ayr) (Con)  
Wallace, Ben (North-East Scotland) (Con)  
Young, John (West of Scotland) (Con)

**AGAINST**

Adam, Brian (North-East Scotland) (SNP)  
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)  
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)  
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)  
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)  
Grahame, Christine (South of Scotland) (SNP)  
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)  
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)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 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)  
 Radcliffe, Nora (Gordon) (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)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Home Robertson, Mr John (East Lothian) (Lab)

Tosh, Mr Murray (South of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 20, Against 97, Abstentions 2.

*Amendment disagreed to.*

**The Deputy Presiding Officer:** The second question is, that motion S1M-2742, in the name of Patricia Ferguson, on the timetabling of stage 3 of the Protection of Wild Mammals (Scotland) Bill, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (North-East Scotland) (SNP)  
 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)  
 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)  
 Deacon, Susan (Edinburgh East and Musselburgh) (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)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 Grahame, Christine (South of Scotland) (SNP)  
 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)  
 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)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 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)  
 Radcliffe, Nora (Gordon) (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)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (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)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Wallace, Ben (North-East Scotland) (Con)

#### ABSTENTIONS

Tosh, Mr Murray (South of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 100, Against 19, Abstentions 1.

#### *Motion agreed to.*

That the Parliament agrees that, at Stage 3 of the Protection of Wild Mammals (Scotland) Bill, debate on each part of the proceedings shall be brought to a conclusion by the time-limits indicated (each time-limit being calculated from when Stage 3 begins and excluding any periods when the meeting is suspended)—

Group 1 to Group 3—no later than 45 minutes

Group 4 to Group 6—no later than 1 hour 45 minutes

Group 7 to Group 10—no later than 2 hours 15 minutes

Group 11—no later than 2 hours 45 minutes

Group 12 to Group 18—no later than 3 hours 30 minutes

Group 19—no later than 4 hours 15 minutes

Group 20 to Group 22—no later than 4 hours 45 minutes

Group 23—no later than 5 hours

Motion to pass the Bill—no later than 6 hours.

## Protection of Wild Mammals (Scotland) Bill: Stage 3

**The Deputy Presiding Officer (Mr George Reid):** Before we begin the stage 3 proceedings on the Protection of Wild Mammals (Scotland) Bill, I want to make the usual announcements about the procedures to be followed.

We will deal first with amendments to the bill and then move to the debate on the motion to pass the bill. For the first part, members should have a copy of the bill as amended at stage 2; the marshalled list, which contains all the amendments that I have selected for debate; and the groupings, which have been agreed. Amendments will be debated in groups where appropriate.

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

Members should note that the marshalled list contains a number of manuscript amendments. The Presiding Officer has agreed under rule 9.10.6 that all those manuscript amendments may be moved. Should any further manuscript amendments be lodged, it will be for the occupant of the chair at the time to decide whether to give agreement in that case.

Should there be a tied vote on any amendment, the occupant of the chair will exercise the casting vote against the amendment.

**David Mundell (South of Scotland) (Con):** On a point of order, Presiding Officer. Although I accept the right of the Presiding Officer to select amendments for the stage 3 debate, I want to draw your attention to the fact that, by not selecting my amendment 26, which required the causing of unnecessary suffering to be included as part of the offence under section 1, you have greatly restricted the opportunity for the issue of cruelty to be debated this afternoon. It is quite clear from the correspondence that other members and I have received that people throughout Scotland have a misapprehension that the bill makes specific reference to cruelty.

13:15

**The Deputy Presiding Officer:** I am being very lenient in allowing you to put that on the record, Mr Mundell.

The Presiding Officers give serious consideration to all amendments, according to the

criteria on pages 40 and 41 of the "Guidance on Public Bills". We never comment on our reasons for individual decisions and there is due cause for that. We do not intend to comment on Mr Mundell's amendment, but his point is now on the record.

### Section 1—Prohibition and offences

**The Deputy Presiding Officer:** Amendment 2, in the name of David Mundell, is grouped with amendments 34, 3, 35, 38, 44, 45, 54, 57, 60, 61, 62, 65, 67, 69 and 18. Amendment 2 does not pre-empt amendment 34, so if amendment 2 is agreed to, amendment 34 will still be called. Similarly, amendment 3 does not pre-empt amendment 35.

**David Mundell:** There is some misapprehension that amendments that are lodged to find out the intention of those who are promoting the bill are deliberate wrecking amendments. That is not the case. My intention is to make clear what lies behind the provisions and to ensure that the Parliament proceeds as a legislature and is not overcome by sentiment.

Yesterday, when I asked the chamber clerks to provide me with a summary of the principles on which the bill was based, they advised that they were unable to do so, because the principles are not set down definitively in one place. The will of Parliament is the will that it expressed at the end of the stage 1 debate; that will is a coalescing of the views and opinions that were put forward by MSPs during the debate. There has already been, and will continue to be, much controversy about the will of Parliament at stage 1, during the stage 2 committee debates and even today. It is clear that, on 19 September, Parliament made no specific reference to the number or nature of criminal offences that it anticipated would be introduced as a result of the passage of the bill. That is why it is particularly important that the Parliament expresses positively today its will either that new specific offences should be created or, as I would hope, that the existing laws and principles of Scots law are adequate to encompass what is envisaged in sections 1(3) and 1(4) of the bill as amended at stage 2.

I am not satisfied that the case has been made for the introduction of two new criminal offences. As the Justice and Home Affairs Committee's stage 1 report pointed out:

"the creation of a new criminal offence is a serious matter, and generally one of resort where legislation initiated by the state is concerned".

While the committee recognised that there was no reason in principle why a member's bill should not create a new offence, it concurred with the view that Parliament, when considering legislation that makes criminal activities that have been lawful for a long time, should be scrupulous in ensuring

that the scope and extent of the criminal conduct is as tightly defined as possible. Indeed, the committee was unable to reach a unanimous view on whether the sections as then drafted made the offences sufficiently clear.

When Parliament met on 19 September, clear undertakings were made that new proposals would be introduced relating to the offences that are set out in the bill. However, when Lord Watson lodged his amendments five minutes before the deadline for stage 2 consideration in committee, it was clear that—contrary to my expectations and those of others—there was no intent to introduce a specific crime of participating in a mounted fox hunt. Indeed, somewhat contrary to what could be said to be the will of Parliament as expressed on 19 September, the bill contains no specific prohibition of mounted activities and makes no specific reference to other identified activities such as hare coursing and fox baiting.

When Mike Rumbles sought to raise the issue of sport, which Tricia Marwick had referred to in her closing address, the Scottish Executive, for once neutral, interjected and that amendment was voted down. Accordingly, from the stage 2 process, we emerged with three offences.

The principal offence is set out in section 1(1) and the other offences are set out in sections 1(3) and 1(4). As I have said, I am not satisfied that the case has been made for those exemptions in the context of existing criminal law of Scotland, which makes it a crime for someone to conspire to be, or to be art and part, or to be acting in concert relative to criminal activity. Anybody who actively supported criminal activity, with intent, would already be capable of being charged with an offence under Scots law. Those who support the provisions of section 1 have to justify why they believe that two new crimes should be created.

A contextual point will arise throughout this afternoon's deliberations. If Parliament is to pass the bill, it must determine where the offences lie on the scale of criminality. The provisions indicate that they are rated higher than many drugs offences, for example. I believe that those who support the bill must set out the case for the inclusion of sections 1(3) and 1(4).

Since Monday, I have become increasingly concerned about section 1(4) because Mrs Karen Gillon has lodged an amendment that seeks to compensate only those people who would have been carrying out an activity had that activity not been made criminal by section 1 of the bill. I cannot believe that Mrs Gillon would promote an amendment that seeks to compensate, in effect, nobody. That is what would happen if my understanding of responsibility, as it relates to direct control over dogs, is correct. I want members to understand what is meant by

responsibility in the bill, because it has an important bearing on the compensation amendment that has been lodged.

I have no difficulty with Mr Finnie's amendments 34 and 35. If the offences that are referred to in sections 1(3) and 1(4) are to be created, that would be better done on the basis of amendments 34 and 35. My only query is why such textual amendments were not lodged at stage 2 when the Executive was represented at all 18 hours of the Rural Development Committee's deliberations on the bill.

I move amendment 2.

**The Deputy Presiding Officer:** I call the minister to speak to amendments 34, 35, 38, 44, 45, 54, 57, 60, 61, 62, 65, 67 and 69, and the other amendments in the group.

**The Minister for Environment and Rural Development (Ross Finnie):** Thank you, Presiding Officer. Despite that long list, I assure members that I shall be mercifully brief.

I start by making it clear that my position as minister and the position of Allan Wilson, the Deputy Minister for Environment and Rural Development, are quite simple. We are trying to do a number of things. We are seeking to move amendments where we believe genuinely that, if it is the will of Parliament to pass the bill, the context and content of the bill must be in a form that will eventually make it workable in both a practical and a legal sense—but primarily the latter. However, we have no position on the policy instrument. After all, the bill is a member's bill. Obviously, Allan Wilson and I have to comment where any amendment or section cuts across existing Executive policy. Finally, we might wish to indicate areas where we think that the amendment or removal of a provision might cause some difficulties even if it does not lead to the bill being unworkable. My colleague and I will proceed on that basis.

David Mundell moved amendment 2. The group also includes amendment 3. The changes that are sought by those amendments are fundamental and one would normally expect them to have been made at stage 2. Clearly, it is for the chamber to decide whether the amendments are appropriate at this stage.

Like all the amendments in the group, amendments 34 and 35 are consequential upon a stage 2 amendment that changed the manner in which section 1(1) was expressed. Given the terms in which that section is now expressed, it is clearly no longer appropriate to refer to contravening subsection (1).

The remainder of the amendments in my name in the group—amendments 38, 44, 45, 54, 57, 60,

61, 62, 65, 67 and 69—are drafting amendments. I hope that they will all be accepted. They are merely technical amendments that are designed to reflect a change of wording in the offence provision and to make its interpretation clear and unambiguous.

The group also contains Alex Fergusson's amendment 18, which no doubt he will move, which seeks to define a defence to the offence. In terms of interpreting the bill—if it is passed—we do not regard amendment 18 as helpful, but we have no further comment to make on it.

**The Deputy Presiding Officer:** I call Alex Fergusson to speak to amendment 18 and the other amendments in the group.

**Alex Fergusson (South of Scotland) (Con):** I have no comment to make on the other amendments in the group. I will keep my remarks on amendment 18 brief. The amendment seeks to make an insertion at section 5 on proceedings and penalties. It is a simple amendment, which is self-explanatory and requires little to be said about it. Amendment 18 will ensure that innocent landowners are not prosecuted during the course of proceedings under the legislation.

The whole chamber could agree that it would be wholly unfair for a landowner—let us not forget that the Scottish Executive is a landowner, as is the National Trust for Scotland—to be prosecuted in connection with an offence that a tenant committed by allowing the tenanted land to be used for hunting or coursing. If amendment 18 is not accepted, landowners could be placed in the impossible, and surely undesirable, position of having to police their tenants in a rather unsatisfactory manner, and indeed of having to prove that they themselves did not knowingly permit an offence to take place. That reverses the normal burden of proof, which is surely not the intention of the bill.

**The Deputy Presiding Officer:** I will not be able to call all speakers at all stages of this debate, but I will try to keep a balanced coverage.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** Before I start, I record that I have received legal advice from the Scottish Campaign Against Hunting With Dogs and Advocates for Animals.

This Parliament, and those of us who have fought for many years for a Scots Parliament, have a duty to ensure that the legislation that we pass is good legislation. By that I do not suggest that we should all agree with every piece of legislation that is passed—I do not—but that the legislation itself should be sound. It is the duty of all members to ensure that we pass good legislation.

Over the past few months, amendments have

been lodged and passed by members of the Rural Development Committee that do three things. Today, we have a whole slew of amendments that serve the same purposes. First, they seek to confuse; secondly, they seek to wreck; and thirdly, they are designed to create loopholes in the bill to allow the very activities that this Parliament wishes to ban to continue, and perhaps pave the way for future challenges in the courts to legislation that the Scottish Parliament has passed.

**Alex Fergusson:** Will the member give way?

**Tricia Marwick:** Everyone in this Parliament has a duty to ensure that that does not happen. Bristow Muldoon, I and others will do our best to guide members through this stage this afternoon. If members are opposed to the bill—I accept that some members are opposed to the bill—they should oppose the motion to pass the bill. That is the moral and honourable position to take.

David Mundell's amendments 2 and 3 and Alex Fergusson's amendment 18 are quite outrageous. Have those members not realised that the Parliament has expressed its support for the principle of a ban on hunting, or are they determined to create more loopholes?

**David Mundell** rose—

**Tricia Marwick:** I had hoped that Alex Fergusson, following his admission in *The Daily Telegraph* last week that his Rural Development Committee had let in wrecking amendments, would take this opportunity to remedy the situation. He has not done so.

**Alex Fergusson:** On a point of order, Presiding Officer. I am quite aware that as convener of the Rural Development Committee, and as an MSP, I am open to criticism for my actions. However, given that Miss Marwick, I assume, does not know which amendments were or were not refused by me at stage 2, is it right that aspersions should be cast on the clerks of the Rural Development Committee, on whose advice the convener relied? That is what Tricia Marwick is doing.

**The Deputy Presiding Officer:** I make no comment on that.

**Tricia Marwick:** After the first of perhaps many bogus points of order, I will continue.

Hare coursing is one of the key activities that the Parliament thought it was banning. I do not know whether David Mundell and Alex Fergusson have taken the time to brief themselves on how hare coursing works. Two types of people are involved: one set owns the dogs and the other owns the land. Any realistic attempt to ban hare coursing must deal with both groups of people. Exempting landowners from legislation may be the Conservative way, but I do not think that it is the way of the Parliament.

**The Deputy Presiding Officer:** The member has one minute.

**Tricia Marwick:** Mounted fox hunts also involve two groups of people.

Alex Fergusson's amendment 18 was roundly slammed, even in the Rural Development Committee. Rhoda Grant made a telling point when she gave the example of a landowner saying that his factor and not himself had given permission. Amendments 2, 3 and 18 are designed to create more loopholes in the bill. I urge members to vote against them.

13:30

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** I cannot support the Conservative members' stage 3 amendments 2, 3 and 18. That will come as no surprise, as I opposed them at stage 2 and my arguments remain the same. They are arguments that, I hope, are based on clear rationality; if the will of Parliament is to ban mounted hunting, any landowner who knowingly permits that activity must surely be committing a crime.

The wording that is used in section 1(3) is "knowingly permits". I fail to see why section 1 should be amended. I agree with the remarks that were made by Tricia Marwick, although I may not express the argument in quite the same way. I also endorse and support the Executive amendments in the group. Frankly, they are amendments that serve to tidy up the bill. I hope that members will support them. I urge members to reject the Conservative members' amendments 2, 3 and 18 and to support the Executive amendments in the group. I hope that my sponsorship of the Executive amendments will add considerably to the vote. I am not sure whether my role in the chamber makes me a quarried species—time will tell.

I will be brief, but I want to make some serious remarks. We are engaged in a serious activity—the most serious activity that legislators undertake—which is the activity of creating new crimes. David Mundell was right to quote from the Justice and Home Affairs Committee report to the Rural Development Committee. That report rightly acknowledged that:

"the Parliament should be scrupulous in ensuring that the scope and extent of the criminal conduct is as tightly defined as possible".

The reason for that is that surely it would be wrong for anyone to turn people who are performing legitimate control activities in the countryside into potential criminals. We have a serious duty today and I hope that we will all have a free vote on the matter. That will ensure that, at the end of the day, we do not turn gamekeepers, terrier and hill pack

men into potential criminals.

At stage 2, my approach was to attempt to improve what I regarded as fundamental flaws—conceptually and in drafting terms—in the bill. As Lord Watson will acknowledge, many critics at stage 1 expressed grave concerns about the need to protect those who perform pest control activities. My efforts at stage 2 were in no sense whatever intended to wreck the bill; they were intended to make the bill workable. I say that as someone who will never be accused of being the bill's most fervent supporter.

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I support the Executive amendments in the group, because they will tidy up the bill. Like Fergus Ewing, I oppose amendments 2, 3 and 18. In particular, I oppose amendment 18.

We have a duty today, when we examine every amendment, to ensure that we make a clear distinction between outlawing hunting for sport and hare coursing—the purpose of the bill as espoused by Mike Watson—and ensuring that the legitimate activities of Scottish gamekeepers, foot packs and farmers in upland Scotland are protected.

I do not want confusion to be added to the bill and amendment 18 would do just that. The bill quite clearly refers to

"An owner or occupier of land who knowingly permits another person to enter".

Amendment 18 is completely unnecessary because it would only add confusion. I urge members to vote against amendments 2, 3 and 18.

**The Deputy Presiding Officer:** I want to make progress and regret that some members will not be called. I move straight to the member-in-charge, Bristow Muldoon.

**Bristow Muldoon (Livingston) (Lab):** I welcome the opportunity to comment on this group of amendments and to speak as one of the co-members in charge of the bill. I thank Mike Watson and Tricia Marwick for their work on the bill to date. I also want to declare the same interest that Tricia Marwick declared: I have received some advice and guidance from the SCAHD and Advocates for Animals on the preparation of amendments and the impact of other members' amendments. I have reported that assistance to the Standards Committee.

I want to leave as much time as possible for other members to speak, so I do not intend to take up too much time in this debate. As amendments are debated, members who support the bill will make their views clear.

The first group of amendments is fairly simple. All the minister's amendments are technical; indeed, the bill's supporters are perfectly comfortable with the amendments that the minister has lodged and will support them all today.

I turn to amendments 2, 3 and 18. When the bill was handed back to the Rural Development Committee after the stage 1 parliamentary debate, no one expected it to receive an easy ride. However, it would have been reasonable to expect that the bill that came back to Parliament would not permit mounted fox hunting. Alex Fergusson has already indicated to *The Daily Telegraph* that the bill now permits that activity. Given that fact, it is all the more striking that the amendments were either rejected or not debated by the Rural Development Committee at stage 2. Seven committee members to four voted against what are now amendments 2 and 3, and what is now amendment 18 was withdrawn after it received cross-party criticism. If the Rural Development Committee—which agreed to a number of damaging amendments—rejected the proposals, it is all the more likely that Parliament will do the same.

David Mundell proposes that the people who knowingly permit their land or their dogs to be used for hunting should be exempt from the law and its penalties. However, as Mike Watson pointed out at a meeting of the Rural Development Committee, that would mean that people could organise mounted fox hunting or hare coursing events and not be subject to the bill.

David Mundell's suggestion was rejected at stage 2 by all Labour and SNP members.

**Phil Gallie (South of Scotland) (Con):** Will the member give way?

**Bristow Muldoon:** No. I want to respond to amendments 2, 3 and 18. Plenty of members have spoken in support of them.

**Phil Gallie:** I am aware of that, but—

**The Deputy Presiding Officer:** Order. The member is not giving way, Mr Gallie.

**Bristow Muldoon:** Fergus Ewing made a telling point against David Mundell's suggestion. He said:

"Having decided, as a committee, that it is an offence to deliberately hunt a wild mammal with a dog, it would seem to be contradictory that we do not go on to conclude that those who have a role to play, as occupiers or owners of land, should also be committing an offence if they give express permission for that activity."—[*Official Report, Rural Development Committee*, 30 October 2001; c 2312.]

In lodging amendment 18, Alex Fergusson has taken over an amendment that was initially lodged by Murray Tosh and, rightly, criticised at the time. Rhoda Grant said that the amendment

directly involved', as the landowner could be indirectly involved and therefore guilty of the crime along with the occupier of the land."—[*Official Report, Rural Development Committee*, 4 December 2001; c 2545.]

At the time, Fergus Ewing commented that the amendment would have an effect that Murray Tosh probably did not intend. He said that it would "provide a defence" for the landowner who gave implicit or indirect permission to a land manager or factor. If the land manager or factor passed on that permission, the landowner could then say that he only spoke to them and did not give direct permission.

Murray Tosh withdrew his amendment and I hope that, having heard the arguments against amendment 18 at the committee and now in Parliament, Alex Fergusson will do the same. It would be wrong to agree to a loophole that gave a landowner indirect permission to allow hunting and therefore exempted him from the bill's provisions.

For the sake of clarity, I oppose the Conservative amendments 2, 3 and 18.

**David Mundell:** Mr Muldoon has made an interesting point, which is that the Rural Development Committee's view on amendments should prevail.

**Bristow Muldoon:** I did not say that.

**David Mundell:** That is what he said. He pointed out that, if the committee passed an amendment, that gave it credibility, because its members had listened to the arguments in detail. Let us ensure that Mr Muldoon follows that philosophy throughout the afternoon.

Reading from the Rural Development Committee report is not especially productive. This is stage 3, and any arguments about the amendments must be made today. I ask once again why two more crimes are being introduced to the law of Scotland. Why are we not satisfied that the existing laws of Scotland allow the prosecution of people who conspire to commit criminal activities or who help others to carry out criminal activities? I have never said that those people should be exempt. What I am saying is that the existing law of Scotland does the business. There is no need to introduce additional crimes into Scots law for this purpose alone. That is why I press amendment 2.

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

**Members:** No.

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

"would read better if it said 'not involved' rather than 'not



**FOR**

Aitken, Bill (Glasgow) (Con)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (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)  
 Wallace, Ben (North-East Scotland) (Con)

**AGAINST**

Adam, Brian (North-East Scotland) (SNP)  
 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)  
 Canavan, Dennis (Falkirk West)  
 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)  
 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)  
 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)  
 Grahame, Christine (South of Scotland) (SNP)  
 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)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 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)  
 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)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

**ABSTENTIONS**

Elder, Dorothy-Grace (Glasgow) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 17, Against 106, Abstentions 2.

*Amendment 2 disagreed to.*

*Amendment 34 moved—[Ross Finnie]—and agreed to.*

*Amendment 3 moved—[David Mundell].*

**The Deputy Presiding Officer:** The question is, that amendment 3 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)  
 Fraser, Murdo (Mid Scotland and Fife) (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)  
 Wallace, Ben (North-East Scotland) (Con)

**AGAINST**

Adam, Brian (North-East Scotland) (SNP)  
 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)  
 Canavan, Dennis (Falkirk West)  
 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)  
 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)  
 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)  
 Grahame, Christine (South of Scotland) (SNP)  
 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)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 McLeod, Fiona (West of Scotland) (SNP)  
 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)  
 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)  
 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)  
 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)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

**ABSTENTIONS**

Tosh, Mr Murray (South of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 17, Against 106, Abstentions 1.

*Amendment 3 disagreed to.*

*Amendment 35 moved—[Ross Finnie]—and agreed to.*

#### After section 1

**The Deputy Presiding Officer:** I call David Mundell to speak to and move amendment 4, which is in a group on its own.

13:45

**David Mundell:** Amendment 4, as the title of its group suggests, relates to dog walking. I lodged the amendment because I feel that it is vital that the issue is clarified. I am not satisfied that the issue is clear on the basis of the assurances given to the Rural Development Committee at stage 2, so I hope that any members who choose to speak against the amendment will say more than was said in committee.

As one commentator rightly concluded, the bill could ban everything or it could ban nothing. I believe that anything that Parliament specifically does not want to ban should be set out explicitly in the bill. Parliament clearly does not want to ban dog walking, but some supporters of the bill—who, for some inexplicable reason, did not include a ban on mounted hunting in the bill—are concerned that a person could go out on a horse with their dog alongside them and claim that they were walking the dog. That, they say, would be a legitimate defence to the charge that they were hunting. I find that preposterous, but it is consistent with the poor drafting of the bill and with the failure of the bill's supporters to amend the bill in a focused way that would actually outlaw the things that they claim they want to outlaw. Instead, ordinary people who are going about their ordinary activities could be criminalised if they are the subject of malicious allegations.

The concern is not with dogs chasing rabbits. As those members who have read the bill in detail will observe, there is no attempt to deal in any way with cruel practices that may take place in relation to the hunting of rabbits. It will remain quite legal to hunt rabbits with packs of hounds, for hounds to tear the rabbit limb from limb and for people to indulge in all the alleged conduct that we hear about—the comments are never substantiated—in relation to fox hunting. There could be no clearer demonstration that the bill has no intention of tackling animal cruelty than its failure to cover rabbits. However, the pursuit by a dog of a stray cat living wild, or indeed of another stray dog, might be considered a crime on the part of the dog walker. That is the ludicrous position that the bill creates.

If it is the will of Parliament that dog walking should be excluded, let us say it clearly and

categorically. We have said everything else that we want to exclude. It is appropriate that dog walking be treated similarly.

I move amendment 4.

**Elaine Smith (Coatbridge and Chryston) (Lab):** To say that the issue of the innocent dog walker has been overplayed would be an understatement. The issue has been spun in the press and to the Parliament, but the fact is that innocent dog walkers have never been under threat from the bill.

I was a member of the Rural Development Committee during the entire debate on dog walking and I heard some bizarre scenarios being suggested. The committee was advised by Rhona Brankin, who was representing the Executive, that if a dog killed a mammal while being walked,

"the Crown would have to prove that the dog was being used to hunt a wild mammal."

Mike Rumbles asked:

"Is the minister confirming that anyone who was out walking their dog and whose animal went off and hunted while it was out being walked could face prosecution?"

Rhona Brankin replied:

"In our view, it could not. That would be our advice."—*[Official Report, Rural Development Committee, 20 November 2001; c 2434-35.]*

To make things even clearer, the bill contains the phrase "deliberately hunts". That allows for accidental killing. Moreover, an amendment was passed to insert section 1A(1B) into the bill, which makes it crystal clear that, if the intention is to flush from cover with a dog and the dog accidentally kills the mammal, the dog handler is not liable for prosecution.

Amendment 4 adds nothing to the bill except a loophole. It would allow coursing in the name of exercising dogs. The amendment is totally unacceptable and I urge the Parliament to reject it.

**Euan Robson (Roxburgh and Berwickshire) (LD):** I received a representation from the Scottish Kennel Club about field trials in which there is no intent for the dogs that are involved to hunt or kill wild mammals, although a dog may occasionally inadvertently kill a wild mammal. I seek an assurance from the mover of amendment 4 or the proposers of the bill that, if the amendment is not agreed to, the Scottish Kennel Club's field trials will not be encompassed by the criminal offences that the bill would create.

**Scott Barrie (Dunfermline West) (Lab):** I will speak briefly to amendment 4, which is similar to an amendment that was defeated at stage 2. Given some of the amendments that the committee passed, that is perhaps telling—it shows how bad amendment 4 is.

To write into the bill that someone walking their dog does not commit an offence sounds harmless, but there are two problems. First, the bill provides the assurances that David Mundell seeks. Section 1(1) makes it clear that it is an offence to “deliberately” hunt. No one who is walking their dog could be thought to be deliberately hunting.

Secondly—and just as important—members need to be aware of the written evidence that was submitted to the Rural Affairs Committee by the Deerhound Coursing Club.

**Phil Gallie:** Will the member give way?

**Scott Barrie:** No.

The club told the committee that the purpose of coursing with deerhounds is to give dogs exercise and hence maintain the breed lest it

“degenerate into a mere decorative pet”.

By exempting people whose primary purpose in this context is exercise, amendment 4 expressly and knowingly allows hare coursing by the Deerhound Coursing Club. As such, the amendment is against the general principles of the bill and I urge members to oppose it.

**The Deputy Minister for Environment and Rural Development (Allan Wilson):** The Executive neither resists nor supports amendment 4. However, our view is that the amendment is entirely unnecessary. A person who walks their dog is not deliberately engaging in the act of hunting and would therefore not commit an offence in respect of section 1 of the bill. Mr Mundell appears to have lodged the amendment for the avoidance of doubt, but we believe that it adds unnecessary clutter to the bill.

**The Deputy Presiding Officer:** I have offered Mr Muldoon an opportunity to speak as the member in charge of the bill, but I understand that he has waived that opportunity on this occasion.

**David Mundell:** I say to the minister that we are all for getting rid of unnecessary clutter, but I am afraid that the bill does exactly the opposite. However, I am reassured by the minister's robust statement. Perhaps if the previous minister had given such robust statements, a number of issues that are still in doubt would have been clarified.

Euan Robson made an important point. I cannot assure him that the activities to which he alluded would be safe under the bill as drafted.

**Phil Gallie:** Will the member give way?

**David Mundell:** I am afraid not, as I am winding up.

**The Deputy Presiding Officer:** Mr Mundell, you should be brief.

**David Mundell:** Section 1 of the bill gives cause

to consider the legal interpretation of “deliberately”. If a person goes somewhere where they know that there are wild animals and they know that their dog, although it is a pet, has a propensity to chase animals, they could still be deemed a perpetrator of a crime. Therefore, I will press amendment 4.

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** On a point of order, Presiding Officer.

**The Deputy Presiding Officer:** The member should be brief, as I am anxious that falconry should also be debated.

**Mr Monteith:** Do I understand from what you said, Presiding Officer, that the proposer of the bill is unwilling or unable to give the point of clarification that Mr Robson seeks?

**The Deputy Presiding Officer:** I will come back to that point within the next 10 minutes. As I say, I am anxious for falconry to be debated.

The question is, that amendment 4 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)  
Ewing, Dr Winnie (Highlands and Islands) (SNP)  
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
Fergusson, Alex (South of Scotland) (Con)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gallie, Phil (South of Scotland) (Con)  
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)  
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
Johnstone, Alex (North-East Scotland) (Con)  
Lyon, George (Argyll and Bute) (LD)  
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)  
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
Quinan, Mr Lloyd (West of Scotland) (SNP)  
Radcliffe, Nora (Gordon) (LD)  
Robson, Euan (Roxburgh and Berwickshire) (LD)  
Russell, Michael (South of Scotland) (SNP)  
Scanlon, Mary (Highlands and Islands) (Con)  
Scott, John (Ayr) (Con)  
Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
Wallace, Ben (North-East Scotland) (Con)  
Wallace, Mr Jim (Orkney) (LD)  
Welsh, Mr Andrew (Angus) (SNP)  
Young, John (West of Scotland) (Con)

**AGAINST**

Adam, Brian (North-East Scotland) (SNP)  
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)  
 Canavan, Dennis (Falkirk West)  
 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)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 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)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 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)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robison, Shona (North-East Scotland) (SNP)  
 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)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 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)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)

#### ABSTENTIONS

Ewing, Mrs Margaret (Moray) (SNP)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 32, Against 88, Abstentions 4.

*Amendment 4 disagreed to.*

**The Deputy Presiding Officer:** Amendment 36 is in the name of Fergus Ewing. He has one minute before the knife falls.

**Fergus Ewing:** I have lodged amendment 36 because section 1D does not adequately protect the sport of falconry. Some smaller birds that are used, such as the goshawk or harris hawk, rarely kill the small wild mammal—typically a hare. They are not able to do so because they are too light and too small. Section 1D does not allow the human dispatch—usually done by wringing the hare's neck—which prevents the infliction of prolonged and unnecessary suffering. Without such dispatch, the hare would take much longer to die.

The exception under section 1D applies when

“that person acts to ensure that, once a wild mammal is found or emerges from cover, it is shot, or killed by a bird of prey”.

That is the standard; one has to act to make certain that the mammal is killed or shot. I have just explained that, in the case of goshawks and many other smaller birds of prey, that cannot be ensured. I hope that the alternative wording in amendment 36 will allow falconry, which has persisted for 3,000 years, to continue.

I move amendment 36.

**The Deputy Presiding Officer:** The knife is down on this grouping. The question is, that amendment 36 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

I am afraid that this is another two-minute voting period. As the voting is going on, I advise members that I am conscious that parts of the Assembly Hall do not currently seem to have the maximum sound levels. The engineers are looking into that.

#### FOR

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lyon, George (Argyll and Bute) (LD)  
 MacKay, Angus (Edinburgh South) (Lab)  
 McGregor, 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)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 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)  
 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)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Henry, Hugh (Paisley South) (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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 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)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robison, Shona (North-East Scotland) (SNP)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 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)  
 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)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Harper, Robin (Lothians) (Green)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Tosh, Mr Murray (South of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 37, Against 80, Abstentions 4.

*Amendment 36 disagreed to.*

14:00

**The Deputy Presiding Officer:** I return to Mr Monteith's point of order. He will appreciate that I was trying to dispose of amendment 36. To the best of my understanding, Mr Monteith asked about the fact that Euan Robson had sought an assurance on behalf of a dog owners group about the effect of the bill on the group's activities. Mr Mundell could not give that assurance, Bristow Muldoon declined to give that assurance and the minister did not address the issue. The matter is a debating point and not a point of order.

**Tricia Marwick:** I seek guidance from you, Presiding Officer. Fergus Ewing moved amendment 36, but because of the time constraints there was no opportunity for the sponsors of the bill to give an opinion. When we are coming close to the knife, I ask you to bear in mind the fact that other members might have a view.

**The Deputy Presiding Officer:** Members will realise that I was doing my best to deal with amendment 36. I must work according to the clock; I will continue to do so and to balance the debate to the best of my ability.

#### **Section 1A—Exception: stalking and flushing from cover**

**The Deputy Presiding Officer:** Amendment 37 is grouped with amendments 37A, 6, 7, 48, 51, 52 and 53.

**Allan Wilson:** The Executive amendments in the group are technical drafting amendments and I invite Parliament to support them. Amendment 37 is intended to introduce consistency on the issue of permission. We are content with David Mundell's amendment 37A, which would add the term "searching" to amendment 37. We were curious to see Jamie McGrigor's amendment 7, which proposes to insert the word "fish" into section 1A. No doubt Mr McGrigor has good reasons for that—we are all interested in learning them. We believe that Sylvia Jackson's amendment 51 does not add anything of value to the bill, but we leave it to Parliament to decide whether to support it.

I move amendment 37.

**David Mundell:** Mr McGrigor will reveal all shortly.

I am pleased that the minister is content with amendment 37A, which is amendment 6 in another guise. Amendments 6 and 37A are important because the use of the words "stalk" and "flush" in section 1A implies that there is an existing target quarry. However, part of some pest control activities is to find the animal. The word "searching" should be included to allow for that.

I am not as benign as the minister in relation to amendment 51, which would effectively place a requirement on some people to carry guns in the countryside. It is clear that one result of the bill will be many more guns in the countryside. People will instinctively carry guns, because that will be a defence against a charge of carrying out one of the many activities that the bill criminalises. Amendment 51 would encourage everybody who goes out in the countryside to have a gun with them. That would be a most unhelpful scenario. I can imagine that, if two people went out with two dogs, one person would have the gun and the other would have general management of the dogs. *[Interruption.]*

**The Deputy Presiding Officer:** Order. There are far too many private conversations going on in the chamber. If members wish to engage in conversation, they should do so outside.

**David Mundell:** My interpretation of amendment 51—as ever, I am willing to be put right—is that it would mean that, unless the person carrying out the activities in section 1A(2) had a gun with them in every scenario, they would be guilty of a crime. I cannot think that that is what Sylvia Jackson intends or what Parliament would want. Accordingly, I vigorously oppose amendment 51. Unsurprisingly, I shall support Mr McGrigor's amendment 7.

I move amendment 37A.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** The reason for including the word "fish", which amendment 7 proposes, relates to mink. Mink predate on fish and are not indigenous to Scotland. Attempts have been made to eradicate them from Scotland. They predate on fish in the redds in the autumn, when salmon and sea trout are spawning. They are damaging to fish farms and they are pernicious killers that need to be controlled. That is the reason for including fish in the list of species that need to be protected.

**Dr Sylvia Jackson (Stirling) (Lab):** Amendment 51 proposes to insert a phrase whereby the possession of firearms as well as a firearms certificate is required. An exemption to the bill is the permission of lawful pest control when the pest species is shot. As the bill is worded, a person could have the landowner's permission to carry out the activity and be the holder of a firearms licence or shotgun certificate but not have the weapon with them at the material time, thereby not showing that they have an intention to shoot. Amendment 51 closes that loophole.

The Scottish Society for the Prevention of Cruelty to Animals has urged the inclusion of amendment 51 in the belief that it would be helpful to police officers or other persons charged with

implementing the provisions of the bill. The basis for exemptions for pest control in the bill is that the target wild mammal must be shot, if possible. In operational terms, it is not enough to require that the person undertaking the activity should have a firearms or shotgun certificate; he must also be in possession of the firearms at the material time. Anyone purporting to undertake pest control using dogs but not carrying a gun may be assumed to be engaged in baiting. Requiring possession of the gun at the material time clarifies the position and will assist officers of the law and persons seeking to carry out lawful pest control. I urge members to support amendment 51.

**The Deputy Presiding Officer:** I shall allow brief speeches from Linda Fabiani and Mike Rumbles.

**Linda Fabiani (Central Scotland) (SNP):** I support the Executive's amendment 48. Section 1A(2) defines when it is acceptable to use dogs underground and in

"an enclosed space within rocks or other secure cover above ground".

That is one of the aspects of pest control with which many people have problems. The National Working Terrier Federation has accepted that the practice has suffered from many problems, hence its code of conduct. Its representative, Thomas Parker, told the Rural Development Committee:

"We have been trying to clean up what some people perceive as the not very nice end of the fox control business."—[*Official Report, Rural Development Committee*, 6 November 2001; c 2331.]

I understand that the Rural Development Committee did not feel able to support a code of conduct under the bill. However, I applaud the committee's efforts to define the boundary between legitimate terrier work, as conducted by the National Working Terrier Federation and gamekeepers, and illegitimate terrier work, as conducted by fox baiters.

The National Working Terrier Federation's code of conduct says:

"The prime objectives of properly conducted terrier work is to provide a pest control service".

Section 1A should make that clear. I stress that amendment 48 would not prevent the work of legitimate pest control. The tests of need in section 1A(1) are extremely broad. It will still be possible to send terriers down a hole or into a rock cairn to flush a fox from cover for pest control purposes. No one should send a dog underground, where it might fight a fox, unless they have a reason to do so.

Amendment 48 would protect gamekeepers and hill packs that have valid reasons for their activities and it would ensure that others could not abuse

the provision as a loophole for entertainment purposes. I hope that members will support the amendment.

**Mr Rumbles:** I suggest that members should oppose amendments 7 and 51. We should oppose amendment 7, not just because Jamie McGrigor lodged it, but because it would have section 1A say that

"A person does not contravene section 1(1) by using a dog under control to stalk a wild mammal, or flush it from cover"

if that is done for the protection of fish. I say to Jamie McGrigor that that does not make sense.

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

**Mr Rumbles:** No. Mr McGrigor has had his say.

On amendment 51, I would go further than the Executive's neutrality. I understand the reasons for lodging amendment 51, but I agree with David Mundell that the amendment should be opposed, as it would encourage people to take more guns into the countryside—and that is not to be encouraged.

**The Deputy Presiding Officer:** Neither Mr Finnie nor Mr Wilson seems to want to make a ministerial comment. I cannot ask Mr Muldoon whether he wants to speak, as he is not in the chamber. I call David Mundell to wind up. Are you pressing amendment 37A, Mr Mundell?

**David Mundell:** Yes. I thought that the ministers would press the amendment.

**The Deputy Presiding Officer:** It is not for them. It is your call.

**David Mundell:** Right. I press amendment 37A, which the Executive has indicated that it supports.

**The Deputy Presiding Officer:** That is what we are on about.

**Ross Finnie:** With apologies, Presiding Officer, I have a point of order. I was not entirely clear whether you were inviting me to make a comment or to press an amendment.

**The Deputy Presiding Officer:** I was inviting you to comment, minister.

The question is, that amendment 37A 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)  
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)  
 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)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 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)  
 Grahame, Christine (South of Scotland) (SNP)  
 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)  
 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)  
 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)  
 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)  
 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, 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)  
 Swinney, Mr John (North Tayside) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 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)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

#### AGAINST

Canavan, Dennis (Falkirk West)  
 Cunningham, Roseanna (Perth) (SNP)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 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)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McAllion, Mr John (Dundee East) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 Robison, Shona (North-East Scotland) (SNP)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)

#### ABSTENTIONS

Fabiani, Linda (Central Scotland) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 97, Against 22, Abstentions 3.

*Amendment 37A agreed to.*

*Amendment 37, as amended, agreed to.*

*Amendment 38 moved—[Ross Finnie]—and agreed to.*

14:15

**The Deputy Presiding Officer:** Amendment 39, in the name of Ross Finnie, is grouped with amendments 93, 5, 41, 94, 95, 46, 96, 47 and 97. I point out to members that if amendment 41 is agreed to, I cannot call amendment 94, which is pre-empted.

**Ross Finnie:** I must apologise for inadvertently confusing the process at this stage. In lodging amendments that were genuinely designed to clarify the situation, amendments that were drafted earlier were, regrettably, also lodged. Those amendments are 39, 46 and 47 and they were subsequently selected, but the Executive does not propose to move them. Furthermore, we are in a difficult position because, if the amendments were moved, we would oppose them.

There are many amendments in this grouping. We believe that the balance of advantage in interpreting this part of the section lies in leaving the bill as drafted on the issue of a single dog. We believe that Alex Fergusson's series of amendments in this grouping and elsewhere that propose to insert the phrase "or a pair of dogs" after the word "dog" are unfortunate. Those amendments could make difficult the interpretation of the sections and would serve only to muddle interpretation of the bill. I am bound to say that we suggest that Parliament take account of that and reject those amendments.

We have a strong view on David Mundell's amendment 5. Having applied an interpretation and workability test, we are concerned that the deletion of the term "under control" that is suggested by the amendment would change the balance of interpretation in the section. We strongly recommend that the amendment be rejected. If the amendment were agreed to, it would cast doubt on the workability of the section and, therefore, of the bill. It is quite clear to us that the inclusion of the amendment—which relates to a dog, which can, in law, mean one dog or a number of dogs—coupled with section 1A, which allows a dog or a number of dogs to kill a wild mammal, would undeniably undermine one of the central tenets of the bill.

Amendment 41, which seeks to remove an "or a dog" provision, can be supported.

**Mr John Swinney (North Tayside) (SNP):** It was difficult to make out Mr Finnie's last couple of sentences about his attitude towards amendment 41 and the status of section 1A, which is material to some of the views that I hold on that issue. If he could clarify that attitude, it would be appreciated. We simply did not catch what he said.

**Ross Finnie:** My principal concern is about David Mundell's amendment 5. Although we support the deletion of "or a dog" in section 1A, that is not as material as the insertion of "or a pair of dogs" into the section.

**The Deputy Presiding Officer:** Will you clarify whether you are moving amendment 39, minister?

**Ross Finnie:** I will not move amendments 39, 46 or 47.

*Amendment 39 not moved.*

**Mr John Home Robertson (East Lothian) (Lab):** Will the minister give way?

**The Deputy Presiding Officer:** Do you have a point of order, Mr Home Robertson?

**Mr Home Robertson:** No.

**The Deputy Presiding Officer:** Are you still down, Mr Finnie, or will you take the intervention?

**Ross Finnie:** If it is just a point of clarification, I am in your hands.

**The Deputy Presiding Officer:** It may help members.

**Mr Home Robertson:** Clarification is precisely what I am after. It is helpful to the Parliament to get such guidance on interpretation from the minister. It would also be helpful if he would confirm whether the guidance that he is giving on the interpretation of amendments and sections is given by the Executive following consultation with the law officers.

**Ross Finnie:** I confirm that point absolutely.

**The Deputy Presiding Officer:** I clarify to members that, as Mr Finnie is not moving amendment 39, we move to the next series of amendments in the group, which are in the name of Alex Fergusson, and a debate takes place on those amendments.

I ask Alex Fergusson to move amendment 93.

**Alex Fergusson:** Is not amendment 93 consequential to the minister's amendment 39, which he has not moved? Given the Executive's position on that, I do not intend to move amendments 93 and 95 to 97.

*Amendment 93 not moved.*

**The Deputy Presiding Officer:** In that case, let me try my luck with Mr Mundell. I ask Mr Mundell to move amendment 5.

**Ross Finnie:** On a point of order, Presiding Officer. I am sorry to be unhelpful. Immediately I sat down, my brain hit me very hard. [*Laughter.*] In clarification of my response to John Home Robertson, while it is the case that we consulted the law officers, as I said, my or any minister's advice is tendered in the name of the minister; it is not given in the name of the law officers.

**The Deputy Presiding Officer:** Right. Mr Mundell, on you go. Move amendment 5. If you move it, a debate will take place on that amendment.

**David Mundell:** I will move it, Presiding Officer, because it would be helpful on this occasion.

**The Deputy Presiding Officer:** I am deeply grateful to you.

**David Mundell:** Why am I surprised that Mr Finnie is so attracted to the expression “under control”? In the Rural Development Committee, I suggested that Mr McConnell should provide a definition, but that was not to be. Those who have looked closely at the *Official Reports* of the Rural Development Committee’s stage 2 consideration will know that the committee considered that issue at great length.

Dr Elaine Murray, to her credit, lodged the amendment that inserted the term “under control” into the bill, but it was generally felt to be the best that we could do. The view was that it was not perfect, but the best that we could do. At that point in the Rural Development Committee’s consideration, we did not have the minister’s forthright and clear enunciation of views. It was not always possible to gauge which way the Executive or its law officers were leaning.

I felt that it was important that we bring the definition of “under control” back to Parliament today. I did so first to see whether anybody would come up with anything better than the definition at which the committee had arrived and that could be inserted into the bill and, secondly, because it raises clear issues about exactly what expressions such as “under control” mean. We must ensure, when passing legislation that will criminalise individuals, that that legislation and the guidance that individuals have as they go about their ordinary lives is clear on what activities are and are not criminal.

The minister has put forward a very robust case for the deletion of the phrase “under control”. As the debate progresses, I will consider whether to press the issue to a vote. Moving amendment 5 helps. The minister’s statement at this late hour—particularly the comments that he made to Mr Swinney and Mr Home Robertson—was helpful in clarifying the position.

There has been a persistent misconception that amendments that were introduced during the stage 2 process were intended to wreck the bill. That was not the intention. A majority of members agreed to the amendments. Labour members such as Rhoda Grant and Elaine Murray voted for the provisions in question. From what the minister has said, amendment 5 will allow legitimate gamekeeping activities to proceed and will counter any suggestion that the amendments at stage 2 were designed to wreck the bill. I support the position that has been set out by the minister.

I move amendment 5.

**Dr Jackson:** Amendment 41 is perhaps the most important amendment that we will debate and vote on today. In *The Daily Telegraph* last

week, Alex Fergusson revealed what Mike Watson had said in the Rural Development Committee meeting on November 13—that amendment 53K at stage 2, which inserted the phrase “or a dog”, ran counter to the general principles of the bill that had been accepted at stage 1. Mike Watson warned that amendment 53K could be used for deliberately hunting with dogs.

I lodged amendment 41 as a result of considering the issue from an animal welfare perspective. As the SSPCA has pointed out—

**Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** Given the explanation that the member has just given, will she clarify her view on Mr Ewing’s amendment 94, which would replace “a dog” by “a single dog”? That would seem to exclude hunting with dogs, but would still allow single dogs to be used to target an animal that had got past the guns and was perhaps wounded.

**Dr Jackson:** It would take quite a long time to explain that. I am conscious of time. Suffice it to say that, as far as I understand it, the bill allows for lurchers and dogs of that nature to retrieve a wounded animal, which can then be shot. Whether one allows a dog or a number of dogs, the issue is still the same—one is allowing a dog to kill a fox or a wild mammal.

I must get on. The SSPCA has pointed out that the insertion of “or a dog” has the effect of allowing a dog or dogs intentionally to kill a fox or other wild mammal. Accidentally killing a fox is not the issue—that is adequately covered in section 1A(1B). The three words “or a dog” allow intentional killing of a fox or other wild mammal with a dog, as is the case with mounted hunts.

The SSPCA has stated in relation to using dogs for killing foxes:

“It may take a considerable time to kill a fox and this would not necessarily be humane.”

The SSPCA maintains that the most humane way of disposing of a fox or other wild animal is by shooting. If the words “or a dog” remain in line 22, page 1, section 1A of the bill, from an animal welfare perspective—one that takes on board the views of the SSPCA—there is no point in proceeding with the bill.

In reply to earlier comments by Fergus Ewing, gamekeepers, hill packs and farmers must be able to continue their legitimate pest control activities under the bill, but they must do that in a way that is humane. The bill will allow that to happen—I am confident of that.

**Fergus Ewing:** I am extremely grateful to Sylvia Jackson for taking my intervention. Is she aware that the Scottish Gamekeepers Association, the Scottish Hill Packs Association, the National Working Terrier Federation, the National Farmers

Union of Scotland and the Scottish Crofting Foundation have said that they regard amendment 94 as absolutely essential?

14:30

**Dr Jackson:** I have spoken to representatives of the Scottish Gamekeepers Association about amendment 41 and about the general drift of the bill as it is developing. They are firmly behind the bill as it stands. I urge members to vote for amendment 41. Having spoken with the gamekeepers this morning, I understand that they are quite content that stopping the mounted hunts will help with the humane aspects that we have pointed out. [MEMBERS: "The gamekeepers are here."] Yes, I can see them. They have also pointed out that they want the assurance that their practices will be allowed to continue. That is also what is wanted by the Scottish Hill Packs Association and by the farmers, who want to be assured that they can continue to use terriers for pest control.

I urge members—

**Ms Margo MacDonald (Lothians) (SNP):** Will the member give way on a point of clarification?

**Dr Jackson:** I want to finish now. I urge members to vote for amendment 41 and to ban hunting with dogs. Amendment 41 is a key vote for the debate.

**Fergus Ewing:** I agree with Sylvia Jackson that amendments 41 and 94 are most important to me and to many other members who have an interest in this topic.

I urge members to vote for amendment 94, which is a compromise that has been freely given and which commands the support of many members throughout the chamber. Contrary to what Sylvia Jackson said, I am convinced that amendment 94 is essential if gamekeepers, terrier men and hill pack men are to be able to carry out their work in Scotland.

Not only am I convinced of that, but yesterday I had written confirmation that that is the case from the Scottish Gamekeepers Association. That has also been confirmed by the Scottish Hill Packs Association, the National Working Terrier Federation, the Scottish Crofting Foundation and the National Farmers Union of Scotland. Jim Walker gave evidence on the damage that the fox did to 47 of his lambs during one short period at Easter.

I put it to Sylvia Jackson that, for such reasons, those organisations are not happy to see amendment 94 fall. In some circumstances, it is necessary to use a single dog to dispatch a fox. Lord Watson himself, recognising that necessity, has allowed for exceptions, such as the dispatch

of orphan cubs below ground, and for situations in which seriously injured animals may need to be dispatched in the interests of their own welfare.

Those exceptions have been recognised, but there are other circumstances in which a lurcher needs to be used to dispatch a fox. Such circumstances even occur in cities. I have two examples. There was a lady in Giffnock whose poodle pup was attacked by a fox. As far as I am aware, it is not appropriate to use a rifle in Giffnock or any nearby parts such as Glasgow—I do not mean to discriminate. On another occasion, a lady was hanging out her washing and was accompanied by her Yorkshire terrier, when a fox appeared and suddenly attacked the dog, which was carried for a distance of about 20 yards before being dropped by the fox. The dog died of its injuries. When Mr Bill O'Donnell visited the garden, he could not locate the fox. However, firearms might have been necessary. From Caithness to Glasgow and all over Scotland, it is necessary for a single dog to be involved in such circumstances.

As I understand it, the only argument against the amendment—

**Mr Kenneth Macintosh (Eastwood) (Lab):** Will the member give way?

**Fergus Ewing:** Not quite yet.

The only argument against amendment 94 is that it is a wrecking amendment. The amendment is a compromise amendment, which is designed to secure the agreement of the chamber. How on earth could amendment 94 be a wrecking amendment? How on earth could a mounted hunt procure that only a single dog affects the kill? That cannot be true.

I want to make another point that undermines the argument that Sylvia Jackson has made. If using more than one dog is so bad, why is it lawful under section 1A(1B) and section 3? No attempt has been made to delete 1A(1B), under which more than one dog can be used. There is a certain inconsistency.

In conclusion, I would say that the bodies that are represented in the public gallery—many of which I have worked closely with—are respectable bodies. They have put absolute clear blue water between themselves and some of the despicable campaigning tactics that we have seen and that we all deplore. They are responsible; they operate to the highest standards; they have a code of conduct that is guaranteed to prevent fox baiting; they have decades of experience; and they have informed me that they need amendment 94. If they do not get this amendment, we will be turning them into potential criminals. We must not allow that to occur. To do so would be to allow a grave injustice, which I fear would cast shame on the

role that we have played in this bill.

**Elaine Smith:** The words “or a dog” are not so much a loophole as an outer-space black hole that would send this bill up into orbit and, indeed, into oblivion. When the Rural Development Committee debated these issues, Mike Watson warned the committee about the impact of the proposed amendments. It will be obvious to anyone who reads the transcripts of those debates that the committee was voting to allow loopholes. The insertion of the words “or a dog” in this section is one of several ways in which I believe that the committee’s amendments to the bill would permit hunting.

When the issues were debated, the loophole was clear. Mike Watson warned the committee, Rhoda Grant warned the committee and I warned the committee. I said that Fergus Ewing’s amendment, to introduce this loophole, should not have been on the marshalled list in the first place. I took the view—and it certainly seems to have been confirmed—that amendment 53K would allow foxes to be flushed out and killed by dogs. At this point, it was obvious to Mike Watson, to Rhoda Grant and to me that it was a loophole. So why did the loophole not reveal itself to Alex Fergusson, the Rural Development Committee’s convener, until his recent interview with *The Daily Telegraph*? Unfortunately, five members of the committee were so determined to allow this activity that our warnings came to nothing.

The committee was tasked with upholding the democratic decision of Parliament at stage 1 and with working with Mike Watson to include helpful amendments to allow the bill to proceed. The stage 2 amendment to include the words “or a dog” was unhelpful to say the least. In my view, it tried to wreck the aims and principles of the bill, despite what Fergus Ewing says. I urge the Parliament to support amendment 41. It is vital to do so. We must remove a glaring loophole that should never have been allowed.

**Mr Swinney:** I intend to speak only once this afternoon, on this issue. The reason is the reason given by Sylvia Jackson: this is by far the most important debate that we will have this afternoon on the formulation of this bill.

I agree with Tricia Marwick that it is essential that we produce good legislation. A requirement of good legislation is to provide the clarity that allows people to understand the implementation of the legislation. Another requirement is for the legislation to have some force. In these respects, John Home Robertson’s earlier intervention was especially helpful in clarifying the status of the advice from the law officers. It will be the law officers who will have to cast their eyes over this particular point.

I support a ban on mounted fox hunting and I want to vote for the bill at stage 3; however, I want to ensure that the legitimate activities of pest control are absolutely protected by the bill. I am certain that there is wide agreement on that point of policy across this chamber. I know that the Minister for Environment and Rural Development and his deputy share that agreement.

Strenuous efforts have been made to ensure that the bill contains adequate protection for pest control activities. However, there is one omission—and it is seen in the issues raised by amendments 94 and 41. I support amendment 94. It clarifies a point on which there is wide agreement. It is legitimate for packs of dogs to be used to flush foxes out of woodland so that they can be shot by marksmen at the periphery of the woodland. However, in the real world, foxes will be injured and may escape. There has to be provision in the bill, in this section, for a single dog to be used to dispatch a fox that may be injured.

I say “a single dog”, because that relates to amendment 94, in the name of Fergus Ewing, which I urge members to support. It is important to specify a single dog because every other provision in the bill that creates an exception or relates to the dispatch of a fox allows for more than one dog to be used. That is true of sections 1B and 3(1)(c), both of which permit “a dog” to be used. It might be a curious definition, but in the bill “a dog” potentially means more than one dog. The bill would create a situation where it may well be possible for several dogs to be sent to dispatch an injured fox. That is unacceptable and contradicts the intent of the bill as outlined by the sponsors and the relevant amendments that were helpfully lodged by the Rural Development Committee.

That is why I think, dispassionately, that amendment 94 gives utter clarity: when a fox emerges from woodland, is shot and needs to be dispatched, it should be explicit that it is done by a single dog.

**Elaine Smith:** Will the member give way?

**Mr Swinney:** I will give way if I have any leeway to do so.

**The Deputy Presiding Officer:** We have almost no time, Mr Swinney. We must conclude the debate on this group of amendments in 16 minutes.

**Mr Swinney:** I appeal to Parliament to consider carefully and sensitively the point behind amendment 94. It gives the absolute clarity that the people sitting in the public gallery have been seeking. They are nodding their heads at what I am saying, but they were shaking their heads at what Sylvia Jackson said earlier. I know that we are not meant to be influenced by the public gallery, but we should bear it in mind that they are

people who live in Scotland today.

There is policy agreement in the Parliament on the point. I hope that we can find a way to ensure that amendment 41 is rejected and amendment 94 is agreed to.

**Alex Fergusson:** I will be very brief. I point out to Elaine Smith that if an amendment was not accepted by the committee, it is because it failed to gain majority support—I have a funny feeling that that is called democracy.

I support strongly the position taken by John Swinney and Fergus Ewing. If the situation in relation to mounted fox hunting is not clear, amendment 94 will help to address it. It has been made obvious by the august and respected bodies that have been mentioned that amendment 94 is essential to their future survival. I urge members to agree to amendment 94.

**The Deputy Presiding Officer:** Bristow Muldoon has waived his right to speak. I call Tricia Marwick to sum up.

**Tricia Marwick:** I am summing up on behalf of the supporters of the bill. I thank the Executive for making clear the position in relation to amendments 39, 46 and 47, which should never have been lodged. It is unfortunate that the Presiding Officers could not agree to withdraw those amendments.

Those are the amendments that caused concern to the Scottish Gamekeepers Association. I have been working tirelessly with the association to ensure, as Mike Watson and I promised at stage 1, that the legitimate pest control activities could continue. I am satisfied that if the Parliament supports the appropriate amendments, as suggested by the pro-bill group, there will be nothing in the amended bill to stop the gamekeepers or hill packs from continuing.

**Ms MacDonald:** Will the member give way?

**Tricia Marwick:** I am sorry, but I have no time to take an intervention.

Unless we agree to amendment 41 and remove the words “or a dog”—in this bill and other legislation, “a dog” means a pack of dogs—mounted fox hunts will be allowed to continue. If we substitute amendment 41 for amendment 94—Fergus Ewing spoke in favour of amendment 94 and my party leader supported the amendment—the bill will allow fox baiting to continue. It is unacceptable that the bill, which was intended to ban three things, be amended to allow either mounted fox hunts or bear baiting to continue. If the amendments are accepted, there will be nothing in the amended bill to give concern to the gamekeepers and the hill packs. I think that those people know that that is the situation. I have given them my word that that will be so. The matter is

very important. I urge members to vote for amendment 41 and against amendments 5 and 94.

14:45

**The Deputy Presiding Officer:** I remind members that they are debating amendment 5. I ask David Mundell to wind up.

**David Mundell:** Thank you, Presiding Officer. I am sure that Tricia Marwick has read from cover to cover and both ways the Rural Development Committee report that was produced at the start of the process. That clearly indicated that fox baiting is already illegal. The committee did not find any serious evidence of widespread fox baiting as an activity in Scotland.

**Tricia Marwick:** Will the member take an intervention?

**David Mundell:** No. Tricia Marwick did not take interventions and she has had her say.

We heard Elaine Smith’s colourful contribution. What Elaine Smith failed to point out was that she and all the members of the Rural Development Committee unanimously passed section 1A as advised because Mike Watson moved it. If Mike Watson had been so concerned that the provision undermined the bill, he should never have moved the amended section. It is a red herring to suggest that the section undermines the bill. It no more undermines the bill than all the other provisions in such a flawed bill. John Swinney, Fergus Ewing and others have eloquently—

**Ms MacDonald:** Will the member give way?

**David Mundell:** Yes.

**Ms MacDonald:** Does David Mundell know whether advice was taken or any consultation held on the matter of enforcement in relation to amendments 94 and 41?

**David Mundell:** The Justice and Home Affairs Committee carried out an inquiry. However, at that stage, the committee reported on a very different bill than that which has emerged from the stage 2 process. It is therefore difficult to comment objectively on enforcement arrangements. Anyone who reads the bill and who has listened to the debate so far will know that the Procurator Fiscal Service, the police and everyone else involved in the legal system are going to have an enormous job to enforce the proposed legislation.

One of the great ironies is that I think that I am one of the few lawyers who is not going to make a load of money out of the proposed legislation by interpreting every last dot and comma.

**Christine Grahame (South of Scotland) (SNP):** Gordon Jackson will.

**David Mundell:** Gordon Jackson will, of course.

In amendment 94, Fergus Ewing has put forward the argument for inserting the word “single” and Tricia Marwick even opposes that. If the words “or a dog” are not to be deleted, she opposes the word “single”. It is inconsistent. We need a bill that protects legitimate pest control activities and the minister’s solution will provide that.

**Bruce Crawford (Mid Scotland and Fife) (SNP):** On a point of order, Presiding Officer. I want to make sure that I am absolutely clear about what is happening here. Members might want to support amendments 41 and 94. However, I think that you said earlier that if members vote for amendment 41, then it will not be possible to vote for amendment 94. Can you confirm that?

**The Deputy Presiding Officer:** That is correct.

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

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**David Mundell:** I was not intending to press amendment 5, but I will if it allows the process to proceed more easily.

**The Deputy Presiding Officer:** You have to make up your mind one way or the other.

**David Mundell:** I will not press amendment 5.

**The Deputy Presiding Officer:** In that case, does Mr Mundell have the consent of the chamber to withdraw amendment 5?

*Amendment 5, by agreement, withdrawn.*

**The Deputy Presiding Officer:** We move to amendment 6, which has already been debated with amendment 37. Are you moving amendment 6, Mr Mundell?

**David Mundell:** My understanding is that amendment 6 was pre-empted by amendments 37 and 37A. They are inconsistent with each other in any case, so I will not move amendment 6.

*Amendment 6 not moved.*

*Amendment 7 moved—[Mr Jamie McGrigor].*

**The Deputy Presiding Officer:** The question is, that amendment 7 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)

Aitken, Bill (Glasgow) (Con)  
Campbell, Colin (West of Scotland) (SNP)  
Davidson, Mr David (North-East Scotland) (Con)  
Douglas-Hamilton, Lord James (Lothians) (Con)  
Ewing, Dr Winnie (Highlands and Islands) (SNP)  
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
Ewing, Mrs Margaret (Moray) (SNP)  
Fergusson, Alex (South of Scotland) (Con)  
Finnie, Ross (West of Scotland) (LD)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gallie, Phil (South of Scotland) (Con)  
Gillon, Karen (Clydesdale) (Lab)  
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)  
Johnstone, Alex (North-East Scotland) (Con)  
Macdonald, Lewis (Aberdeen Central) (Lab)  
MacDonald, Ms Margo (Lothians) (SNP)  
MacKay, Angus (Edinburgh South) (Lab)  
McCabe, Mr Tom (Hamilton South) (Lab)  
McGrigor, Mr Jamie (Highlands and Islands) (Con)  
McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
McLetchie, David (Lothians) (Con)  
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
Mundell, David (South of Scotland) (Con)  
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
Neil, Alex (Central Scotland) (SNP)  
Paterson, Mr Gil (Central Scotland) (SNP)  
Quinan, Mr Lloyd (West of Scotland) (SNP)  
Radcliffe, Nora (Gordon) (LD)  
Scanlon, Mary (Highlands and Islands) (Con)  
Stevenson, Stewart (Banff and Buchan) (SNP)  
Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
Swinney, Mr John (North Tayside) (SNP)  
Wallace, Ben (North-East Scotland) (Con)  
Wilson, Allan (Cunninghame North) (Lab)  
Wilson, Andrew (Central Scotland) (SNP)  
Young, John (West of Scotland) (Con)

#### **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)  
Canavan, Dennis (Falkirk West)  
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)  
Fabiani, Linda (Central Scotland) (SNP)  
Ferguson, Patricia (Glasgow Maryhill) (Lab)  
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
Gibson, Mr Kenneth (Glasgow) (SNP)  
Godman, Trish (West Renfrewshire) (Lab)  
Gorrie, Donald (Central Scotland) (LD)  
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)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (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)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robison, Shona (North-East Scotland) (SNP)  
 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)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

#### ABSTENTIONS

Robson, Euan (Roxburgh and Berwickshire) (LD)

**The Deputy Presiding Officer (Mr Murray Tosh):** The result of the division is: For 42, Against 77, Abstentions 1.

*Amendment 7 disagreed to.*

**The Deputy Presiding Officer:** We move to the sixth group, for which we have but eight minutes. Amendment 8 is grouped with amendments 40, 9, 10, 49 and 50. Amendment 8 does not pre-empt amendment 40, so if amendment 8 is agreed to, amendment 40 will still be called. Similarly, amendment 49 does not pre-empt amendment 50.

**Alex Fergusson:** Presiding Officer, you will be pleased to hear that I will be extremely brief. Amendments 8, 9 and 10 are designed solely to tighten up the drafting of section 1A to ensure that legitimate vermin control, which the Parliament has consistently said it does not wish to alter—though I fear for its future after the previous debate—can continue without the risk of malicious prosecutions. That will protect the hill packs and the gamekeepers.

The bill shows a considerable lack of sympathy with, and understanding of, pest control activities as they are carried out on the ground or the practical considerations of those who carry out those perfectly legitimate activities. Amendments 8, 9 and 10 do not seek to alter the substance of section 1A, but will give added protection to those people who are engaged in pest control activities which, I repeat, the Parliament stated at stage 1 it wished to exempt.

Amendments 40, 49 and 50 would similarly tighten up the wording of the bill, and would provide similar protection to those who undertake perfectly legitimate activities.

I move amendment 8.

**Fergus Ewing:** The amendments are important technical amendments. I await with interest the Executive's response. Members who read line 21 of page 1 of the bill will see that activities to control pests and other activities will be excepted

"only if that person acts to ensure that, once the target wild mammal is found or emerges from cover, it is shot, or killed by a bird of prey or a dog".

So the duty on the person carrying out the pest control is to ensure that the mammal is killed one way or another.

Pest control is not like that. No matter how good a marksman may be, he or she cannot always guarantee that the quarry will be shot. Therefore, I suggest that the phrase "acts to ensure" should be replaced either by "seeks to ensure" or "takes reasonable steps to ensure". The phrase "takes reasonable steps" is one that the Minister for Environment and Rural Development will recognise is a feature of much legislation—I note that I have the minister's attention. The concept of reasonable care is one with which Scots law is well acquainted. However, the task of ensuring that something happens is plainly a hurdle too high. My amendments 40, 49 and 50 are meant to be helpful.

In conclusion, I will make a serious point. If it is impossible, as I suggest, to guarantee success in pest control activities, those who are engaged in those activities will not be covered by the exception. If they are not covered by the exception, they will be committing a crime if they shoot and miss.



**Allan Wilson:** The Executive has no strong view on this group of amendments. Alex Fergusson's amendment 8 is an alternative to Fergus Ewing's amendment 40.

Amendment 9 would fall if amendment 8 were agreed to. If we were to express a preference as to the approach that is adopted, we would prefer amendment 8. Similarly, between amendments 49 and 50, the Executive's preference would be for the approach that is set out in amendment 50.

**The Deputy Presiding Officer:** I understand that, in this instance, Mr Muldoon has ceded to Pauline McNeill his right to reply.

**Pauline McNeill (Glasgow Kelvin) (Lab):** The effect of the amendments would be to dilute the requirement that was established by the Rural Development Committee, which was for humaneness in pest control. As the bill stands, a person who is stalking or is flushing a quarry with dogs has to act to ensure that, once a wild mammal has been driven from cover, the mammal is shot or killed by a bird of prey. By changing the wording of the bill the amendments would have the effect of allowing a delay. That cannot be justified if the principle is to be adhered to that the mammal is to be killed humanely. The person doing so has to act speedily and deliberately.

To date, the Parliament has accepted the principle that it wants to move in the direction of more humaneness and not less. Terrier work is one of the most contentious and potentially the most dangerous activity in the world of pest control. The Rural Development Committee decided that those who send dogs underground should act to ensure that flushed foxes are shot as soon as possible.

That decision means that everyone should follow the practice that gamekeepers adopt, which is to put nets over the entrances to a fox earth to ensure that a fox can be shot. Instead of accepting that best practice, amendment 50 would allow people to do whatever they want, subject to what a court might say at a later date.

A court might hold it unreasonable to expect someone using a dog underground to net the entrances to the fox earth, if that person does not own a net. That would mean that, if a person left their net at home, they might not have to ensure that the fox met a rapid death. The person could instead chase the fleeing fox with their hounds.

If we create a loophole, it will be exploited. Amendment 50 is set out deliberately to push the boundaries of what can be allowed. We should keep tight the requirement for humaneness. We should reject all the amendments in the group.

**The Deputy Presiding Officer:** I call Alex Fergusson to respond and to indicate whether he

will press or withdraw amendment 8.

**Alex Fergusson:** As Fergus Ewing made clear, and as I tried to explain, the amendments are not intended to dilute anything. They are designed to tighten up the wording of the bill. It is sad that no one listened to what Fergus Ewing or I said. If they had done so, they might have realised what the amendments are about. There is nothing more to be said. Fergus Ewing said it very well and I said it more briefly but—I think—equally well.

The minister has announced his intention to support amendment 8 and—I think—to support amendments 49 and 50. I commend the amendments to the chamber. For the sake of keeping to time, I have nothing further to add other than recommending to members that they listen to the Executive on this issue.

**Allan Wilson:** For the record, I point out that we have expressed a preference for amendment 8 over amendment 40 and for amendment 50 over amendment 49.

**The Deputy Presiding Officer:** The question is, that amendment 8 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division. As it is the first division in the grouping, it will be a two-minute division.

#### FOR

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lyon, George (Argyll and Bute) (LD)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLetchie, David (Lothians) (Con)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 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)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 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)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

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)  
 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)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 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)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Robison, Shona (North-East Scotland) (SNP)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 51, Against 70, Abstentions 0.

*Amendment 8 disagreed to.*

*Amendment 40 not moved.*

*Amendment 9 moved—[Alex Fergusson].*

15:00

**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

Aitken, Bill (Glasgow) (Con)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (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)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 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)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (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)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (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)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 Grahame, Christine (South of Scotland) (SNP)  
 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)  
 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)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 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)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Home Robertson, Mr John (East Lothian) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 19, Against 101, Abstentions 1.

*Amendment 9 disagreed to.*

*Amendment 41 moved—[Dr Sylvia Jackson].*

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

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

Because in the previous group the first two amendments were not moved and the third amendment was withdrawn and because there were no divisions in that group, amendment 41 becomes the lead amendment in the group. As a result, there will be a two-minute division. We have to observe all these proprieties.

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 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)  
 Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harper, Robin (Lothians) (Green)

Henry, Hugh (Paisley South) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 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)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Robison, Shona (North-East Scotland) (SNP)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)

Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lyon, George (Argyll and Bute) (LD)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 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)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Mundell, David (South of Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 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)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (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)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

#### ABSTENTIONS

Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 72, Against 49, Abstentions 2.

*Amendment 41 agreed to.*

**The Deputy Presiding Officer:** Amendment 94 is pre-empted.

*Amendment 95 not moved.*

*Amendment 10 moved—[Alex Fergusson].*

**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

Aitken, Bill (Glasgow) (Con)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (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)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 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)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Wallace, Ben (North-East Scotland) (Con)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 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)  
 Canavan, Dennis (Falkirk West)  
 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)  
 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)  
 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)  
 Grahame, Christine (South of Scotland) (SNP)  
 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)  
 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)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 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)  
 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)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 19, Against 102, Abstentions 0.

*Amendment 10 disagreed to.*

**The Deputy Presiding Officer:** I call amendment 42, in the name of Scott Barrie, which is grouped with amendment 43. If amendment 42 is agreed to, amendment 43 is pre-empted.

**Scott Barrie:** From time to time in the course of the debate on the bill, Mike Watson and those of us who support the bill have been accused of a number of things. *The Daily Telegraph* editorial accused me of indulging in class warfare. Others were accused of acting like Joseph Stalin or Robert Mugabe. All of us have been accused of arguing our case on the basis of sheer prejudice. The majority of those accusations are untrue.

Like other sections that we will debate today, section 1A(1A), which I wish to remove from the bill, allows fox baiting, hare coursing and mounted hunting, which are in direct contravention of what Parliament voted for at stage 1. That subsection will allow the use of lurchers to kill hares and foxes. Let us examine the science of that.

First, let us consider hare coursing. The hare is forced to run for its life as two greyhounds or lurchers chase it across an open field for the entertainment of spectators. We know what happens when lurchers meet hares because of the openness of the hare coursing community—full credit to it. That community allowed the Universities Federation for Animal Welfare to perform 53 post-mortem examinations of hares that were killed in hare-coursing events. The federation found that not one of the 53 hares had been killed by a bite to the back of the neck. Many had not died until the dog handler had caught up with the dog, taken the hare from it and killed the hare with his bare hands. The science is clear: lurchers cannot kill hares humanely.

Secondly, let us consider the fox. In the context of a contest between wild mammals and lurchers, how does the fox compare to the hare? For a start, it is bigger, it has sharper teeth and claws and its ability to fight the dog is a little greater than that of the hare. In September, Parliament decided that it wanted to abolish hare coursing. Section 1A(1A) of the bill, as amended by the Rural Development Committee, will permit something far worse. Let us call it fox coursing. Many members will have seen the film that was circulated by the Scottish Campaign Against Hunting with Dogs, which demonstrates clearly that lurchers are unable humanely to kill foxes. Therefore, all sections of the bill that would permit lurchers to be set to kill should be removed.

Section 1A(1A) of the bill will allow any dog—from a lurcher to a collie to a Rottweiler—or even a pack of dogs, to be used to kill a mammal that has been shot at. Whether or not the mammal has been shot and wounded, the pack of dogs can be set on it. I argue that it is never necessary to set a single dog or a pack of dogs on a fox in order to kill it. An alternative is allowed for under the bill, which will enable pest control workers such as gamekeepers and hill packs to perform their roles effectively.

Let us examine what hill packs do. Paul Crofts, of the Scottish Hill Packs Association, gave evidence to the Rural Development Committee on 6 November. He said:

"If the fox is wounded, the dog is slipped immediately and, being faster than the fox, quickly catches and kills it."—[*Official Report, Rural Development Committee*, 6 November 2001; c 2346.]

We can argue about whether the kill is quick. My assessment—made after hearing the opinions of other people and not just that of Mr Crofts—is that that will not be the case often.

Crucially, under the terms of the bill, a lurcher could be used to catch a wounded fox. Section 3(1)(c), to which John Swinney has already referred, says that a dog can be used to locate a

seriously injured mammal, provided that the mammal is

"killed as humanely as possible".

If the intention of the person using the lurcher is to locate the fox and catch the fox so that he can shoot it, the bill permits him to do that. If the dog is, perchance, a quicker killer, section 1A(1B) of the bill—which has also been referred to—says that the dog handler commits no offence if the dog kills the mammal. However, it would be wrong for the individual to slip the lurcher and stand back to watch the fight.

I support the need for pest control and I am happy for lurchers to be part of that process, but lurchers should be used for what nature designed them—to catch and stop a fox quickly. They should not be used to kill. Section 1A(1A) provides no extra protection for hill packs.

I move amendment 42.

**Ross Finnie:** Amendment 43 is one of a series of technical amendments, which run throughout the bill. They all make changes to the text of the bill, deleting "contravene" and inserting "commit an offence under", and reflect a change in the wording of the offence provision in section 1(1). I hope that amendment 43 and similar amendments relating to the interpretation of the bill will be supported by Parliament.

Amendment 42, as Scott Barrie said, would remove some of the exemptions. It is obviously for members of Parliament to decide which exemptions they wish to be in the bill, and on whether the exemptions as they stand would render the bill unworkable. That is not our view, but it is for Parliament to debate that and to decide whether to revert to the position that was broadly agreed before stage 2.

**Mr Rumbles:** I am annoyed that I was not able to speak in the debate on the previous group of amendments.

**The Deputy Presiding Officer:** Please just speak to the amendments in the current group, Mr Rumbles.

**Mr Rumbles:** What I wanted to say about amendments in the previous group is linked with amendment 42. It is a pity that, thanks to amendment 41, in the name of Dr Sylvia Jackson, the words "or a dog" have been removed from section 1A. Now, all we have to rely on to maintain the work of the Scottish Gamekeeper's Association is section 1A(1A), which Scott Barrie and others are trying to remove.

I was appalled, to be frank, by Scott Barrie's speech. Section 1A(1A) has absolutely nothing whatever to do with fox baiting. Fox baiting is illegal. If he had listened to the debates in the

Rural Development Committee, Scott Barrie would know that we spent two years going over that. I am appalled to hear such speeches from members.

The vote on amendment 42 is one of the most important votes that we will take this afternoon. If we vote to support amendment 42, we undermine the work of Scottish gamekeepers. All Tricia Marwick's talk about working closely with Scottish gamekeepers seems to be a load of tosh.

There will be arguments that section 1A(1B) is sufficient, but it is not. Section 1A(1B) refers to a dog killing

"wild mammals in the course of those activities"

by accidental means, in effect.

It is important that we keep section 1A(1A) in the bill. What is the section about? It says that when

"a person is using a dog in connection with pest control activities and intends to kill wild mammals in the course of those activities only by lawful means, that person does not contravene section 1(1) by using the dog to kill a wild mammal which has been flushed to a gun and has escaped without being shot, or been shot but not killed."

Amendment 42 would add cruelty to the bill—something that the Rural Development Committee has been striving to remove from the bill. I urge members not to support amendment 42.

15:15

**Alasdair Morgan:** I think that most members agree with the bill's main intentions and want to maintain legitimate methods of pest control. It is interesting that those who are in favour of the bill and those who are against it exaggerate the effects of the bill or amendments to it to suit their ends. I hope that I will not do that. David Mundell argued that the bill would have all sorts of pernicious consequences and Scott Barrie over-egged the pudding in his description of the effects of section 1A.

The problem is that the hill packs are faced with serious problems because of agreement to amendment 41 and amendment 94's falling. In examining the rest of the bill, I am not convinced that hill packs will be able to continue their activities as effectively as they currently do. Certainly, no member has explained how they will be able to do that.

I agree happily that section 1A(1A) is not the most satisfactory method of allowing hill packs to continue their activities. However, previous amendments that would have been better have been rejected and I suspect that this is almost the final chance to allow legitimate pest control. I would be interested to hear how opponents of the section will allow such methods of pest control to continue. My perception is that, if we accept the

amendment, they will not.

**The Deputy Presiding Officer:** Mr Muldoon, have you waived your right to comment further or do you want to speak?

**Bristow Muldoon:** I want to say something about summing up. In response to Mr Monteith's point of order, I say that a number of members are summing up. When I have waived my right, another member who supports the bill has summed up.

Time is limited, so I will be brief. In moving amendment 42, Scott Barrie clearly explained why it is necessary. It is a crucial amendment in a series of amendments that are necessary to deal with the loopholes to which Mr Fergusson referred in *The Daily Telegraph*.

I would like to respond to comments that Mike Rumbles and Alasdair Morgan made about the legitimate actions of gamekeepers and hill packs. Sections 1A(1) and section 3 will still allow legitimate pest control. If section 1A(1A) is not removed, that will allow not humane kills, but inhumane killing. It would allow the continuation of hare coursing and fox baiting. I do not support that and do not believe that the majority of people in Scotland or the majority of elected members support it.

**Mr Rumbles:** Will the member take an intervention?

**The Deputy Presiding Officer:** The member will not take an intervention.

**Bristow Muldoon:** I urge members to support amendment 42.

**The Deputy Presiding Officer:** Mr Barrie should wind up briefly.

**Richard Lochhead (North-East Scotland) (SNP):** On a point of order, Presiding Officer. Why was I not chosen to speak, given that I have been on the committee for two years and that I pressed my button? I had an extremely valuable contribution to make to the debate.

**The Deputy Presiding Officer:** Mr Lochhead was not selected because I did not select him.

**Scott Barrie:** I will be brief. The argument has been well made that section 1A(1A) will allow the very things that the Parliament wanted to outlaw at stage 1—that is why it must be removed from the bill. As I said, I support the need for pest control and am happy for lurchers to be part of that process. However, lurchers should be used in the way that nature intended—to catch and stop foxes.

**Richard Lochhead:** I thank the member for allowing me to speak. I have been a member of Rural Development Committee for two years and

have learned that 70 per cent of foxes are shot when they are flushed from dens. Does the member agree that amendment 42 should be supported? As late as last week, when they visited Parliament, the foot packs posited two scenarios about which they were concerned. The first concern was that, when foxes are shot at and the gunmen miss, there should be protection from the law if a dog gets a fox's scent and naturally chases it and kills it. Indeed, that protection exists elsewhere in the bill and protects the foot packs. The second point is—

**The Deputy Presiding Officer:** I think that one point is reasonable, Mr Lochhead. Scott Barrie should respond to it.

**Scott Barrie:** I agree whole-heartedly with Richard Lochhead's first point and would probably have agreed with his second one, had he been allowed to make it.

We are trying to outlaw cruelty. The use of a pack of dogs or a lurcher to try to kill a wild animal, when we know perfectly well from science that that will not happen, is against what the bill is intended to do. That is why section 1A(1A) should be removed from the bill.

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

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

Before members vote, I point out that the clerks are of the view that I am overindulgent to members and that we are well behind the timetable.

The groupings with which we are dealing are due to be completed at 15.28—in seven and a half minutes. We may debate the amendments up until 15.28; thereafter, the remaining amendments in the section require simply to be voted on. That will still leave us significantly behind the agreed timetable.

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
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)  
Canavan, Dennis (Falkirk West)  
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
Cunningham, Roseanna (Perth) (SNP)  
Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
Elder, Dorothy-Grace (Glasgow) (SNP)  
Fabiani, Linda (Central Scotland) (SNP)  
Ferguson, Patricia (Glasgow Maryhill) (Lab)

Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
Gibson, Mr Kenneth (Glasgow) (SNP)  
Gillon, Karen (Clydesdale) (Lab)  
Godman, Trish (West Renfrewshire) (Lab)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Gray, Iain (Edinburgh Pentlands) (Lab)  
Harper, Robin (Lothians) (Green)  
Henry, Hugh (Paisley South) (Lab)  
Hughes, Janis (Glasgow Rutherglen) (Lab)  
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)  
Kerr, Mr Andy (East Kilbride) (Lab)  
Lamont, Johann (Glasgow Pollok) (Lab)  
Livingstone, Marilyn (Kirkcaldy) (Lab)  
Lochhead, Richard (North-East Scotland) (SNP)  
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)  
McGugan, Irene (North-East Scotland) (SNP)  
McLeish, Henry (Central Fife) (Lab)  
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)  
Oldfather, Irene (Cunninghame South) (Lab)  
Peacock, Peter (Highlands and Islands) (Lab)  
Peattie, Cathy (Falkirk East) (Lab)  
Robison, Shona (North-East Scotland) (SNP)  
Scott, Tavish (Shetland) (LD)  
Sheridan, Tommy (Glasgow) (SSP)  
Simpson, Dr Richard (Ochil) (Lab)  
Smith, Elaine (Coatbridge and Chryston) (Lab)  
Stephen, Nicol (Aberdeen South) (LD)  
Sturgeon, Nicola (Glasgow) (SNP)  
Thomson, Elaine (Aberdeen North) (Lab)  
Ullrich, Kay (West of Scotland) (SNP)  
Watson, Mike (Glasgow Cathcart) (Lab)  
Whitefield, Karen (Airdrie and Shotts) (Lab)  
Wilson, Allan (Cunninghame North) (Lab)  
Young, John (West of Scotland) (Con)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
Aitken, Bill (Glasgow) (Con)  
Brown, Robert (Glasgow) (LD)  
Crawford, Bruce JP (Mid Scotland and Fife) (SNP)  
Davidson, Mr David (North-East Scotland) (Con)  
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
Ewing, Mrs Margaret (Moray) (SNP)  
Fergusson, Alex (South of Scotland) (Con)  
Finnie, Ross (West of Scotland) (LD)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gallie, Phil (South of Scotland) (Con)  
Goldie, Miss Annabel (West of Scotland) (Con)  
Gorrie, Donald (Central Scotland) (LD)



Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lyon, George (Argyll and Bute) (LD)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 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)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 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)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 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)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 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)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

#### ABSTENTIONS

Douglas-Hamilton, Lord James (Lothians) (Con)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is as follows: For 72, Against 49, Abstentions 3.

*Amendment 42 agreed to.*

*Amendments 44 and 45 moved—[Ross Finnie]—and agreed to.*

*Amendment 46, 96, 47 and 97 not moved.*

*Amendment 48 moved—[Ross Finnie]—and agreed to.*

*Amendment 49 not moved.*

*Amendment 50 moved—[Fergus Ewing].*

**The Deputy Presiding Officer:** The question is that amendment 50 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)  
 Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 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)  
 Grahame, Christine (South of Scotland) (SNP)  
 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)  
 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)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 MacKay, Angus (Edinburgh South) (Lab)  
 Martin, Paul (Glasgow Springburn) (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)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 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)  
 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, 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)  
 Swinney, Mr John (North Tayside) (SNP)  
 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)  
 Wilson, Andrew (Central Scotland) (SNP)

#### AGAINST

Barrie, Scott (Dunfermline West) (Lab)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (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)  
 McLeish, Henry (Central Fife) (Lab)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Robison, Shona (North-East Scotland) (SNP)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Muldoon, Bristow (Livingston) (Lab)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 84, Against 33, Abstentions 2.

*Amendment 50 agreed to.*

*Amendment 51 moved—[Dr Sylvia Jackson].*

**The Deputy Presiding Officer:** The question is, that amendment 51 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (North-East Scotland) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 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)  
 Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 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)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 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)  
 Robison, Shona (North-East Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)

Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

#### AGAINST

Brown, Robert (Glasgow) (LD)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lyon, George (Argyll and Bute) (LD)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLetchie, David (Lothians) (Con)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Mundell, David (South of Scotland) (Con)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 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)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 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)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wilson, Andrew (Central Scotland) (SNP)

#### ABSTENTIONS

Cunningham, Roseanna (Perth) (SNP)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 74, Against 44, Abstentions 3.

*Amendment 51 agreed to.*

*Amendments 52 and 53 moved—[Ross Finnie]—and agreed to.*

#### **Section 1B—Exception: pest control (places unsafe for shooting)**

*Amendment 54 moved—[Ross Finnie]—and agreed to.*

**The Deputy Presiding Officer:** Amendment 55 is grouped with amendments 11 and 56.

**Alex Fergusson:** On line 10 of page 2, the bill seeks to ensure that when a wild mammal of a recognised pest species is flushed from its cover above or below ground, it is shot as soon as possible. That is a reasonable and sensible provision. However, there are many situations in which shooting is unsafe and others in which it is downright dangerous. Those include situations in which the animal is in or near buildings, near livestock, on roads and pathways and in plantations in which visibility is restricted. In such circumstances it is vital for the sake of animal welfare that more than one dog can be used to track, flush and dispatch recognised pests or vermin. Amendment 55 would allow for that.

Agreement to amendment 56 would be an absolute disaster. It would show a lack of understanding of how pest control is carried out with dogs in rural Scotland. Pest control protects people and livestock; without it, life for many farmers, land managers and gamekeepers would become almost impossible.

I move amendment 55.

**The Deputy Presiding Officer:** It is not possible to call anyone else to speak to the remaining amendments in the group.

The question is, that amendment 55 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**Phil Gallie:** Presiding Officer, will you take a point of order during the division?

**The Deputy Presiding Officer:** No.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 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)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)

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

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 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)  
 Canavan, Dennis (Falkirk West)  
 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)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 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, Etrick 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 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)  
 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)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)

#### ABSTENTIONS

Harper, Robin (Lothians) (Green)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Young, John (West of Scotland) (Con)

15:30

**The Deputy Presiding Officer:** The result of the division is: For 21, Against 98, Abstentions 3.

*Amendment 55 disagreed to.*

*Amendment 11 moved—[David Mundell].*

**The Deputy Presiding Officer:** The question is, that amendment 11 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)  
 Brown, Robert (Glasgow) (LD)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)

Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lyon, George (Argyll and Bute) (LD)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLetchie, David (Lothians) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Mundell, David (South of Scotland) (Con)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 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)  
 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)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 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)  
 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)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 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)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 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)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

McNeill, Pauline (Glasgow Kelvin) (Lab)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 46, Against 75, Abstentions 2.

*Amendment 11 disagreed to.*

*Amendment 56 moved—[Mr Alasdair Morrison].*

**The Deputy Presiding Officer:** The question is, that amendment 56 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 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)  
 Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)

Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North East Scotland) (SNP)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Robison, Shona (North East Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

#### AGAINST

Adam, Brian (North East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Crawford, Bruce JP (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)

Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lyon, George (Argyll and Bute) (LD)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLetchie, David (Lothians) (Con)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 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)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 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)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 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)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Ben (North East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

#### ABSTENTIONS

Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 71, Against 52, Abstentions 1.

*Amendment 56 agreed to.*

#### Section 1C—Excepted activities

*Amendment 57 moved—[Ross Finnie]—and agreed to.*

**The Deputy Presiding Officer:** We move to group 9. Amendment 58, in the name of the minister, is grouped with amendment 59.

*Amendments 58 and 59 moved—[Ross Finnie]—and agreed to.*

#### Section 1D—Exception: use of a dog in connection with falconry and shooting

*Amendment 60 moved—[Ross Finnie]—and agreed to.*

**The Deputy Presiding Officer:** We move to group 10. Amendment 27, in the name of Rhoda Grant, is grouped with amendment 24.

*Amendment 27 moved—[Rhoda Grant].*

**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

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)  
 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)  
 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)  
 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)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 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)  
 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)  
 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)  
 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)  
 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)  
 McLeish, Henry (Central Fife) (Lab)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McLetchie, David (Lothians) (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)  
 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)  
 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)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 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)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

#### AGAINST

Brown, Robert (Glasgow) (LD)  
 Finnie, Ross (West of Scotland) (LD)  
 Gorrie, Donald (Central Scotland) (LD)  
 Lyon, George (Argyll and Bute) (LD)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)

**ABSTENTIONS**

Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 113, Against 9, Abstentions 1.

*Amendment 27 agreed to.*

**Section 1E—Exception: search by authorised person**

*Amendment 61 moved—[Ross Finnie]—and agreed to.*

**Section 1F—Exception: use of dog where method of humane despatch not available**

*Amendment 62 moved—[Ross Finnie]—and agreed to.*

**The Deputy Presiding Officer:** We now come to amendment 63, in the name of Alex Fergusson, which is grouped with amendments 28, 29, 30, 31 and 64. I call Alex Fergusson to move amendment 63 and to speak to the other amendments in the group.

**Phil Gallie:** On a point of order, Presiding Officer. I apologise for trying to raise this point earlier, but I was trying to save the chamber time.

We have just deleted a major section of the bill. We have cleared several amendments without any debate. Is it possible at this stage for the matter to be referred back to the business managers to extend the time for the debate?

**The Deputy Presiding Officer:** No. The timetabling motion was agreed earlier. We are bound to stick with that.

**Alex Fergusson:** The lack of time perhaps explains our opposition to the timetabling motion.

Amendment 63 is vital for animal welfare—as, indeed, is the whole of section 1F. My arguments in support of amendment 55 apply also to amendment 63. I do not need to rehearse them again. Indeed, as half the chamber seems to be leaving, there is not much point.

The argument is simple. There are occasions when the use of more than one dog provides the quickest and most efficient means of dispatching a verminous animal. To deny that fact is to deny the reality of pest control as it operates in Scotland today.

In its stage 1 report, the Rural Development Committee agreed unanimously that

“The principle of this Bill is focussed on the use of dogs which, while well intentioned, misses the point that dogs can be used in both a cruel and a humane way.”

Voting against amendment 63 and deleting section 1F would prevent dogs from being used humanely. There is a saying that goes, “You sometimes have

to be cruel to be kind.” This is not one of those instances; this is about the humane dispatch of recognised vermin. I urge members to ensure the continuance of humane dispatch by accepting amendment 63 and so ensuring, crucially, that section 1F remains in the bill.

I move amendment 63.

**The Deputy Presiding Officer:** I call Bristow Muldoon to speak to amendment 64 and other amendments in the group.

**Bristow Muldoon:** Section 1F is another of the key sections that create the loopholes that have already been referred to. It is essential that section 1F is deleted. That is what amendment 64 would do.

Like section 1B, which we just passed over—unfortunately, without debate—section 1F addresses situations where shooting is seen to be unsafe. Unlike section 1B, section 1F requires the situation to be unsafe for shooting before a dog may be used. It is not a matter of a dog handler allowing a dog to be used simply because they feel that the situation is unsafe for shooting.

There are significant problems with section 1F. No permission is required from the landowner, which means that even if a fox baiter were committing the civil offence of trespass, they would be exempt from the law banning hunting if they deemed the situation to be unsafe for shooting.

One of the strengths of the bill that Mike Watson introduced is that it would have enabled the police to address the problem of poaching, which has plagued the Scottish countryside for a long time. The bill originally said that using a dog to kill a hare or a fox was not just trespass and not just—in the case of hares—a breach of the game laws, but hunting.

Section 1F would allow fox and hare coursing in open land close to footpaths, where there might be ramblers, and next to roads and railways, where shooting would be unsafe. We are told that that is justified because of the perceived need to allow fox and hare coursing to proceed in urban areas where shooting is unsafe.

We have been told why trapping rather than coursing is the way to deal with troublesome urban foxes. The British Pest Control Association has said that live trapping is the appropriate means of dealing with such foxes. That view is shared by the SSPCA. That fact alone justifies the removal of section 1F. If it is unsafe to shoot, do not shoot. People can trap or they can wait until the situation becomes safe.

I urge members to vote for amendment 64 and to delete section 1F. The amendments that attempt to amend the section do not improve it. It



needs to be deleted.

**Fergus Ewing:** If people were to shoot where it is unsafe to do so, they would quickly find themselves in trouble with the police. Bristow Muldoon's point is irrelevant.

Today is probably the last chance to allow the bill to contain a provision that enables gamekeepers' work, terrier work and other legitimate pest control work to be carried out in ways that are necessary. According to a deputy chief constable to whom I spoke today, it would be totally wrong to use a rifle to shoot a fox at the side of the road. A dog might have to be used instead.

What happens if a mink gets into a chicken hut? Can a gun be used? I do not think so. The only way to dispose of the mink is to use a terrier. A trap would not work as the mink would not go into it as long as there were chickens to eat. If someone tries to shoot a mink that finds itself in a turkey hut, the turkeys' reaction will be to move to one end of the hut and die of suffocation.

None of the provisions in the bill, other than section 1F, would allow the necessary use of dogs in such cases. There are countless more.

Are the ministers and others who say that they believe that pest control is necessary prepared to vote for it? Do we know better than all the bodies who have advised us that they need to continue to have the right to use a dog in exceptional but important cases for the humane dispatch of the quarry?

**Linda Fabiani:** Section 1F, like section 1B, admits a loophole that would allow coursing, killing and baiting with a dog. I am clear that when the Parliament voted, by 84 to 34, for the general principles of the bill, its primary intention was to outlaw fox baiting, hare coursing and mounted hunts. We wanted to ban those activities because it is wrong to cause suffering to a wild mammal for entertainment. We were also clear that we wanted legitimate pest control to continue. Section 1F allows so much to be done to a pest species that fox baiting and hare coursing are allowed back into the bill.

If someone's only humane action in relation to an animal is to set a dog on it, I contend that they must be in a pretty unusual situation. For example, a man going fox baiting with a terrier and a spade can either batter the fox to death with his spade or bait it with his terrier. If he chose baiting, he would be exempted by section 1F because the alternative was less humane. Section 1F allows baiting in such circumstances. I believe that comparable situations would exist with hare and fox coursing.

15:45

**Alex Johnstone (North-East Scotland) (Con):** Will Linda Fabiani take an intervention?

**Linda Fabiani:** No.

**Alex Johnstone:** Will she take a point of information?

**Linda Fabiani:** No thank you.

If someone were really undertaking legitimate pest control activity, they would have the option of shooting the wild mammal. If they were pursuing the sport of falconry, they would have the option of killing with a bird of prey. Both are allowed for in the bill.

Section 1F is dangerous. If we are to have a competent bill, the section must be removed completely. I urge the Parliament to vote for amendment 64 and to vote against the other amendments in the group.

**The Deputy Presiding Officer (Mr Murray Tosh):** During that debate, Mr Mundell returned to the chamber. He has the right to speak to amendments 28 to 31 if he wishes. If he exercises that right, I will allow Linda Fabiani to respond further.

**David Mundell:** I apologise for my discourtesy to members by not being in the chamber when the debate on this group of amendments commenced.

The amendments that I have lodged would put section 1F in a much more workable form. Incredibly for the bill, they would introduce some animal welfare considerations. Amendment 31, which refers to animal welfare in the context of pest control, should meet all the concerns of those who have objected to section 1F.

I am absolutely opposed to amendment 64, which is an attempt to remove important safeguards from the bill. Those safeguards are all the more important following the deletion of "or a dog" from section 1A(1). If we remove them, we will have none left, and the bill will ultimately be, as some have always thought, a vehicle for gradually clearing the countryside of traditional country activities and those employed in them.

**Linda Fabiani:** Section 1F is not capable of improvement. Again I urge members to vote for amendment 64 and to oppose the others in this group.

**The Deputy Presiding Officer:** The question is, that amendment 63 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)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lyon, George (Argyll and Bute) (LD)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Ben (North-East Scotland) (Con)

**AGAINST**

Adam, Brian (North-East Scotland) (SNP)  
 Alexander, Ms Wendy (Paisley North) (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)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)

Lochhead, Richard (North-East Scotland) (SNP)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 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)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

**ABSTENTIONS**

Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 27, Against 90, Abstentions 1.

*Amendment 63 disagreed to.*

*Amendment 28 moved—[David Mundell].*

**The Deputy Presiding Officer:** The question is, that amendment 28 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**FOR**

Aitken, Bill (Glasgow) (Con)  
 Brown, Robert (Glasgow) (LD)

Davidson, Mr David (North-East Scotland) (Con)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 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)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lyon, George (Argyll and Bute) (LD)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Mundell, David (South of Scotland) (Con)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 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)  
 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)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Wilson, Andrew (Central Scotland) (SNP)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 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)  
 Canavan, Dennis (Falkirk West)  
 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)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 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)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (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)  
 Robison, Shona (North-East Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 39, Against 75, Abstentions 1.

*Amendment 28 disagreed to.*

*Amendment 29 moved—[David Mundell].*

**The Deputy Presiding Officer:** The question is, that amendment 29 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)  
 Brown, Robert (Glasgow) (LD)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)

Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lyon, George (Argyll and Bute) (LD)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 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)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 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)  
 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)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)

Lochhead, Richard (North-East Scotland) (SNP)  
 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)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 McLeod, Fiona (West of Scotland) (SNP)  
 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)  
 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)  
 Robison, Shona (North-East Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 42, Against 73, Abstentions 1.

*Amendment 29 disagreed to.*

*Amendment 30 moved—[David Mundell].*

**The Deputy Presiding Officer:** The question is, that amendment 30 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)

Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lyon, George (Argyll and Bute) (LD)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 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)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Wilson, Andrew (Central Scotland) (SNP)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 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)  
 Canavan, Dennis (Falkirk West)  
 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)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 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)  
 Robison, Shona (North-East 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)  
 Stephen, Nicol (Aberdeen South) (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)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 36, Against 83, Abstentions 1.

*Amendment 30 disagreed to.*

*Amendment 31 moved—[David Mundell].*

**The Deputy Presiding Officer:** The question is, that amendment 31 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)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)

Mundell, David (South of Scotland) (Con)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 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)  
 Canavan, Dennis (Falkirk West)  
 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)  
 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)  
 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)  
 Grahame, Christine (South of Scotland) (SNP)  
 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)  
 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)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)

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)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 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)  
 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)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 19, Against 98, Abstentions 1.

*Amendment 31 disagreed to.*

*Amendment 64 moved—[Bristow Muldoon].*

**The Deputy Presiding Officer:** The question is, that amendment 64 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 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)  
 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)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)

Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 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)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Robison, Shona (North-East Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)

Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lyon, George (Argyll and Bute) (LD)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 McGregor, Mr Jamie (Highlands and Islands) (Con)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 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)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 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)  
 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)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

#### ABSTENTIONS

Cunningham, Roseanna (Perth) (SNP)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 69, Against 47, Abstentions 3.

*Amendment 64 agreed to.*

#### Section 1G—Exception: injured or diseased mammals

*Amendment 65 moved—[Ross Finnie]—and agreed to.*

**The Deputy Presiding Officer:** We now come to amendment 66, which is in a group of its own.

**Mr John McAllion (Dundee East) (Lab):** Amendment 66 is supported by many and would leave out section 1G, which is the section that allows a dog to be used

“to despatch a wild mammal for the purpose of preventing suffering to the mammal, where the person reasonably believes that the mammal is injured or diseased.”

We have two objections to section 1G. The first concerns the treatment of hares. Supporters of the section would be hard put to explain how it would stop hare coursing if poachers honestly believed that the hare was limping, otherwise injured or diseased. The poachers could also claim that the

hare was diseased. The section does not require humane treatment, the landowner's permission or a firearms or shotgun certificate.

**Alex Johnstone:** Will the member give way?

**Mr McAllion:** No.

As far as hare coursing is concerned, section 1G would defeat one of the principles that the Parliament supported at stage 1. I have often been described as a wrecker. I detect the work of other wreckers—wreckers of a different kind—behind section 1G.

Our second objection to section 1G relates to the activities of hunts. Mike Watson and others have explained that the bill already enables those with a legitimate reason, hill packs, gamekeepers and landowners to fire at—and sometimes wound—a fox and to kill it humanely if it has been wounded. I refer to section 3(1)(c), which provides that dogs can be used to locate wounded foxes, provided only that

“the mammal, once located, is captured, treated or killed as humanely as possible in order to relieve its suffering”.

Scott Barrie dealt with that.

Our objection is that section 1G is not only unnecessary but positively harmful. Consider a future scenario, which could become reality if section 1G is allowed to remain. Try to imagine an old, established hunt that is resentful and bitter about the end of fox hunting but, determined to carry on indulging the love of horses and of the countryside, votes to continue with drag hunting. The huntsmen are out chasing the drag around the hunt master's estate, when they spy a fox. The hounds, which are well trained, would no more change course than any huntsman would allow them to do so if a fresh fox happened to cross the path of a tired fox. In this future scenario, a drag is being chased instead of a tired fox.

In this case, however, the hunt master decides to change course. The hounds go tearing after the fox and eventually wear it down and kill it. It so happens that the whole event is filmed by animal welfare monitors, who hand the film over to the police. The police arrest and charge the hunt master and the professional huntsmen. In the court, the hunt master's plea is that, having been a hunt master for 30 years of his life, he knows foxes as well as anyone can and has a respect for them both as friend and foe. With his hand on his heart, he tells the court, “The fox we hunted I believed to be injured or diseased.”

16:00

Even if there were a post mortem that showed that the fox was not injured or diseased—which would depend on the estate's giving up the fox for such a post mortem—how could it be proved that

the hunt master of 30 years was not telling the truth? It would not be possible to tell whether he was telling the truth. Those who argue that laws have to be clear, unambiguous and workable cannot support the continued inclusion of section 1G, because it is none of those things. The section deserves to be deleted.

I move amendment 66.

**David Mundell:** Mr McAllion has clearly not read section 1(1). If hunters intending to go out on a drag hunt come across a fox and their dogs chase the fox, no crime has been committed.

**Mr McAllion:** We are dealing with section 1G.

**David Mundell:** Section 1(1), which is about intention, has not been amended. If, when people who are out drag hunting on horseback, wearing red coats and shouting “Tally-ho”—the whole works—come across a fox and their dogs chase the fox, that is not a crime. Members have been conned into voting for a bill that they think bans hunting and into taking out the provisions that relate to legitimate gamekeeping activities.

**Mr Rumbles:** I support David Mundell's comments. Amendment 66 is badly mistaken and typical of the attempts that have been made to close so-called loopholes in the bill. In doing that, members have had a go at gamekeepers, farmers in upland Scotland and hill packs. What David Mundell just said is absolutely correct. The amendment shows the completely wrong direction of the bill. The member who introduced the bill said that it was about cruelty in sport. The bill should have been about that, but it no longer is.

**The Deputy Presiding Officer:** I understand that Mr Muldoon has waived his right to respond and that Tricia Marwick will speak in his place.

**Tricia Marwick:** I refer members to the text of section 1G. It states:

“A person does not contravene section 1(1) by using a dog to despatch a wild mammal for the purpose of preventing suffering to the mammal, where the person reasonably believes that the mammal is injured or diseased.”

That means that people can go out on horseback, take dogs with them and, if a fox limps by—or someone thinks that they saw a fox limp by—a mounted fox hunt can take place. It is critical that section 1G be removed from the bill, as it would allow mounted fox hunts to continue. The section was introduced through one of the wrecking amendments that were lodged at stage 2. The section must be removed—let us go for it.

**Mr McAllion:** In my opening remarks, I stated that a hunt master could take a decision to change course and send his dogs after a fox that is perceived to be wounded, injured or diseased in some way. David Mundell failed to pick up on that



key point. People who want to drive a coach and horses through the bill would have lodged exactly the kind of amendment that inserted section 1G at stage 2. The people who support the retention of section 1G are either intentional wreckers of the bill or fools. It is up to them to make up their mind which they are.

**The Deputy Presiding Officer:** Do you wish to press amendment 66?

**Mr McAllion:** Yes.

**The Deputy Presiding Officer:** The question is, that amendment 66 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (North-East Scotland) (SNP)  
 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)  
 Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 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)  
 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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 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)  
 Robison, Shona (North-East Scotland) (SNP)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lyon, George (Argyll and Bute) (LD)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 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)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 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)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)

#### ABSTENTIONS

Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Scott, Tavish (Shetland) (LD)

**The Deputy Presiding Officer:** The result of the division is: For 83, Against 37, Abstentions 2.

*Amendment 66 agreed to.*

#### Section 3—Exception: retrieval and location

*Amendment 67 moved—[Ross Finnie]—and agreed to.*

**The Deputy Presiding Officer:** Amendment 68 is grouped with amendments 70, 71, 98, 99, 72, 100 and 85. I point out that amendment 98 does not pre-empt amendment 99.

**Fergus Ewing:** The purpose of amendment 68 is to leave out the word “seriously” from section 3(1)(c). The requirement should be that the person who is retrieving or is in charge of the retrieval or location of a wild mammal should have a reasonable belief that the mammal is injured. To state that the person must know that the animal is “seriously” injured introduces an additional hurdle and raises the question what the word “seriously” means. I think that that would be impossible to define.

Amendment 99 is similar to amendment 50, which was agreed to earlier—somewhat to my surprise—and provides that a person “takes reasonable steps”, rather than “acts to ensure”. That means that the person in charge of the retrieval or location of the mammal must take reasonable steps

“to ensure that the mammal, once located, is captured, treated or killed as humanely as possible in order to relieve its suffering”.

It is not possible to act to “ensure” that that will happen. That is why I propose the phrase “reasonable steps”, with which Scots law is well acquainted.

I move amendment 68.

**Ross Finnie:** Executive amendments 70, 71, 72 and 85 amend the definition of “orphaned” to mean a fox whose mother is dead and which is too young to survive. As a consequence, amendments 70 and 72 remove references to “cub” and amendment 71 removes a reference to feeding. The amendments make the legislation more workable without altering the meaning agreed in committee.

We have no particular view on amendment 68, although it might add clarity. We believe that

amendments 98 and 99 are alternatives. Of the two, we have consistently preferred the standard of “takes reasonable steps”; therefore we prefer amendment 99. We reject amendment 100.

**Alex Fergusson:** Amendment 100 aims to provide an important degree of flexibility so that orphaned fox cubs can be dispatched as quickly as possible. To deny a gamekeeper or any other pest control operative the right to finish off an unpleasant task as quickly as possible would increase cruelty—a subject that Mike Watson once declared to be the central point of the bill—and would force the operative to act in a way that was against his or her nature.

I have often said that there is no pleasant or nice way to die. Let us ensure that orphaned cubs get as quick and humane a death as possible by supporting amendment 68.

**The Deputy Presiding Officer:** I now call Lord James Douglas-Hamilton.

**Lord James Douglas-Hamilton (Lothians) (Con):** I think there has been an error, Presiding Officer.

**The Deputy Presiding Officer:** The error must have been on your part because your name was on my screen.

At this stage, I would have called Bristow Muldoon or Tricia Marwick to respond. As neither of them is present, I invite any of the other supporters of the bill to speak. Bristow Muldoon has returned to the chamber, so I offer him the opportunity to respond to the debate on the group of amendments.

**Bristow Muldoon:** We had nominated Cathy Peattie to respond.

**Cathy Peattie (Falkirk East) (Lab):** If I was to take my lovely wee soft toy fox and pull it to bits, everyone here would be appalled, so why do people justify doing that to a live animal? Similar arguments apply to hare coursing and other barbaric country pursuits. The bill is meant to end that barbarism. The Rural Development Committee has done much to undermine the bill and today it is our job to rescue it.

I am happy to comment on the amendments on behalf of the MSPs who support the bill. First, I support the Executive amendments in the group and oppose all other amendments. The other amendments, like those in an earlier group, would weaken the bill.

It is worth reminding ourselves that the gamekeepers told the Rural Development Committee that the requirements that are being built into the bill are not as restrictive as their own code of conduct. If the gamekeepers are not asking for the rules to be relaxed, who is? I make

the same point as I have made before: the Rural Development Committee was not minded to relax the humaneness requirements of the bill so I am not sure why we would want to do that now.

I ask members to bear in mind the words of the bard when he wrote about fox hunting and other forms of hunting:

"Tyrannic man's dominion;  
The Sportsman's joy, the murd'ring cry,  
The flutt'ring gory pinion!"

David Mundell talks about tradition; I think that it is time to end such a tradition and I ask every member to vote to end fox hunting in Scotland.

**The Deputy Presiding Officer:** Before I move on, I stress to members that, of right, I call the minister and lead member. If other members are closing on a group of amendments in place of the lead member, it is important that they press their buttons.

The question is, that amendment 68 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)  
Davidson, Mr David (North-East Scotland) (Con)  
Douglas-Hamilton, Lord James (Lothians) (Con)  
Ewing, Dr Winnie (Highlands and Islands) (SNP)  
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
Ewing, Mrs Margaret (Moray) (SNP)  
Fergusson, Alex (South of Scotland) (Con)  
Finnie, Ross (West of Scotland) (LD)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gallie, Phil (South of Scotland) (Con)  
Godman, Trish (West Renfrewshire) (Lab)  
Goldie, Miss Annabel (West of Scotland) (Con)  
Gorrie, Donald (Central Scotland) (LD)  
Grahame, Christine (South of Scotland) (SNP)  
Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
Harding, Mr Keith (Mid Scotland and Fife) (Con)  
Home Robertson, Mr John (East Lothian) (Lab)  
Hyslop, Fiona (Lothians) (SNP)  
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
Johnstone, Alex (North-East Scotland) (Con)  
Lyon, George (Argyll and Bute) (LD)  
MacDonald, Ms Margo (Lothians) (SNP)  
McGrigor, Mr Jamie (Highlands and Islands) (Con)  
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)  
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
Neil, Alex (Central Scotland) (SNP)  
Paterson, Mr Gil (Central Scotland) (SNP)  
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)

Russell, Michael (South of Scotland) (SNP)  
Scanlon, Mary (Highlands and Islands) (Con)  
Scott, John (Ayr) (Con)  
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)  
Swinney, Mr John (North Tayside) (SNP)  
Wallace, Mr Jim (Orkney) (LD)  
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)  
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)  
Cunningham, Roseanna (Perth) (SNP)  
Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
Fabiani, Linda (Central Scotland) (SNP)  
Ferguson, Patricia (Glasgow Maryhill) (Lab)  
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
Gibson, Mr Kenneth (Glasgow) (SNP)  
Gillon, Karen (Clydesdale) (Lab)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Gray, Iain (Edinburgh Pentlands) (Lab)  
Harper, Robin (Lothians) (Green)  
Henry, Hugh (Paisley South) (Lab)  
Hughes, Janis (Glasgow Rutherglen) (Lab)  
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)  
Kerr, Mr Andy (East Kilbride) (Lab)  
Lamont, Johann (Glasgow Pollok) (Lab)  
Livingstone, Marilyn (Kirkcaldy) (Lab)  
Lochhead, Richard (North-East Scotland) (SNP)  
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)  
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
McGugan, Irene (North-East Scotland) (SNP)  
McLeish, Henry (Central Fife) (Lab)  
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)  
Murray, Dr Elaine (Dumfries) (Lab)  
Oldfather, Irene (Cunninghame South) (Lab)  
Peacock, Peter (Highlands and Islands) (Lab)

Peattie, Cathy (Falkirk East) (Lab)  
 Robison, Shona (North-East Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 46, Against 72, Abstentions 1.

*Amendment 68 disagreed to.*

*Amendments 69 to 71 moved—[Ross Finnie]—and agreed to.*

*Amendment 98 not moved.*

*Amendment 99 moved—[Fergus Ewing].*

16:15

**The Deputy Presiding Officer:** The question is, that amendment 99 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)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 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)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 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)  
 Grahame, Christine (South of Scotland) (SNP)  
 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)  
 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)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 MacKay, Angus (Edinburgh South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Lothians) (Con)  
 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)  
 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)  
 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, 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)  
 Swinney, Mr John (North Tayside) (SNP)  
 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)  
 Wilson, Andrew (Central Scotland) (SNP)

#### AGAINST

Barrie, Scott (Dunfermline West) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Hyslop, Fiona (Lothians) (SNP)

Ingram, Mr Adam (South of Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 Robison, Shona (North-East Scotland) (SNP)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Muldoon, Bristow (Livingston) (Lab)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 86, Against 30, Abstentions 2.

*Amendment 99 agreed to.*

*Amendment 72 moved—[Ross Finnie]—and agreed to.*

*Amendment 100 moved—[Alex Fergusson].*

**The Deputy Presiding Officer:** The question is, that amendment 100 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)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 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)  
 Johnstone, Alex (North-East Scotland) (Con)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 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)  
 Canavan, Dennis (Falkirk West)  
 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)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 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)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 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)  
 Robison, Shona (North-East Scotland) (SNP)  
 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)  
 Sturgeon, Nicola (Glasgow) (SNP)  
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 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 28, Against 91, Abstentions 1.

*Amendment 100 disagreed to.*

#### Section 4—Arrest, search and seizure

**The Deputy Presiding Officer:** Amendment 13 is grouped with amendment 15.

**David Mundell:** I am hopeful—no, I am not hopeful. [*Laughter.*] Let us not kid anyone. I would like members who support the bill to set out in the debate on this group why they believe that the criminal powers that are contained in section 4 are required for offences of the nature listed in the bill. I hope that that involves not just reading from a brief or quoting from the Rural Development Committee, but setting out coherently and cogently why the crimes require such measures.

The measures are completely over the top. If members were discussing any other issue and were concerned with civil liberties, they would not allow legislation to be passed that contains a phrase such as “appears to belong to”. The phrase is totally meaningless; it allows too great an infringement of an individual’s personal liberties relative to the offence. The phrase should be rejected unless it can be coherently argued for.

My view is that the bill does not provide sufficient safeguards in respect of animals that are seized or detained in the course of an arrest or a criminal inquiry. Amendment 15 is an attempt to insert a subsection that would require animals, birds of prey or possibly even fish to be cared for immediately after they are seized or detained. Amendment 15 also attempts to address a legitimate concern among people who feel threatened by the bill that animals—some of which

may be very valuable or highly trained—could be put down because no proper arrangement has been made for them.

It is regrettable that, although we hear a great deal about the welfare of foxes from members, including Cathy Peattie, we do not hear about the welfare of rabbits. Cathy Peattie may have a stuffed fox on her desk, but she is in favour of rabbits being torn apart by dogs. If she thought that that was cruel, she could have included a provision in the bill to outlaw it.

Amendment 15 would allow animals that are seized or detained to be kept and not put down without the consent of the owner.

I move amendment 13.

**Allan Wilson:** The police are already under a duty to look after properly animals that are seized. The duty is similar to the duty to look after articles or other evidence that is seized in a case. If an animal becomes evidence in a case, the responsibility passes to the Crown, which also has a duty to care properly for it. The Executive regards it as highly unlikely that animals would be used as evidence in cases, but Mr Mundell’s amendment 15 appears to place all the responsibility to care for seized animals on the police. That is not an accurate statement of the position.

As members can imagine, financial consequences would flow from the provisions in amendment 15. The Executive invites the Parliament to reject the amendment.

**The Deputy Presiding Officer:** I understand that, in this case, Mr Muldoon has waived his right to respond in favour of John Young.

**John Young (West of Scotland) (Con):** Some have said that I must feel like a fox surrounded by hounds. I emphasise that I am surrounded by very nice hounds.

I regret that David Mundell has lodged amendments that were rejected previously by the Rural Development Committee. His amendment 13 was defeated by seven votes to four in committee and his amendment 15 was withdrawn in the face of opposition from the Executive and the SSPCA. I am not sure why he has chosen to lodge the amendments again at stage 3. I am sure that David will forgive me if I express my gratitude to the Presiding Officers for not selecting some of his other more imaginative amendments.

Amendment 13 would restrict the ability of a constable to search vehicles. It is curious that David wants to do that. For some 43 years I have been a paid-up member of the Conservative party. I have always found the party to be a vigorous supporter of law and order. I hope that David will reconsider the matter.

I oppose amendment 15 for the same reason that the Executive and the SSPCA opposed it at stage 2. As the minister said, the police have a duty of care. The SSPCA does not believe that a criminal dog owner should be able to prevent the humane or mercy killing of a dog.

**David Mundell:** I am not persuaded by Mr Young. I have not been alive for 43 years, never mind been a member of the Conservative party for that length of time. I congratulate John in that regard; indeed, it is one of his activities that we will encourage.

The situation today is exactly the same as it was at the Rural Development Committee. No arguments have been advanced in support of this draconian criminal provision, apart from the comment that the matter is serious; indeed, it is treated more seriously than many drugs-related offences. I fully accept the minister's legitimate concerns about the public purse. I will raise that matter when I speak to another amendment, because I am concerned that the Executive and the Crown Office will pass on the cost of keeping dogs that have been seized to people who are prosecuted.

The safeguard outlined in amendment 15 is necessary for those who have their dogs taken away; those dogs should not be put down without a by-your-leave.

I will press amendment 13 and amendment 15.

**The Deputy Presiding Officer:** The question is, that amendment 13 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)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lyon, George (Argyll and Bute) (LD)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 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)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Wallace, Ben (North-East Scotland) (Con)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 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)  
 Canavan, Dennis (Falkirk West)  
 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)  
 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)  
 Finnie, Ross (West of Scotland) (LD)  
 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)  
 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)  
 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)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 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)  
 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)  
 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)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 23, Against 98, Abstentions 1.

*Amendment 13 disagreed to.*

*Amendment 15 moved—[David Mundell].*

**The Deputy Presiding Officer:** The question is, that amendment 15 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 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)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (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)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 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)  
 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)  
 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)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 19, Against 99, Abstentions 1.

*Amendment 15 disagreed to.*

#### Section 5—Proceedings and penalties

**The Deputy Presiding Officer:** Amendment 73 is grouped with amendment 75. As we are running badly behind time, I ask the minister to be very brief. I shall then allow the member in charge to respond briefly and we will go straight to a decision.

16:30

**Ross Finnie:** Amendments 73 and 75 are technical amendments. Both replace the word “negligence” with the word “neglect”, which, I understand, is the recognised criminal terminology.

I move amendment 73.

**The Deputy Presiding Officer:** I am grateful to the minister for that brief speech. I understand that Bristow Muldoon will defer to Scott Barrie on this group of amendments. He has one minute.

**Scott Barrie:** Amendments 73 and 75 are technical amendments. David Mundell made a mistake during stage 2—he persuaded the committee to delete certain phrases, but those that he persuaded the committee to insert are not quite as accurate as he said they were. It is just as well that we are fortunate enough to have the Scottish

Executive lawyers to second-guess him.

*Amendment 73 agreed to.*

**The Deputy Presiding Officer:** Amendment 74 is grouped with amendments 76, 77 and 32.

**Allan Wilson:** Amendments 74 and 77 are technical amendments that tidy up the drafting. The Executive has no strong views on amendment 76. However, we recommend that Parliament rejects amendment 32, which is also in the name of David Mundell. Amendment 32 subverts the purpose of section 5(7), which is to make an accused who finds himself pleading a defence prove things that are in his particular knowledge. It attempts to extend the protection that is offered in section 5(7) to all exceptions in the bill. An accused would simply have to claim that they thought that they were acting in any of the ways that are identified as possible exceptions in order to enjoy that protection. In our view, that would make the bill unworkable. For those reasons, we strongly suggest that members do not agree to amendment 32.

I move amendment 74.

**The Deputy Presiding Officer:** I point out to members that, if amendment 76 is agreed to, amendments 77 and 32 will be pre-empted.

I call David Mundell to speak to amendments 76 and 32. I would be grateful if he is as brief as the minister was.

**David Mundell:** I will be brief, Presiding Officer.

Throughout the Rural Development Committee's consideration of the bill, we had the benefit of the presence of a vast array of Scottish Executive lawyers, only they chose not to speak.

I do not accept the minister's analysis of amendment 32. What is the point of introducing exceptions only to seek to limit their application? I am seeking to extend the provisions under section 5(7) to cover all the exceptions that we have discussed today, although, on the basis of what has happened so far, I do not think that there are any exceptions. It is important that we keep the bill consistent and that we allow people who genuinely thought that they were acting in accordance with one of the exceptions to say that that was what they were doing.

I am pleased that the Executive feels able not to condemn amendment 76. I hope that that amendment will garner support from members.

**The Deputy Presiding Officer:** I understand that the member in charge of the bill has delegated the response to the debate on this group of amendments to Brian Fitzpatrick.

**Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab):** I will be brief, Presiding Officer.

I am happy to support the Executive's amendments, but David Mundell's amendment 76 raises a particular problem. I want the valuable defence under section 5(7) to remain. It is not the intention that innocent people should be convicted and section 5(7) provides them with a defence. Landowners and dog owners who are establishing that they believe that land or dogs were being used for legitimate purposes could make that defence. That seems reasonable in the circumstances and accordingly I ask members to support the Executive's amendments and to reject those of David Mundell.

**The Deputy Presiding Officer:** Do you require to wind up, minister?

**Allan Wilson:** No.

*Amendment 74 agreed to.*

*Amendment 75 moved—[Ross Finnie]—and agreed to.*

**David Mundell:** I will not move amendment 76. I always understood that it was consequential to amendments 2 and 3, which were rejected.

*Amendment 76 not moved.*

*Amendment 77 moved—[Ross Finnie]—and agreed to.*

*Amendment 32 moved—[David Mundell].*

**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

Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 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)  
 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)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

#### 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)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 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)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 McLeod, Fiona (West of Scotland) (SNP)  
 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)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 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)  
 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)  
 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)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 24, Against 94, Abstentions 1.

*Amendment 32 disagreed to.*

*Amendment 18 moved—[Alex Fergusson].*

**The Deputy Presiding Officer:** The question is, that amendment 18 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 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)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Ullrich, Kay (West of Scotland) (SNP)  
 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)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (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)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 Grahame, Christine (South of Scotland) (SNP)  
 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)  
 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)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
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 McLeish, Henry (Central Fife) (Lab)  
 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)  
 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)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robison, Shona (North-East Scotland) (SNP)  
 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)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)

#### ABSTENTIONS

Reid, Mr George (Mid Scotland and Fife) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 22, Against 95, Abstentions 1.

*Amendment 18 disagreed to.*

#### Section 6—Disqualification orders

**The Deputy Presiding Officer:** We now move to group 17. I call Dr Sylvia Jackson to speak to and move amendment 78, which is grouped with amendments 19 to 22 and 79 to 82.

**Dr Jackson:** The SSPCA has great concerns about section 6. Section 6(1) does not differentiate disqualification orders regarding dogs that are already in the custody of a person who has committed an offence of hunting and disqualification orders regarding dogs in general. Other legislation, such as the Protection of Badgers Act 1992 and the Protection of Animals (Scotland) Act 1912, makes such a distinction. Amendment 78 brings the bill into line with those two acts.

In conjunction with amendments 80, 81 and 82, amendment 78 protects dogs from having their welfare compromised in that context. It provides for the courts to impose two types of disqualification orders: paragraph (a) covers specific dogs in ownership at the time of the offence and paragraph (b) covers dogs in general. I urge members to support amendment 78.

Section 6(1) could require dogs to be kept in kennels for two or more years awaiting the outcome of an owner's appeal. My amendments also try to lessen that.

I give a word of caution on amendment 19, which would leave out the word "permanent". The word "permanent" is required to ensure the

animal's long-term welfare, so I suggest that members oppose the amendment.

On amendment 20, "disposal" does not necessarily mean destruction; it can refer to relocation to another permanent home. Until permanent arrangements are made for the disposal—ideally the re-homing—of a dog, the owner should be required to pay for its upkeep. As I said, that should not be over a long period, as other amendments make that period shorter.

Amendment 21 refers to the offender's responsibility to pay for the care of a confiscated dog. It recommends that the costs of care plus any fine imposed by the court should not amount to more than the maximum fine that may be imposed. I cannot go into detail on the amendment, but I suggest that members oppose both it and amendment 22.

Amendment 79 is a drafting amendment and, as I said, amendments 80, 81 and 82 deal with aspects of the bill that the SSPCA is most concerned about, relating to the welfare of the dogs.

I move amendment 78.

**The Deputy Presiding Officer (Mr George Reid):** I call David Mundell to speak to amendments 19 to 22. The knife will fall at 16:43.

**David Mundell:** I listened carefully to what Sylvia Jackson said and I have spoken to the SSPCA. The SSPCA is an important organisation, but that does not necessarily mean that it is right. Parliamentarians must make the decisions. Too often in this debate, matters have been focused on as a result of briefings and members have not considered the issues for themselves. Accordingly, I oppose amendment 78, which is far too draconian.

Amendment 19 seeks to clarify the drafting of section 6(1). Arrangements that are made for dogs are not necessarily permanent. I do not accept what Sylvia Jackson said about the amendment. On amendment 20, the word "disposal" ultimately implies final disposal and should not be in the bill either.

Amendment 21 is important in that it seeks to ensure that the will of Parliament is not changed by the fact that people will face costs for the keeping of their dogs that greatly exceed the amount that they could be fined. The minister said that the Executive is conscious of costs. I am sure that Mr Wallace and everybody in the criminal justice system is conscious of costs. I lodged amendment 21 so that the Parliament's will in respect of fines would be upheld.

**The Deputy Presiding Officer:** The question is, that amendment 78 be agreed to. Are we agreed?

**Members: No.**

**The Deputy Presiding Officer:** There will be a division.

**For**

Adam, Brian (North-East Scotland) (SNP)  
 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)  
 Canavan, Dennis (Falkirk West)  
 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)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 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)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)

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)  
 Robison, Shona (North-East Scotland) (SNP)  
 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)  
 Stephen, Nicol (Aberdeen South) (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)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)

**AGAINST**

Aitken, Bill (Glasgow) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lyon, George (Argyll and Bute) (LD)  
 McGregor, 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)  
 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Iain (North-East Fife) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Young, John (West of Scotland) (Con)

**ABSTENTIONS**

Smith, Mrs Margaret (Edinburgh West) (LD)

16:45

**The Deputy Presiding Officer:** The result of the division is: For 85, Against 36, Abstentions 1.

*Amendment 78 agreed to.*

*Amendment 19 moved—[David Mundell].*

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

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lyon, George (Argyll and Bute) (LD)  
 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)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 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)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 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)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Wilson, Andrew (Central Scotland) (SNP)

#### 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)  
 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)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)

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)  
 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, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 McLeod, Fiona (West of Scotland) (SNP)  
 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)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 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)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Robison, Shona (North-East Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stephen, Nicol (Aberdeen South) (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)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 40, Against 80, Abstentions 0.

*Amendment 19 disagreed to.*

**The Deputy Presiding Officer:** Are you moving amendment 20, Mr Mundell?

**David Mundell:** I am encouraged, so I will move the amendment.

*Amendment 20 moved—[David Mundell].*

**The Deputy Presiding Officer:** The question is, that amendment 20 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)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 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)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Wallace, Ben (North-East Scotland) (Con)

#### AGAINST

Baillie, Jackie (Dumbarton) (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)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 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)  
 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)  
 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)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 23, Against 97, Abstentions 0.

*Amendment 20 disagreed to.*

*Amendment 21 moved—[David Mundell].*

**The Deputy Presiding Officer:** The question is, that amendment 21 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)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 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)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (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)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 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)  
 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)  
 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)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (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 23, Against 98, Abstentions 0.



*Amendment 21 disagreed to.*

*Amendment 22 moved—[David Mundell].*

**The Deputy Presiding Officer:** The question is, that amendment 22 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)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gallie, Phil (South of Scotland) (Con)  
Goldie, Miss Annabel (West of Scotland) (Con)  
Grahame, Christine (South of Scotland) (SNP)  
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)  
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
Russell, Michael (South of Scotland) (SNP)  
Scanlon, Mary (Highlands and Islands) (Con)  
Scott, John (Ayr) (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)  
Cunningham, Roseanna (Perth) (SNP)  
Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
Deacon, Susan (Edinburgh East and Musselburgh) (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)  
Ferguson, Patricia (Glasgow Maryhill) (Lab)  
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)  
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)  
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
McGugan, Irene (North-East Scotland) (SNP)  
McLeish, Henry (Central Fife) (Lab)  
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)  
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)  
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)  
Wallace, Mr Jim (Orkney) (LD)  
Watson, Mike (Glasgow Cathcart) (Lab)  
Welsh, Mr Andrew (Angus) (SNP)  
Whitefield, Karen (Airdrie and Shotts) (Lab)  
Wilson, Allan (Cunninghame North) (Lab)  
Wilson, Andrew (Central Scotland) (SNP)  
Young, John (West of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 20, Against 102, Abstentions 0.

*Amendment 22 disagreed to.*

*Amendment 79 moved—[Ross Finnie]—and agreed to.*

*Amendments 80 and 81 moved—[Dr Sylvia Jackson]—and agreed to.*

*Amendment 82 moved—[Dr Sylvia Jackson].*

**The Deputy Presiding Officer:** The question is, that amendment 82 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (North-East Scotland) (SNP)  
 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)  
 Canavan, Dennis (Falkirk West)  
 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)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 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)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)

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)  
 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)  
 Robison, Shona (North-East Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lyon, George (Argyll and Bute) (LD)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 McGregor, 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)  
 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)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Ben (North-East Scotland) (Con)

**ABSTENTIONS**

Ewing, Mrs Margaret (Moray) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 84, Against 34, Abstentions 2.

*Amendment 82 agreed to.*

**The Deputy Presiding Officer:** We should have had a debate on group 18, but we are out of time. If amendment 23 is agreed to, amendment 83 will be pre-empted.

*Amendment 23 moved—[Alex Fergusson].*

**The Deputy Presiding Officer:** The question is, that amendment 23 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)  
 Fraser, Murdo (Mid Scotland and Fife) (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)  
 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)  
 Wallace, Ben (North-East Scotland) (Con)  
 Young, John (West of 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)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (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)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 Grahame, Christine (South of Scotland) (SNP)  
 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)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 McLeod, Fiona (West of Scotland) (SNP)  
 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)  
 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)  
 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)  
 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)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)

#### ABSTENTIONS

Tosh, Mr Murray (South of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 17, Against 103, Abstentions 1.

*Amendment 23 disagreed to.*

*Amendment 83 moved—[Ross Finnie]—and agreed to.*

#### After section 6

**The Deputy Presiding Officer:** Amendment 1 is grouped with amendments 33, 84, 84A, 84B, 84C, 84D, 84E, 84F, 84G, 84H, 84I, 84J and 84K. Although amendment 1 does not pre-empt amendments 33 and 84, and although amendment 33 does not pre-empt amendment 84, I presume that the Parliament will not agree to more than one of those amendments, if it agrees to any. If amendment 84D is agreed to, amendment 84E will have been pre-empted.

**Mr Rumbles:** The issue of compensation is extremely important for people who are going to be affected by the bill. I thought that the intention of the debate was to remove the effects of the bill from people who engage in legitimate pest control activities but, so far, it is not clear who will be affected by the bill. It is clear that the mounted hunts and those who engage in hare coursing will be affected, but it is not clear who else will be clobbered by the bill.

During stage 2, I lodged a compensation amendment because I have a fundamental problem with how the bill has been drafted. I said earlier that I thought that it should have focused on the mounted hunts and on hare coursing. We all know that baiting foxes is already illegal. However, the bill has not focused on those activities, and that is the problem with it. My compensation amendment failed in committee by one vote. It failed because the Executive opposed it. I was told that the Executive opposed anything that would cost money. There is no doubt that a compensation scheme will cost money, but that is not to say that it is not the right thing to introduce. I am heartened by the Executive's present position and by the fact that the argument has been won. It is right to give compensation to those people whose activities the Parliament chooses to make illegal.

This is not like other situations, in which a company or an industry goes bust and we try to help it. The Parliament is legislating to outlaw

various activities that are legal at the moment. Under the European convention on human rights, we have to offer compensation to people who are directly affected by the bill. The Presiding Officer has already indicated that only one of the three proposed compensation schemes can be accepted. I am heartened that Karen Gillon has proposed a compensation package that is backed by the Scottish Executive, even though the Executive is not backing mine. I would have liked the Executive to back my compensation proposal, and I shall explain why.

It is most appropriate to set up an independent commission on hunting compensation. When there is a dispute, it is useful to have an independent mechanism to adjudicate on compensation. Amendment 84—although it at least advocates the principle of compensation—leaves the compensation process in the hands of Scottish ministers. I am pleased that the argument has been won and that the Executive is paying attention to people's basic human rights. Compensation is absolutely essential. Whichever of the three amendments is chosen—and I would like there to be as much debate as possible in the time that we have available—all members should vote for one of them.

**The Deputy Presiding Officer:** Mr Rumbles, I ask you to clarify whether you are moving your amendment.

**Mr Rumbles:** I am considering that. Do I not do that at the end of the debate, when I respond?

**The Deputy Presiding Officer:** No. I must determine on which amendment the debate hangs. You must inform me.

**Mr Rumbles:** I do not know whether there is support in the chamber for amendment 1—that is my problem. I move amendment 1.

**The Deputy Presiding Officer:** You have to move it or not move it.

**Mr Rumbles:** I have just moved it.

**The Deputy Presiding Officer:** I am sorry. The loudspeakers in the chamber have broken and I am straining to hear.

I call Alex Fergusson to speak to amendment 33 and the other amendments in the group.

**Alex Fergusson:** I hope that you can hear me all right, Presiding Officer.

During the recent debate on the Fur Farming (Prohibition) (Scotland) Bill, two weeks ago, I drew the Parliament's attention to the mean-mindedness of the Executive in offering compensation in that bill when none would be sought and refusing it in the Protection of Wild Mammals (Scotland) Bill although real and devastating loss will be felt by hundreds of real

and devastated people. Those people are not the so-called toffs, against whom I understand that this bill is aimed, but real, down-to-earth, honest-to-goodness working people.

Naive and innocent politician that I am, I had reckoned without an unseen and previously unheralded arm of the Scottish Executive—certainly unseen at the Rural Development Committee for the past two years—in the shape of Karen Gillon, who suddenly, belatedly and with what I think is called the technical assistance of the Executive, whacked in an amendment, more or less at the last minute. I believe, as do most members, that amendment 84 is an Executive amendment in all but name. Even if it is not, it seems to have received the blessing of the First Minister, which as good as makes it an Executive amendment.

17:00

I suppose we are meant to applaud amendment 84's effort to address the subject of compensation, but I cannot do so. Close inspection of amendment 84 shows beyond a doubt that only those who cease to carry on an activity under section 1 that was carried on before, and ended because of, the enactment of section 1 could apply for compensation. Under amendment 84, therefore, only a landowner or the master of hounds—as far as I can see—would be able to apply for compensation. In addition, amendment 84 states only that such an application “may” receive attention from the minister.

How would amendment 84 compensate Wendy Turnbull—a groom from the Borders—who chooses her low-paid way of life out of love for her job and for the house that goes with it? How would they compensate Paul Allison—a self-employed farrier whom many members will have met—who depends on hunters for 60 per cent of his business every year? How would amendment 84 compensate Ian Forsyth, who is a haulier whose business is irrevocably bound up with the world of mounted fox hunting? How would it compensate anyone, other than the couple of toffs against whom the bill is apparently aimed? The simple answer is that amendment 84 would not compensate anyone, because the Executive and those who support Karen Gillon's unamended amendment 84 do not want it to.

Amendment 84 is nothing less than a thinly veiled attempt to pay lip service to compensation. Frankly, it is not worth the paper on which it is written. The only meaningful way to put a compensation package into the bill is to support amendment 33. It is interesting that amendment 33 has also had the technical assistance of the Executive, because—except for a minor change of wording—it provides for exactly the same

compensatory package as the Executive put into the Fur Farming (Prohibition) (Scotland) Bill. If the wording of amendment 33 was good enough for that bill, surely it is good enough for the Protection of Wild Mammals (Scotland) Bill.

I argue that amendment 33 is an Executive amendment. It offers meaningful compensation, which a bill that removes a person's right to earn a living surely has a moral obligation to offer. I beg members to support amendment 33, which is the only amendment that is meaningful and worthy of support.

**The Deputy Presiding Officer:** I call on Karen Gillon to speak to amendment 84 and other amendments in the group.

**Karen Gillon (Clydesdale) (Lab):** I begin by taking exception to remarks that were made by Alex Fergusson, as I come from the Borders, was brought up there and now represent what is ostensibly a rural constituency. He talked about real, good, down-to-earth, honest, working-class people. I consider myself one of those people and I consider the constituents who have made representations to me to be good, honest, working-class people.

When considering compensation, members have several options. The first option is to do nothing. Some members will believe that to be the right thing to do, perhaps because of the adversarial nature of the debate and the entrenched positions that people have adopted. I do not agree with that position.

The second option is to adopt a scheme of compensation. That is the correct way forward. I have held three views throughout the progression of the bill. One is that the right of gamekeepers and farmers to go about their legitimate business should be protected. My votes on the bill have reflected that view throughout, as have my comments and my actions. I will continue to argue that the bill will protect the rights of gamekeepers and farmers.

**Phil Gallie:** Will the member give way?

**Karen Gillon:** No, Mr Gallie. Sit down.

A compensation scheme should relate to the fact that mounted fox hunting will have been made illegal. However, that should not remove employers' responsibility for correctly looking after their employees. We should do nothing that takes away that responsibility. In particular, the compensation scheme should not prevent the opportunity to develop new activities, such as drag hunting, in the Borders or other affected areas.

We have two other options before us, both of which are uncoded. The first is Mike Rumbles's option, which would put compensation in the hands of an unelected quango. It would put in

jeopardy the spending priorities of the people of Scotland, which are education, health and transport because neither the amendment in the name of Mike Rumbles nor the amendment in the name of Alex Fergusson give an indication of how much their proposals would cost. I do not accept that—

**Christine Grahame:** How much will Karen Gillon's proposal cost?

**Karen Gillon:** I will give members an indication of how much it will cost. [*Interruption.*] If people let me finish my speech, they will find out what I am going to say. Barracking from the Tories about compensation for people who are made unemployed as a result of Government legislation is ironic. They should speak to the miners, the steelworkers and the shipyard workers about compensation.

**David McLetchie (Lothians) (Con):** They received tens of thousands of pounds.

**Karen Gillon:** Compensation for people who have been made redundant is not a laughing matter. It is remarkable that the leader of the Conservative party should find the issue funny.

The issue of compensation needs to be addressed. The scheme that I have suggested that we introduce puts implementation in the hands of the ministers, who are directly elected by the Scottish Parliament and who are accountable to the people of Scotland for their actions. They are also responsible for their departmental budgets and will have to base any decisions on the spending priorities of the Government. Any decision that they make will need to come before the Parliament and that is why I accept amendment 84K. I believe that any proposal should come back to the Parliament—under a negative statutory instrument if necessary—for final agreement and ratification.

**Fergus Ewing:** Given that Karen Gillon has criticised the other two proposals on the basis that they do not say how much they would cost, can she tell us how much her scheme would cost?

**Karen Gillon:** The scheme deals with people who are directly affected—although I cannot guess who will apply for compensation. The obvious people who will be affected are, for example, people who have hounds that are trained and bred for a specific purpose and which will, because they could not be redeployed or kept as pets, have to be destroyed in a humane way. Many of the people who have horses do not use those horses solely for the purpose of hunting, although that may be very much part of their lives. People in the Borders ride their horses for many reasons, only one of which is hunting.

I estimate that the cost of the proposal would be

around £150,000 to £200,000.

People who are made redundant are eligible for compensation under redundancy payment schemes—in the same way as people who were made redundant in my constituency when Daks-Simpson's factories closed and people in other places throughout Scotland. If employers have contracts of employment with their employees, they should honour them. Those contracts will require relative redundancy payments to be made. If people do not like that situation, I am sorry, but that is the fact of the matter for people day in, day out across Scotland. It would not be in the interests of my constituents or the other people of Scotland to bankrupt the Executive to provide compensation and relieve employers of their responsibility.

**David Mundell:** I am grateful to Karen for accepting my amendment—it is just a pity that it is the wrong one.

On top of all the ridiculous things that have been said today, Karen Gillon is arguing that we should compensate landowners who cannot hold a hare-coursing event on their ground. They are the people who are covered by her amendment. So tightly drawn is the amendment that people become eligible for compensation only if they actually cease committing a criminal activity. Those are the only people who are actively involved in the activity. Karen Gillon has not come here to stand up for the working class; she is standing up for the toffs. She is standing up for the master of the hounds, who is the only employed person who can get compensation. The grooms and the kennel maids will get nothing.

**Mr Jim Wallace (Orkney) (LD):** In 1996, I supported a Conservative move in the House of Commons that outlawed the ownership and use of smaller firearms. Will Mr Mundell tell me whether the compensation scheme that the Conservative Government introduced compensated people for anything other than the direct loss of the guns that were made illegal under the Firearms (Amendment) Act 1997?

**David Mundell:** I am not familiar with that, because, as Jim Wallace knows, I was not in the House of Commons then—and I probably never will be.

Amendment 84 is just like the bill: the pretence that fox hunting is to be banned is the same as the pretence that any compensation is on offer to anybody who will be directly affected by the bill. There will be no such compensation. The amendment is a con. I urge members not to buy it, as it will deliver nothing. I urge members to support amendment 33.

**Mr McGrigor:** I will speak only to amendment 84D, which is the only one of the amendments in

my name in the group that I will move. Amendment 84D addresses the central flaw of amendment 84, which is that it will compensate only those whose jobs not only cease because of but are outlawed by the bill. That neglects the much broader ripple effect that the bill will have on the rural industries that depend on hunting. Why should there be compensation for furriers but not for farriers?

**Tricia Marwick:** I will deal with amendment 1. No more than 20 people are employed by hunts in Scotland. There is no need for anybody to lose their job under the bill. If the hunt managers chose to, they could adopt drag hunting instead of fox hunting. The kennel jobs and the hounds would then survive.

I had a phone call at the beginning of the consideration of the bill from a woman who would not give me her name. She said, "Tricia, I work for a hunt. I would be far happier drag hunting, but the hunters won't have it, so I am forced to campaign against the bill to save my job. I know that you are right and I wish you well." In areas where hunts have ceased to exist, equestrian activity has increased. Farriers, feed shops and vets will therefore find increased opportunities.

I will address tied housing, which Mike Rumbles also raises in amendment 1. As most members know, I previously worked for Shelter Scotland. I can tell members that there are many problems with current legislation, which mean that people who are sacked are also left homeless. The minister knows that—I have spoken to him about it.

I will examine what tied housing exists for. It is required, usually in rural areas, to ensure that someone who does a particular job also has somewhere to live. The reason for eviction is that the house is needed for some worker who comes in to do the same job as the person who has left. If employers or hunt managers argue that, because of the bill, a job no longer exists, the person who does that job will be made redundant. If the job has ceased to exist, the person will not be replaced and there is no need for the former worker to lose the house. It is simple for the hunt managers to convert the tied tenancy into a secure tenancy. If anybody is evicted because of the bill, it will be because of the vindictiveness of the hunt managers who evict them.

I do not believe that a case has been made for compensation, but if members believe that there is a case for compensation, I urge them to support amendment 84 and to reject amendments 1 and 33.

**Phil Gallie:** I address my remarks to Karen Gillon. Today, all members received e-mails from her pleading with us to accept amendment 84. I

was prepared to consider that. However, when I stood up to ask a pertinent question, I was dismissed. If that is the way that she wants to gather support, so be it.

I put three points to Karen Gillon. First, like Alex Fergusson, I ask what will happen to the Wendy Turnbulls of the world and to people such as Bob Robertson of Annbank, who has taken a lifetime to build up a saddler's business that depends on the hunt.

I put it to Karen Gillon that amendment 84 is nothing other than a sop to the European convention on human rights. The intention is simply to ensure that somewhere in the process we have gone along the line of meeting requirements.

Karen Gillon had the audacity to talk about cost. Has she looked at the overall cost of the bill—the cost on policing resources and the cost on our justice system? When she looks at cost, she should look at the whole picture.

17:15

**Mr Home Robertson:** Seldom in the history of parliamentary proceedings has so much legislative energy been applied on behalf of so many to deal with so few. Two years of parliamentary deliberations have been spent on banning the activities of just 10 fox hunts. Now we are discussing compensation. Personally, I would not have chosen the banning of fox hunting as a priority for legislation in our new Parliament.

I have heard some fairly unconvincing arguments on both sides of the debate. The animal welfare argument for the bill has been overstated. On the other hand, it is sheer rubbish to suggest that the entire economy of rural Scotland depends on those 10 fox hunts. Nevertheless, here we are talking about compensation.

Fox hunting is a particularly nasty spectator sport. I know from my experience as a farmer that it is an extremely inefficient way of controlling foxes. Having represented a Scottish rural constituency for 23 years, I know that the majority of people throughout Scotland—rural as well as urban—are opposed to fox hunting.

As a libertarian, I am reluctant to interfere with the rights of minorities. It is right that we should consider compensation, even though the minority concerned said very little about the rights of other minorities during the Thatcher years, for example. As a democrat and a Scot who has spent long years fighting to achieve democratic control over Scottish legislation, my highest priority is to fulfil the considered decisions of the Parliament. It is right that those decisions should cover appropriate

compensation.

I supported Elaine Murray's amendment at stage 2, which would have dealt with the matter in a very different way. When that amendment was not agreed to, I supported the bill. Today, I have in general supported the considered decisions of the Rural Development Committee. Now I will support amendment 84.

**Mrs Margaret Ewing (Moray) (SNP):** As a farm worker's daughter, it is a pleasure to follow a farm worker. I have listened with great interest to most of the debate. I am very concerned about some aspects of what has happened this afternoon.

In the case of compensation, I want to address in particular the issue of tied housing. On my lapel, I am wearing a medal that my father received for 30 years' service as a ploughman. From my experience, I know that if the job goes, the house goes. It is as simple as that. There is no secure tenancy in a tied house.

I ask Karen Gillon to think through the matter very seriously, because her scheme would allow the toffs to put people out from their tied cottages and to turn those cottages into holiday homes or chalets. That would add to the toffs' money, but it would make the former tenants of the cottages homeless—they would have to look for homes. If someone lives in a tied cottage, it is not easy even to get on to a council list. I know that from personal experience. I am proud of the work that my father did, but I will never forget the insecurity of being brought up in a tied house.

**Dennis Canavan (Falkirk West):** Will Karen Gillon be good enough to clarify a point about amendment 84? As I understand it, amendment 84 would confine compensation to people who have to cease an activity that will become an offence when the bill is enacted. Shoeing a horse will not become an offence, nor will cleaning out a stable. How on earth could the farrier or the stable hand qualify for compensation under amendment 84?

**Ms MacDonald:** I would like to address the amendments on compensation as the convener of the Subordinate Legislation Committee.

**The Deputy Presiding Officer:** Briefly, please.

**Ms MacDonald:** I will say this carefully, so members should listen.

Unfortunately, no time has been given for the proper process of scrutiny that this Parliament says is preferable to the process that is followed at Westminster. On compensation, we must be seen to be fair. We must be seen to examine the issue properly. Although I have more sympathy with one of the amendments than with the others, all the amendments have fallen outwith the scrutiny of the Subordinate Legislation Committee. We know

that that stores up trouble. I therefore urge members to have great caution in adopting any measure without proper scrutiny, even if one amendment might appear a bit fairer than the others.

**Ross Finnie:** I want to make something clear about the approach that the Executive takes to compensation, not only for this bill but across the piece. Members present will be aware that, from time to time and in almost every portfolio, the Executive is called upon to consider the question of compensation. We must apply some consistency about the legal test of whether compensation is required. The advice that we received was that compensation would not necessarily be required for the bill.

Let me repeat that the first thing that we must consider is the activity that the bill would cause to cease. We must then consider the assets that would, in effect, be expropriated as a consequence of the bill. Having assessed those tests, we are then required to assess what the proportionate response would be in relation to those assets.

Amendment 1 is so widely drawn that it goes way beyond not only the principles of the bill but the principles that the Executive has been able to provide for any case that it has had to consider.

Amendment 33 has been lifted straight from the Fur Farming (Prohibition) (Scotland) Bill. In response to a question from Alex Fergusson at the conclusion of the stage 1 consideration of that bill, I made it clear that the losses addressed and the assets expropriated under that bill gave rise to the drafting of that section, which he has borrowed in amendment 33. I am bound to say that the Fur Farming (Prohibition) (Scotland) Bill is a different proposition from that which is before us today.

There is no doubt that the activities that the bill will catch, if it is enacted, are hunting and hare coursing. An appropriate and proportionate response would need to be given to those activities. In those circumstances, I believe that amendment 84 is appropriate and is proportionate to the mischief that may be caused to individuals or assets as a consequence of the bill. Accordingly, if MSPs were minded to give compensation, I would invite them to support amendment 84.

**Fergus Ewing** rose—

**Ross Finnie:** I would also invite members to reject the amendments to amendment 84. To accept any of amendments 84A to 84K would be to redraw and extend the scope of amendment 84 in a way that is simply not appropriate.

**Fergus Ewing:** I thank the minister for giving way—



**The Deputy Presiding Officer:** The minister was not giving way; he had finished his speech. Bad luck, Mr Ewing.

**Fergus Ewing:** On a point of order, Presiding Officer. We have not had any guidance on whether the Scottish Executive supports the figure that has been mentioned, which was between £150,000 and £250,000. Will you give us guidance on whether we will get a statement from the Executive on the matter?

**The Deputy Presiding Officer:** That is not a point of order.

**Dorothy-Grace Elder (Glasgow) (SNP):** On a point of order, Presiding Officer. We deserve clarity. Ms Gillon mentioned the figure of £150,000 to £250,000, which would work out at between £400 and £600 each. We must know what we are voting on.

**The Deputy Presiding Officer:** Order. That is not a point of order, nor is it a matter for me.

I call the member in charge, Bristow Muldoon. We are tight for time, so you must finish by 17.28 to leave two or three minutes for Mr Rumbles.

**Bristow Muldoon:** The amendments to provide compensation are a not-so-subtle attempt by the bill's opponents to introduce what Stewart Stevenson described astutely in the Rural Development Committee as "a poisoned pill". The amendments would place uncostered proposals upon the Scottish Executive. They would result in considerable damage to the Executive's expenditure on a whole range of areas such as education, health and transport. Amendment 1, in the name of Mike Rumbles, and amendment 33, in the name of Alex Fergusson, must be resisted for that reason.

The issue of jobs has been mentioned several times. I do not think that significant numbers of jobs will be lost as a result of this bill.

**Dorothy-Grace Elder:** Will the member take an intervention?

**Bristow Muldoon:** No, thank you.

Published reports indicate that the numbers of jobs at risk are far smaller than the numbers that are claimed by opponents of the bill. Some ridiculous claims have been made—I believe that Mr McLetchie originally claimed that 14,000 jobs were at risk.

Let me give members an example. In West Lothian, the hunt ceased 10 years ago. Since then, the number of people who have horses in West Lothian has risen. Farriers and stable hands need not lose their jobs if the people who are currently involved in hunting move into other equestrian activities.

**The Deputy Presiding Officer:** Mr Rumbles, you have two minutes and you should indicate whether you intend to press or withdraw your amendment.

**Mr Rumbles:** Some important points have been made. Karen Gillon said that Alex Fergusson and I had no idea how much our proposals—in amendments 33 and 1 respectively—would cost. That is absolutely true. I have no idea how much my proposal will cost, because we have no idea at all who will be affected by the bill. I am sure that Karen Gillon would admit that it has become clear that she does not know how much Executive money her amendment 84—

**Karen Gillon:** Will the member take an intervention?

**Mr Rumbles:** Surely.

**Karen Gillon:** Given that Mr Rumbles's amendment 1 and Alex Fergusson's amendment 33 are far more wide-ranging than my amendment 84, does Mr Rumbles accept that to offer a blank cheque on an issue such as this would be irresponsible of this Parliament?

**Mr Rumbles:** I do not agree that it would be irresponsible, because I believe firmly that, if this Parliament takes away in law the activities of gamekeepers, of people connected with the hunt, or of whomever, we will have to compensate people appropriately.

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

**Mr Rumbles:** I am sorry—I have only a short time.

I understand that amendment 1 would probably cost a lot more than the others. What interests me is ensuring that we win the argument over compensation. That is the most important issue.

Tricia Marwick's remarks bore no relation to reality, and I am sorry to note that she has left her place. Margaret Ewing's response on the issue of tied housing was far more eloquent than any that I could give.

We can choose only one of the three amendments. It is obvious from previous votes that there will be no support for my amendment 1. It is also obvious that there will be no support for Alex Fergusson's amendment 33. The most important thing is that we vote for the principle of compensation. Karen Gillon has proposed a scheme, therefore I will not press my amendment.

**The Deputy Presiding Officer:** I ask the permission of members for Mr Rumbles to withdraw amendment 1. Are members agreed?

**Members:** No.

**The Deputy Presiding Officer:** In that case, we move straight to a vote.

The question is, that amendment 1 be agreed to. Are we agreed?

**Fergus Ewing:** On a point of order, Presiding Officer. Can we have some guidance on whether the financial memorandum that accompanies this bill—which sets out the position in relation to the costs to the Scottish Executive—is affected by the sudden emergence of the figure that Karen Gillon has announced? There has been a lack of a clear statement from the Scottish Executive of what the costs will be. The financial memorandum did not make any reference to the issue that we have been discussing.

**The Deputy Presiding Officer:** That is the responsibility of Mr Watson. I will press on.

The question is, that amendment 1 be agreed to. Are we agreed?

**Alex Neil:** On a point of order, Presiding Officer. The financial memorandum states that the bill will not involve costs to local authorities. It has not been made clear whether the £150,000 that Karen Gillon mentioned will come from a local authority budget—in which case the financial memorandum is rubbish—or from the Scottish Executive. Will the minister make that clear?

**The Deputy Presiding Officer:** The financial memorandum was produced by Mr Watson at an early stage, before compensation was talked about. I am determined to move on.

The question is, that amendment 1 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)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 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)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)

Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wilson, Andrew (Central Scotland) (SNP)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 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)  
 Canavan, Dennis (Falkirk West)  
 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)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 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)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 McLeod, Fiona (West of Scotland) (SNP)  
 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)

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)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (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)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Brown, Robert (Glasgow) (LD)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Gorrie, Donald (Central Scotland) (LD)  
 Harper, Robin (Lothians) (Green)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Young, John (West of Scotland) (Con)

17:30

**The Deputy Presiding Officer:** The result of the division is: For 28, Against 90, Abstentions 7.

*Amendment 1 disagreed to.*

*Amendment 33 moved—[Alex Fergusson].*

**The Deputy Presiding Officer:** The question is, that amendment 33 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 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)

Harper, Robin (Lothians) (Green)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 McGregor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (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)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wilson, Andrew (Central Scotland) (SNP)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 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)  
 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)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 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)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (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)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Brown, Robert (Glasgow) (LD)  
 Tosh, Mr Murray (South of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 33, Against 87, Abstentions 2.

*Amendment 33 disagreed to.*

*Amendment 84 moved—[Karen Gillon].*

*Amendment 84A moved—[David Mundell].*

**The Deputy Presiding Officer:** The question is, that amendment 84A be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Campbell, Colin (West of Scotland) (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)

Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 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)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (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)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wilson, Andrew (Central Scotland) (SNP)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 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)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (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)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (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)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Fabiani, Linda (Central Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Young, John (West of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 37, Against 77, Abstentions 6.

*Amendment 84A disagreed to.*

*Amendment 84B moved—[Mr Jamie McGrigor].*

**The Deputy Presiding Officer:** The question is, that amendment 84B be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 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)

Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 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)  
 Johnstone, Alex (North-East Scotland) (Con)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 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)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Wallace, Ben (North-East Scotland) (Con)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 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)  
 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)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 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)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 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)  
 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)  
 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)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Fabiani, Linda (Central Scotland) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 31, Against 88, Abstentions 4.

*Amendment 84B disagreed to.*

*Amendment 84C moved—[Mr Jamie McGrigor].*

**The Deputy Presiding Officer:** The question is, that amendment 84C be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 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)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 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)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 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)  
 Neil, Alex (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 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)  
 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)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 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)  
 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)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Robison, Shona (North-East Scotland) (SNP)  
 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)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Fabiani, Linda (Central Scotland) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 29, Against 87, Abstentions 6.

*Amendment 84C disagreed to.*

*Amendment 84D moved—[Mr Jamie McGrigor].*

**The Deputy Presiding Officer:** The question is, that amendment 84D be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Aitken, Bill (Glasgow) (Con)

Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 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)  
 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)  
 Neil, Alex (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Wallace, Ben (North-East Scotland) (Con)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 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)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 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)  
 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)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 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)  
 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)  
 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)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Fabiani, Linda (Central Scotland) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 28, Against 87, Abstentions 6.

*Amendment 84D disagreed to.*

*Amendment 84E moved—[David Mundell].*

**The Deputy Presiding Officer:** The question is, that amendment 84E be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Hyslop, Fiona (Lothians) (SNP)  
 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)  
 Neil, Alex (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Wallace, Ben (North-East Scotland) (Con)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 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)  
 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)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 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)  
 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)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Robison, Shona (North-East Scotland) (SNP)  
 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)  
 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)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Fabiani, Linda (Central Scotland) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 25, Against 88, Abstentions 6.

*Amendment 84E disagreed to.*

*Amendments 84F to 84J not moved.*

*Amendment 84K moved—[David Mundell].*

**The Deputy Presiding Officer:** The question is, that amendment 84K be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 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)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (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)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robison, Shona (North-East Scotland) (SNP)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Iain (North-East Fife) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of 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)  
 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)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (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)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 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)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 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)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Swinney, Mr John (North Tayside) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGugan, Irene (North-East Scotland) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 54, Against 63, Abstentions 5.

*Amendment 84K disagreed to.*

**The Deputy Presiding Officer:** The question is, that amendment 84 be agreed to. Are we all agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Baillie, Jackie (Dumbarton) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Cunningham, Roseanna (Perth) (SNP)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 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)  
 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)

Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 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)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (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)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McLetchie, David (Lothians) (Con)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (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)  
 Peattie, Cathy (Falkirk East) (Lab)  
 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)  
 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)  
 Wallace, Ben (North-East Scotland) (Con)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

#### ABSTENTIONS

Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 47, Against 67, Abstentions 10.

*Amendment 84 disagreed to.*

## Section 7—Meaning of expressions

*Amendment 24 moved—[Mr Jamie McGrigor].*

**The Deputy Presiding Officer:** The question is, that amendment 24 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)  
 Aitken, Bill (Glasgow) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lyon, George (Argyll and Bute) (LD)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Mundell, David (South of Scotland) (Con)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)

#### AGAINST

Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Colin (West of Scotland) (SNP)  
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 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)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)  
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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, Margaret (Kilmarnock and Loudoun) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 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)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (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)  
 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)  
 Robison, Shona (North-East Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

#### ABSTENTIONS

Tosh, Mr Murray (South of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 36, Against 62, Abstentions 1.

*Amendment 24 disagreed to.*

*Amendment 85 moved—[Ross Finnie]—and agreed to.*

**The Deputy Presiding Officer:** Amendment 86 is grouped with amendments 87, 89 and 90.

**Allan Wilson:** These are technical amendments to section 7 that we believe are necessary. Amendment 89 allows ministers to modify by statutory instrument the definition of “pest species” in section 7(1). That is standard practice. It anticipates any change in circumstances in the future, and avoids any need for amending existing primary legislation. Amendments 86 and 87 are consequential on the changes made at stage 2 to exclude rabbits and rodents from the definition of “wild mammal”.

I move amendment 86.

**Fergus Ewing:** I am sure that it will come as a bit of a shock to rabbits that they are not wild mammals, but there we are.

I seek an assurance from the minister, because I drafted the definition of “pest species” and provided for statutory instruments to amend that definition. The only difference in the minister’s version of the use of statutory instruments is that he will be able to remove species from the list. Many gamekeepers are concerned that there might be an intention to remove hares from the list of pest species. I ask for confirmation that there is no such intention.

17:45

**Bristow Muldoon:** For the sake of keeping to time, I will say briefly that I am in favour of all four amendments in the group that are lodged in the name of the minister.

**Allan Wilson:** To answer Fergus Ewing’s question, at this point we do not intend to remove any species from the list of pest species.

*Amendment 86 agreed to.*

*Amendment 87 moved—[Ross Finnie]—and agreed to.*

**The Deputy Presiding Officer:** We move on to group 21. I call Mr McGrigor to speak to and move amendment 25. I ask him to be brief.

**Mr McGrigor:** Amendment 25 would extend the exemptions in the bill to include mink. Mink are non-indigenous, pernicious predators of wildlife. Gamekeepers use terriers to locate mink in order that traps may be laid and also in conjunction with other dogs to flush the mink from cover. Without amendment 25, those necessary pest-control activities might be outlawed.

The Burns report on hunting with dogs found:

“Mink can be very troublesome in the case of ground-nesting seabirds especially in Scotland and on small islands. Their activities, including surplus killing, have been linked to almost complete breeding failure amongst some colonies of terns and gulls, including some rare species.”

The report also found:

“Mink can cause localised damage to poultry, gamebirds, fishing and wildlife interests.”

And that:

“Mink have been held to be responsible for a major decline in water vole numbers.”

**The Deputy Presiding Officer:** The member has one minute.

**Mr McGrigor:** Mink are non-native to the UK and have spread across almost all of the country since their accidental introduction in the late 1950s, which was aided by deliberate, but illegal,

release. There is no doubt that mink have to be controlled.

Until the spread of mink got out of hand, UK Government policy was for eradication. At present, £1.65 million is being spent in the Hebrides on a project to eradicate mink.

I move amendment 25.

**The Deputy Presiding Officer:** The member in charge has waived his right to speak, in favour of Scott Barrie.

**Scott Barrie:** I will speak against Jamie McGrigor's amendment 25. The Rural Development Committee rejected the amendment. Jamie McGrigor rightly argues that mink are pests. However, that does not mean that we should hunt them with packs of dogs.

Mink hunting is not pest control; it is hunting for sport. At present, the sport is practised in England. It is something that we do not want to see being imported to Scotland.

**Mr McGrigor:** Will the member take an intervention?

**Scott Barrie:** No.

The threat of the sport being imported to Scotland is not an idle threat. While mink hunts are no longer based in Scotland, it is known that they visit on occasion. The last-known visit was in July 1999, when the Dove Valley mink hounds from Derbyshire hunted on the River Eden near Cupar in Fife. In the search for mink, the hunt used spades, metal rods and sticks. The hunt destroyed large parts of the river bank of the River Eden. It threatened indigenous species of the river, in particular otters. For that reason, and others, I urge members to reject amendment 25.

**Allan Wilson:** The Executive has no view on Jamie McGrigor's amendment 25. Mr McGrigor has missed a consequential amendment that would be required in the definition of "pest species", which is to be found in section 7. If the mink is not a wild mammal for the purposes of the bill, it cannot be an offence to hunt it. If the Parliament accepts Mr McGrigor's amendment 25 and, assuming that amendment 89 which allows Scottish ministers to modify the definition of "pest species" is agreed, the Executive would consider making an order to remove mink from that definition.

**The Deputy Presiding Officer:** I call Mr McGrigor, who has one minute to say whether he will press or withdraw amendment 25.

**Mr McGrigor:** In answer to Scott Barrie's point, the only place where mink have been eradicated successfully is Iceland, where all methods that were suggested by Scottish Natural Heritage were examined before it was said that it would be

unwise and costly to use those methods. The only method of successfully eradicating mink was to use dogs.

Dogs are required to locate mink. It is useless to have civil servants crawling around in the seaweed looking for mink droppings.

I press amendment 25.

**The Deputy Presiding Officer:** The question is, that amendment 25 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)  
 Brown, Robert (Glasgow) (LD)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 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)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 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)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
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 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wilson, Andrew (Central Scotland) (SNP)

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 Barrie, Scott (Dunfermline West) (Lab)  
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 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
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 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)  
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 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 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)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (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)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Tosh, Mr Murray (South of Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 39, Against 81, Abstentions 1.

*Amendment 25 disagreed to.*

**The Deputy Presiding Officer:** We now come to amendment 88.

**Allan Wilson:** Amendment 88 is a straightforward technical drafting amendment, which we invite the Parliament to support. The amendment ensures that references to “a dog” in section 7(1) include references to a single dog.

I move amendment 88.

**Tricia Marwick:** I am happy to support amendment 88, which is a consequence—no doubt unintended—of Fergus Ewing’s stage 2 amendment. As it stands, the phrase in section 7(1) means that hunting with single dogs is not covered by the law, which would allow some hare coursing and fox baiting to continued unhindered. That was not Fergus’s intention, and I am happy that the minister has taken this opportunity to lodge the necessary technical amendment.

*Amendment 88 agreed to.*

*Amendments 89 and 90 moved—[Ross Finnie]—and agreed to.*

#### Section 9—Short title and commencement

**The Deputy Presiding Officer:** Amendment 91 is grouped with amendment 92.

**Bristow Muldoon:** Before I speak to the amendment, I should point out that, contrary to previous indications, I will respond to the debate. I think that we indicated earlier that Tricia Marwick would do so.

In lodging amendment 91, I have not been motivated by distrust of the Executive enacting the bill in due course; I simply want to set a date to ensure that there is a defined point at which the bill becomes law. The date of 1 August 2002 was chosen because the supporters of the bill wish to see an end to the various practices that will be banned as a result of the bill before the commencement of the next hunting season, and the training of new dogs in preparation for it. I understand that the Executive would prefer more flexibility on the matter, so I am interested in the minister’s response to amendment 91. I repeat that my primary motivation, and that of the bill’s supporters, is to see the provisions of the bill come into force before the next hunting season commences, and I ask the minister to address that specific point.

I move amendment 91.

**The Deputy Presiding Officer:** We must move on by 17:58, so just over two minutes remain. I call the minister to speak to amendment 92.

**Ross Finnie:** I think that I will be brief, Presiding Officer.

I can respond to Bristow Muldoon's point positively. As with any legislation, it would be helpful to have a degree of flexibility, and—

**The Deputy Presiding Officer:** I am sorry, minister. We have until 6.13 pm.

**Ross Finnie:** That is quite all right, Presiding Officer. My point is fairly brief.

We are quite content to give the undertaking that, if we are given a degree of flexibility and if the bill is passed, we will bring its provisions into force before the next hunting season commences.

**David Mundell:** I was in attendance at the meeting of the Rural Development Committee at which commencement was considered. We had an interesting final debate because, of course, no one appeared on behalf of the sponsors of the bill. A menu of possible dates was discussed, but the deputy minister indicated that the provision in the bill as drafted would be the best way forward. On the basis of what has emerged today, that must be the case.

I will take Patricia Ferguson up on her offer and find the person who can explain to us at this point—it is almost 6 o'clock—exactly what is in the bill and what is out of it. The position will be as confusing for weeks and months ahead, until the necessary legal briefs are prepared and the police, the courts and everyone else are briefed. Therefore, I am glad that the minister retains the view that was expressed at the Rural Development Committee—on this matter, I have confidence in him and in the fact that he will not bring the provisions of the bill into force until those necessary steps have been taken.

**Bristow Muldoon:** Given the assurances that the minister offered, I wish to withdraw amendment 91.

**The Deputy Presiding Officer:** Does Bristow Muldoon have the agreement of the chamber to withdraw amendment 91?

**Members:** No.

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

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**Scott Barrie:** On a point of order, Presiding Officer—

**The Deputy Presiding Officer:** Mr Barrie may not raise a point of order during a vote.

**Scott Barrie:** The lights on the consoles have gone out.

**The Deputy Presiding Officer:** We have a little bit of a problem. I ask members to allow me to consult the clerks. [*Interruption.*] We have a bit of a technical problem. We will make a fresh start and take that vote again.

The question is, that amendment 91 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division. Those who wish to support amendment 92 should press their yes button now. [MEMBERS: "Amendment 91."] I am sorry—the division is on amendment 91.

#### FOR

Adam, Brian (North-East Scotland) (SNP)  
Campbell, Colin (West of Scotland) (SNP)  
Canavan, Dennis (Falkirk West)  
Cunningham, Roseanna (Perth) (SNP)  
Ewing, Dr Winnie (Highlands and Islands) (SNP)  
Fabiani, Linda (Central Scotland) (SNP)  
Gibson, Mr Kenneth (Glasgow) (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)  
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Paterson, Mr Gil (Central Scotland) (SNP)  
Robison, Shona (North-East Scotland) (SNP)  
Sheridan, Tommy (Glasgow) (SSP)  
Smith, Elaine (Coatbridge and Chryston) (Lab)  
Stevenson, Stewart (Banff and Buchan) (SNP)  
Sturgeon, Nicola (Glasgow) (SNP)  
Ullrich, Kay (West of Scotland) (SNP)  
Welsh, Mr Andrew (Angus) (SNP)  
Young, John (West of Scotland) (Con)

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Barrie, Scott (Dunfermline West) (Lab)  
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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)  
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)  
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
Ewing, Mrs Margaret (Moray) (SNP)  
Ferguson, Patricia (Glasgow Maryhill) (Lab)

Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 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)  
 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)  
 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)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)

Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinney, Mr John (North Tayside) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
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 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)

#### ABSTENTIONS

Tosh, Mr Murray (South of Scotland) (Con)

18:00

**The Deputy Presiding Officer:** The result of the division is: For 27, Against 95, Abstentions 1.

*Amendment 91 disagreed to.*

*Amendment 92 moved—[Ross Finnie]—and agreed to.*

**The Deputy Presiding Officer:** That ends consideration of amendments.



## Protection of Wild Mammals (Scotland) Bill

**The Deputy Presiding Officer (Mr Murray Tosh):** The next item of business is a debate on motion S1M-2726, in the name of Bristow Muldoon, on the Protection of Wild Mammals (Scotland) Bill, and on one amendment to that motion. I invite those members who wish to speak in the debate to press their request-to-speak buttons now. I call Bristow Muldoon to speak to and move the motion.

18:03

**Bristow Muldoon (Livingston) (Lab):** Before I get to the main part of my speech, I want to express my thanks to Mike Watson and Tricia Marwick for all the hard work that they have done over the past two and a half years to bring the bill to the stage that it is at now. I suspect that neither of them expected it to take so long to reach its conclusion, but the work that both members have put into the bill is worthy of recognition. I also thank them for giving me, one of the co-sponsors, the opportunity to step in at this stage, following Mike Watson's elevation to the Cabinet.

The bill has been roundly attacked in many quarters and for a wide variety of reasons. Some people have claimed that it is not clear what the bill set out to achieve. I refer them to the comments that Mike Watson himself made at stage 1, when he referred to the principles of the bill as he saw them. The first principle of the bill was to ban mounted fox hunting, the second principle was to stop hare coursing and the third principle was to ban fox baiting. Those seem to me to be very straightforward aims.

**Ben Wallace (North-East Scotland) (Con):** Given all the amendments that have just been passed, can Bristow Muldoon perhaps now tell me which part of the bill will not permit me, on a horse, to pursue a fox with a pack of muzzled hounds?

**Bristow Muldoon:** I do not want to get involved in a series of what-ifs with Conservative members. The bill quite clearly bans the three practices that are set out in its general principles. The six key amendments that were passed today ensure that that is the case.

All the wrecking amendments that were lodged—mainly by Conservative members—at stage 2 have been taken out of the bill. If Conservative members believe that the bill is flawed, they should not vote for it. I suspect that they will not vote for it.

Conservative members have made a determined attempt to derail the bill and to ensure

that it does not achieve what it aims to achieve. They have failed and should recognise that—rather than spin a series of untrue statements to the press, as they have done all afternoon.

The bill set out to ban three practices that have no place in a modern Scotland. That is the challenge that the chamber faces this afternoon. Do we want a Scotland that preserves medieval practices or do we want to move into the 21<sup>st</sup> century and say to the world that unnecessary cruelty to animals will not be tolerated in Scotland?

I want to address issues that have been raised about gamekeepers and concerns that some gamekeepers have expressed. The amendments that have been passed today mean that gamekeepers and hill packs will be able to go about their legitimate pest control activities. Anyone who suggests otherwise distorts the content of the bill.

Another frequent distortion relates to employment and people losing their jobs. Many figures have been bandied about, mainly by Conservative members, although I cannot remember those members being greatly concerned about unemployment during their 19 years in power. They have become concerned about fictional unemployment. If people in areas where there is mounted fox hunting take opportunities to get involved in other equestrian sports, there will be absolutely no need for reductions in employment. If experience in West Lothian is anything to go by, it is possible that there will be an increase in employment in related activities.

**Phil Gallie (South of Scotland) (Con):** Will the member give way?

**Bristow Muldoon:** No, thank you.

The bill set out with three straightforward aims: to ban mounted fox hunting, hare coursing and fox baiting. The amendments that have been passed today will achieve those aims. I urge members to join me and move Scotland into the 21<sup>st</sup> century.

I move,

That the Parliament agrees that the Protection of Wild Mammals (Scotland) Bill be passed.

18:07

**Alex Fergusson (South of Scotland) (Con):** Many members will wish to speak, so I hope not to use up my time allocation.

There are so many reasons not to pass the bill that time will not permit me to address them all. The general public will be stunned that we are sitting here late to debate this subject when our interest in health, housing, education and transport apparently ends at 5 pm. If there was ever an

indication that we have warped priorities, this is it.

The phrase “warped priorities” sums up the bill exactly. We seem to be hellbent on passing a bill that by no means absolves the hill packs, gamekeepers, land managers, farmers and farm tenants whose livelihoods depend on vermin control. I say to Bristow Muldoon that we seem to be intent on passing a bill that bans hare coursing and fox baiting, despite the fact that fox baiting is already illegal.

I am far from certain that the bill will ban mounted fox hunting. As long as the clear intent of hunters becomes to shoot or kill by lawful means any member of a pest species that is flushed by hounds, they will be pursuing a legal activity under the bill. The bill should not be passed as it will not even properly ban its principal target—mounted hunting.

As my amendment suggests, the bill does not offer adequate provision for compensation. The figure of £150,000 that Karen Gillon mentioned is nothing short of pathetic. It may be the price of the Liberal Democrat vote, but it is still nothing short of pathetic. Without that provision, the possibility of a robust challenge under the European convention on human rights is inevitable.

Those who will lose their jobs and houses—if they are to do so—will have had little understanding of the niceties of the Executive-led amendment in Karen Gillon’s name. The amendment would have compensated a few landowners, but would have done nothing for the honest, hard-working—I did not use the phrase “working class”—and decent law-abiding people who will be most affected by this hopeless bill.

I urge members to have regard to the good name of the Parliament. If we pass the bill tonight, we will be passing a bill that is so badly put together and so unclear as to intention that it will be challenged in every court in this land and probably in Europe as well. Are we really in the business of giving the legal profession a more secure future than they already enjoy?

I have always said that if Lord Watson’s bill had simply declared that it would ban mounted fox hunting and hare coursing it would have been passed 18 months ago without any difficulty, but it was not that simple. If it was a mess of a bill at stage 1 it remained one throughout stage 2, despite the best endeavours of the Rural Development Committee to narrow it down to address the will of this Parliament as stated in the stage 1 debate. If the committee did not succeed in doing that, the weakness is with the bill, not with the committee.

I think that the bill remains a mess, despite the 107 amendments that have been debated today. If members wish to be responsible for the

Parliament putting its name to an unworkable mess, they should go ahead and vote for Bristow Muldoon’s motion. I have to say that if Bristow Muldoon and all the other members who spoke on his side of the argument today had come and argued their corner at the Rural Development Committee, I might have had a deal more sympathy with them, but I am afraid that they did not do so and I have little sympathy with them. None of the members who put their names to any of the last-minute amendments had the decency to do so. They are guilty of playing political games with people’s livelihoods and they are in danger of dragging the name of this Parliament into the mire of unworkable and unenforceable legislation, of which this bill is a prime example.

I appeal to every member in the chamber—never mind about the toffs and never even mind about the Tories—to do this Parliament the best favour they possibly can and prove to an ever more sceptical public that we MSPs can make a sensible and right decision. Support my amendment and drop the bill.

I move amendment S1M-2726.1, to leave out from “agrees” to end and insert:

“does not agree that the Protection of Wild Mammals (Scotland) Bill be passed because the compensation provisions are inadequate.”

**The Deputy Presiding Officer:** I have a problem, because more than 20 members want to speak. I cannot possibly call even half of that number. I will do the best that I can, but I apologise in advance to those whom I disappoint.

18:12

**Mike Watson (Glasgow Cathcart) (Lab):** Thank you, Presiding Officer. I had not expected to be called so soon.

I have not participated in today’s debate up to now; I did not speak in the debate on the amendments. I am speaking in a personal capacity. I am proud to be able to speak at this stage in the debate. I am not proud on a personal level, because we did not get to where we are with the bill because of my efforts—certainly not by them alone. A great many other people contributed—it is important to say that they include both those who are for and those who are against the bill—to get us to where we are now.

I am confident that the Parliament as a whole will soon vote to end mounted fox hunting, fox baiting and hare coursing. That is why I am proud. I am proud that the Scottish Parliament will take that decision and will legislate to make Scotland the first part of Britain to end those cruel and unnecessary activities. It will be the first legislature to say that fox hunting and hare coursing are not sports, the first to say that inflicting suffering in the

name of human pleasure is morally unacceptable and the first to say that we will use legislation to bring an end to this abhorrent behaviour.

I stated at the start of the process that I would listen to representations. I am certain that those who are opposed to the bill, most of whom have been implacably opposed to it from the start, will not regard that as satisfactory. The basic aims of ending mounted hunting, fox baiting and hare coursing could not be compromised, but I argue—even if those on the other side of the argument do not accept it—that significant concessions have been made, particularly in respect of the use of dogs underground, which became an especially contentious issue. That has led to the bill allowing gamekeepers and the hill packs to continue many of their important tasks of conservation and pest control. They lobbied very strongly and effectively. I hope that they accept that that concession was made, even if they did not get everything they wanted.

This has been an example of the member's bill process allowing the issues to be up for debate before the Parliament has its say. Indeed, no other member's bill has received such scrutiny. I venture to suggest, on behalf of all members, that it is unlikely that another bill will receive such scrutiny in the time that we are in the chamber. That will probably be welcomed. When the process began in September 1999, it could not have been envisaged that it would take two and a half years to reach its conclusion.

No one can say that the bill is rushed and ill considered, because everyone with something to say has had the opportunity to say it. I was rather surprised to see that the Countryside Alliance is quoted in today's newspapers as saying that not all the evidence and arguments have been heard. Members who have been bombarded with information by letter and e-mail, or who have been personally lobbied by people with various views, would refute that suggestion. Every opportunity to make arguments has been taken, which is entirely appropriate for a member's bill. The process has shown that the Parliament has the capacity to frame legislation other than that which emanates from the Executive. That is important.

I want to touch on one of the points Alex Fergusson made. Of course the issue is not a priority for the Parliament; no one, least of all me, has argued that. The priorities are jobs, education, health and transport, which is why, during the past two and a half years, the Parliament has legislated on precisely those issues. That does not mean that there should be no opportunity to legislate on issues that members raise. That is what the Parliament was designed to do and the bill is an example of its doing so effectively. It is absolute nonsense to suggest that people would have been

lifted out of poverty, given new homes and transported around the country freely, cheaply and effectively if the bill had not been introduced.

**Dorothy-Grace Elder (Glasgow) (SNP):** Does Lord Watson accept that a logjam of proposed members' bills on child welfare and suffering human beings is being held up because of this bill and similar legislation?

**Mike Watson:** I do not accept that. Any member could have introduced bills on those subjects as early as they wanted. I happened to introduce the Protection of Wild Mammals (Scotland) Bill at the beginning of the Parliament. I am confident that most proposed members' bills will be dealt with in due course.

I thank the people who have assisted with the bill and those who have contributed to the lengthy process of scrutinising it, whatever their views. I thank the animal welfare groups that argued and campaigned tirelessly—it is appropriate for me to name Les Ward, Peter Hastie, Suzanne Veitch and Corinne Evans of the Scottish Campaign Against Hunting With Dogs. I thank Andrew Mylne who, on behalf of the Parliament, gave me impartial advice and information whenever I sought it. Even when I did not seek advice, he came to me to be helpful and to ensure that the process was smooth. I thank Tricia Marwick for her sterling work in support of me during the past years and Bristow Muldoon for stepping into the breach when it was necessary.

The process involved many people. We can be proud of the position that we have achieved. We have forged a path that other parts of the United Kingdom will follow; the House of Commons will follow us in due course. The bill is an example of what the Scottish Parliament can do; it is not the most important issue, but that does not make it unimportant.

**The Deputy Presiding Officer:** I ask the members of the public, who are here as spectators, not to applaud. There has been one round of applause for each set of speakers. That is an adequate sufficiency for the rest of the day.

18:19

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** It is almost exactly two years since Mike Watson introduced the bill. He made it clear to the then Rural Affairs Committee as early as 4 April 2000 that the aim of the bill was to end cruelty associated with the use of dogs. In his presentation to the committee, he sought to draw a clear distinction between hunting as a sport and hunting as a legitimate pest-control activity. Committee members were perplexed to say the least because the bill as presented did not mention cruelty or sport. We were tasked with

examining the bill as it was and not as it could have been.

Despite what Mike Watson said, the bill did not distinguish between mounted hunts—which operate largely for sport—and hill packs, gamekeepers and others who use dogs in their everyday work to control pests, especially in upland Scotland. It is therefore not surprising that the committee spent a great deal of time considering the impact that the bill would have on the wider rural community. It also—but not primarily—considered mounted hunting and hare coursing. It found that 90 per cent of foxes escape from the mounted hunts and that it is therefore a particularly ineffective form of pest control. Mounted hunts and hare coursing are clearly sports.

Members will remember that the Rural Development Committee recommended rejection of the bill at stage 1 on the ground that although it supported Mike Watson's aim of ending cruelty, the bill would not achieve that aim. In fact, in certain circumstances, the bill would increase cruelty. Why? Because it focuses on the use of dogs and, although well intentioned, entirely misses the point that dogs can be used in both cruel and humane ways and are most certainly not the common factor in determining cruelty.

Members voted to reject the recommendations of the Rural Development Committee and to continue with this flawed bill. It is the only time that the Parliament has rejected the good advice of a specialist committee. Many attempts were made to rubbish the efforts of the committee, and what a mess we have been in since then—typified by the debate this afternoon.

Although the bill did not concentrate on mounted hunting or hare coursing, it was clear from stage 1 that members thought that it should. We are presented today with a bill that clearly distinguishes between hunting for sport and pest control, but it falls well short of effective and robust legislation. Instead of an honest bill that addresses the issue that people wanted it to address—hunting for sport—we have a bill that outlines a catch-all offence:

“A person who deliberately hunts a wild mammal with a dog commits an offence.”

It then proceeds to list a range of exceptions to that rule, which is what the battle of the amendments today has been about: the debate has been about whether those legitimate exceptions are loopholes that would admit the mounted hunts, or are necessary for the protection of effective pest control. Instead of a bill focused with clarity on ending cruel sports, we have a mess.

A number of mistakes have been made throughout the bill's progress. It should not have been presented as it was—by the member in charge of the bill saying, “Here it is, but I shall amend it.” The committee had no choice but to consult on the bill as introduced—and not on what it might have been. The Parliament should never have rejected out of hand the recommendations of the committee. That has not happened before or since, and it was a recipe for disaster.

The worst mistake was made on the issue of compensation. I cannot stomach Conservative comments about Liberal Democrat votes, as the Conservatives made sure that no compensation package would be made available to the Parliament. That mistake has been compounded by the disaster of our having to vote on this flawed bill today. I hope that common sense will prevail at this late hour, but I am not optimistic that it will. I urge members to reject the bill.

18:23

**Rhoda Grant (Highlands and Islands) (Lab):**

This has been a long and tortuous process. Many people who are against the bill say that we have already spent too much time on it and should be discussing other issues. It is interesting to note, however, that the same people have delayed the bill by insisting on extra evidence. Their action has, in fact, lengthened the time that we have spent on it.

I was concerned about the way in which the bill was first drafted and I voiced my concerns. Rather than shout that the bill was fatally flawed before it was debated in Parliament, I resolved to raise those issues with the promoters of the bill. I was concerned that the bill would not allow the use of terriers underground, which practice is required to allow fox control in barren, rocky areas, of which there are many in my constituency.

Foxes live in dens below the ground or in rocky cairns and take refuge when anyone comes close. There is no ground cover for them to hide in, so it is natural that they return below ground and stay there until the threat has passed. It is therefore extremely difficult to dispatch a fox without the use of terriers below ground to flush it out before guns can be used. I am well aware that gamekeepers, farmers and crofters who use terriers in that way have no truck with fox baiting, but they need to be able to control fox numbers. I am happy that the bill has been amended to take into account their concerns.

The bill has been amended in a way that does not leave loopholes for those who take part in the cruel sport of fox baiting. When I first spoke to Mike Watson about that issue he was a bit sceptical but he, and the promoters of the bill,

listened. The amendments that have been made testify to that. I pay tribute to that pragmatism. I pay tribute also to the Scottish Gamekeepers Association. We received many submissions on the bill and the gamekeepers' submission was straightforward and factual. The amendments that have been made today will not affect the ability of gamekeepers to do their job, but they will prevent those who want to take part in cruel sports from finding loopholes in the bill.

Mike Rumbles said that the bill is a mess. I am a member of the Rural Development Committee and I can say that Mike Rumbles worked hard to ensure that the bill became a mess. I am pleased to say that he did not succeed. We all know that fox numbers must be controlled, but most of us want that to be done as humanely as possible. The bill will ensure that that happens. I urge members to support it.

18:26

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** I thank the clerks of the Rural Development Committee for their work. No member has mentioned that much of the committee's work improved the bill and was not challenged. However, I believe that the bill should be opposed for four reasons: it is flawed, unworkable, inconsistent and unfair.

I believe that the bill is flawed because its concept is wrong; it seeks to ban three activities, none of which is defined. Instead, the bill sets out a wide definition of a crime, but fails to distinguish between pest control and sport, as has been pointed out. It was almost inevitable that problems would arise because of the bill's flawed concept.

I hope that the bill will not prove to be unworkable, but I am mindful of the fact that the only good thing that the police could say in evidence about the bill was about the licensing system. The police said that they would be able to go into the countryside and say, "Please, sir, show me your licence." That provision has gone, so I believe that the police will find the bill difficult, perhaps impossible, to enforce.

I am extremely concerned that the amendments that the gamekeeper bodies, the National Farmers Union of Scotland and the Scottish Crofters Union said were essential have not received today what I would regard as a better hearing. I hope that those members who say that gamekeeping will be able to continue are right. I feel that they are not right. In particular, I think that there will be a serious problem with mink, as Jamie McGrigor pointed out, not least in the river in Lord Watson's constituency of Cathcart, where the kingfisher and the water vole might become extinct.

I made up my mind about the way that I would

vote on the bill when I visited Dumfries with my colleagues in the Rural Development Committee. We had a meeting with the Borders traders council, which was led by Peter Leggate and Wendy Turnbull, to whom Alex Fergusson referred. I realised then that the bill's victims would not be those who pursue mounted hunting for recreation, but would be grooms, farriers, saddlers and other people who earn a living by carrying out perfectly lawful activities. I had to ask myself at that point—I speak as an ordinary MSP and not as shadow minister for rural development—whether I could vote to hand out P45s to people. One of the Borders traders group said to me, "Fergus, it seems to me that the priorities of the promoters of this bill put foxes before people and I believe that to be very seriously wrong."

The bill's procedures, particularly those at stage 3, were fundamentally flawed. They did not allow a proper opportunity for consultation for the bodies affected. I believe that the minister did not even afford such bodies a meeting. How can that procedure be defended? I beg to oppose the bill.

18:29

**Rhona Brankin (Midlothian) (Lab):** I must declare an interest at this stage. I am a rural rebel, but not one of the orange variety. As I have lived in the countryside almost all my adult life, I will rebel against the myths that have been put about by those who have opposed the bill.

Myth No 1. Everyone who lives in the countryside supports fox hunting. That is absolute rubbish.

Myth No 2. The many thousands of people who enjoy horse riding in Scotland also enjoy fox hunting. That is untrue. The vast majority of horse riders in Scotland have never participated in fox hunting in their lives.

Myth No 3. Those who oppose fox hunting do not understand the need for fox control. Speaking as somebody who has lost all her hens to foxes, I can say that I accept the need for control of foxes. However, the key to the issue of pest control is that it should be humane. The bill, as amended, will allow for that.

Myth No 4. Perhaps the biggest myth of all is that the Executive does not care about rural Scotland. Let us consider the facts: £150 million extra for Scottish farming; £30 million into rural transport and 300 extra rural buses; £30 million into foot-and-mouth disease recovery; £27 million into the Scottish fishing industry. Are those the actions of an Executive that does not care about rural Scotland? Of course not.

The Protection of Animals Act 1835 made bull baiting, bear baiting, dog fighting and cock fighting illegal on the grounds of cruelty. I urge this

Parliament to bring Scotland into the 21<sup>st</sup> century as the caring and compassionate country that it is.

18:31

**Euan Robson (Roxburgh and Berwickshire) (LD):** I opposed this bill at stage 1 and will do so again this evening. My constituency will probably be the most seriously affected by this legislation. The effect on our local economy has always been my main concern about this bill.

Research by the Borders Foundation for Rural Sustainability has shown that 3,500 part-time jobs or 875 full-time equivalent jobs are supported by the activities that the bill deals with and around £29.6 million of expenditure is generated by game shooting, hunting, fishing, stalking and falconry. Around 900 to 1,000 local businesses service those activities in one form or another. A key point is the fact that many of the businesses are interdependent. For example, 35 per cent of farmers in the Borders generate income from on-farm diversification enterprises, which are predominantly country sports. However, the hoteliers, bed-and-breakfast owners, shopkeepers, feed suppliers, farriers, saddlers, gunsmiths, specialist clothing manufacturers, hauliers, retail outlets and others will regret the passage of the bill.

The imposition of the legislation comes directly after the foot-and-mouth disease crisis, which had many detrimental effects. We are only just beginning to recover from all that that pestilence brought to us and this bill will inflict unnecessary hardship on our local economy. I am especially concerned that the loss of equestrian activity in hunting will impact on equestrian activities in the rest of our area, particularly on the sustainability of Borders festivals.

I share John Home Robertson's concern that the bill should never have been brought before the Parliament. It was a serious misjudgment. The Rural Development Committee's time would have been far better spent on other, more important, matters.

The Scottish Parliament is supposed to represent the whole of Scotland and protect minorities. Passing this bill today will fly in the face of the part of the country that I represent. An ample demonstration of the feeling in my constituency, if one were needed, is that in a poll that was carried out by the local newspaper 15,000 people phoned to oppose the bill but only 700 people supported it.

I urge the Parliament to reject this piece of legislation.

18:34

**Richard Lochhead (North-East Scotland) (SNP):** I congratulate Mike Watson, Tricia Marwick and everyone else who has been involved in bringing this bill to fruition, including the clerks of the Rural Development Committee. As one who sat on that committee for over two years and spent a great deal of time dealing with the bill, I can say that a lot of hard work has gone on behind the scenes. We have travelled a very rocky road to get to this point. Some people have tried to bump us off that road, but we made it. To allude to the words of a song from the 1980s, I am certainly "glad it's all over".

There is support for the bill throughout rural Scotland and urban Scotland. There is support for the bill the length and breadth of the country. I represent North-East Scotland, and the majority of people who write to me are in favour of the ban. The Parliament was elected to drag Scotland into the 21<sup>st</sup> century. That is what we will be doing by—I hope—passing the bill today. We are taking a lead and setting an example to other countries.

**Alex Fergusson:** Mr Lochhead is fond of supporting the economic miracle that is southern Ireland. Does he disagree with the Irish Government, which encourages hunting as the centre point of a successful equestrian industry?

**Richard Lochhead:** I hope that Ireland will consider the example that this Parliament is setting today.

The Parliament has listened to many people in Scotland. The Parliament was always concerned that people who were engaged in genuine pest control would be able to continue to make a living. We have achieved that by listening to their concerns. We have been presented with a good case. When the Rural Development Committee and the Parliament heard a good case, it listened and amended the bill accordingly.

I will go through some of the changes to the bill briefly. It now allows the use of dogs to flush out foxes from underground or from cover. The bill as introduced would not have allowed that. The bill now allows someone to send dogs below ground to kill orphaned cubs because we believed that that was the most humane option. The bill as introduced would not have allowed that. Licensing was dumped at the request of the gamekeepers and other groups. If the guns miss and the dog automatically chases the fox and kills it, the gamekeeper will not be breaking the law. That is another change. The bill also allows a dog to be sent after an injured fox because that is a more humane option. That too was not in the bill at the beginning.

Many people have hijacked the bill, but I say to members that the real rural rebels in my

constituency are the many people who live in rural communities and opposed 18 years of anti-rural policies. They are the real rural rebels in my eyes. The same people who have hijacked the bill have been remarkably quiet about the real issues that face rural Scotland: the decline in rural transport, jobs and housing. Surely those are the issues that anyone who is genuinely concerned about the future of rural Scotland should be talking about.

I urge Parliament to pass the bill so that when people wake up in Scotland tomorrow, the country will be a little bit more civilised.

18:37

**Mr Jamie McGrigor (Highlands and Islands) (Con):** Before anyone votes to ban hunting in Scotland, they should think clearly about the alternatives that would take the place of the present arrangements for vermin control. That control has always been achieved by a combination of foxhounds, terriers, firearms and trained people.

One cannot train a gun; one can only train a person to use it properly. However, dogs are not only trained to the highest standards but already possess the genes that enable them to achieve the highest standards of efficient control with the minimum of cruelty. Foxhounds and other dogs are as important a tool of fox control as sniffer dogs are to the police in locating drugs and explosives. If we take that tool away, we will leave a weakened control force in Scotland's countryside. The chances are that other methods will be used that are not only illegal, but more inhumane.

By voting for the bill, members will condemn some foxes to slower, more lingering deaths, increase the pressures on farmers through destruction of lambs and on gamekeepers through destruction of their game and greatly lessen the population of ground-nesting birds. In other words, members will leave poorer people in a poorer countryside.

Members will also create a new category of crime and thus a new class of criminals in the rural population. Many will regard the bill as a totally unjustified attack that is aimed, in malice or in ignorance, at the heart of rural tradition. How will it be policed? Will mounted police be recruited and fitted out with brand-new horses to chase groups of riders? If so, who will pay for the vast new expenditure for rural mounted police squads? In short, passing the bill will create serious problems for the police and the courts and will create an extra strain on the Scottish Prison Service when people refuse to pay their fines.

The fox is one of nature's cruellest predators. Anyone who, like me, has seen the results of a

fox's visit to a lambing field or a chicken run would not fail to be sickened by the disembowelled corpses—some of which are still alive—that strew the ground. What can country people do if the Parliament takes away the tools of control? What will those people think of the Parliament? I suspect that it will reinforce their suspicion that minorities are not protected and that the Scottish Parliament is a disaster for the rural environment and rural people. Members should read the Burns report. Please vote against this ludicrous bill.

18:40

**Scott Barrie (Dunfermline West) (Lab):** I was one of the signatories to the bill when Mike Watson and Tricia Marwick lodged it. I followed very closely the evidence that was given to the Rural Development Committee and the Rural Affairs Committee. I spoke in the stage 1 debate. I take exception to Alex Fergusson's view that because I did not attend those meetings, I am not entitled to lodge any amendments—especially as I sat on one of the committees that considered the bill and reported to the Rural Affairs Committee some 15 months ago.

We must remember what the bill is about. It is not about technicalities and amendments; it is about banning mounted fox hunting, hare coursing and fox baiting. They are barbaric sports that have no place in a modern Scotland. We have debated the issues and those in favour of the bill have won the arguments. Hunting with dogs fails on every count—on the grounds of humaneness, necessity and need.

It is a tribute to our Parliament that despite continued—and, I must say, desperate—attempts to sabotage the bill, we will still be able to pass a competent bill. Let us not sully the reputation of the Parliament by failing to deliver what the majority of Scottish people have consistently said that they want. The opportunity before us was a long time coming. We can do what Westminster could not, not because there was insufficient support in the House of Commons for such a bill—an overwhelming majority of members of Parliament were in favour—but because vested interests in another place clearly prevented such legislation.

I call on the Scottish Parliament to have the courage of its convictions and to seize the opportunity to ban a vicious and unnecessary so-called sport.

18:42

**Christine Grahame (South of Scotland) (SNP):** This is difficult for me, because I was originally a signatory to the bill before it was in draft form. Although I supported it in principle at

stage 1, I am not supporting it now.

I said that I was open to the debate and I have listened to the debate. It is not a matter of ballot boxes—I will mention that before other members do. The response to the bill that I received was split 50:50. I view the bill as legislation that does not do what it was intended to do.

I am concerned that we will criminalise gamekeepers and that there is no compensation—not for the rich, to whom I did not speak, but for very ordinary people, many of whom are self-employed and whose jobs will be imperilled if the bill goes through.

As a piece of legislation, the bill is so convoluted that it is in chaos and is unworkable. Indeed, it is bad law. Therefore, I will not support it.

18:43

**Mr Alasdair Morrison (Western Isles) (Lab):** Since the bill was lodged two years ago, I have never wavered in my commitment to the bill. My opposition to fox hunting is based firmly on the values that were instilled in me while I was growing up on the island of North Uist. A child who is brought up in a crofting community is taught to respect nature. I was taught to appreciate the wonder of creation and to treat animals and all wildlife kindly. Those values still permeate the people in the crofting communities whom I represent.

My opposition to fox hunting—which has been articulated by John Home Robertson and Rhona Brankin—is based firmly and squarely on the indisputable fact that hunting foxes with hounds is cruel. As far as I am concerned, animal welfare always was and always will be the issue. Fox hunting is a pursuit that should not be tolerated in a society that calls itself civilised.

Since the bill was lodged, we have had to endure many bogus arguments. I will highlight one such argument—the assertion that hunting foxes with hounds is an efficient way to control pests. That is complete nonsense. If Jamie McGrigor would be so kind as to visit my constituency, I would be delighted to show him an efficient way of exterminating and eradicating a pest—the mink. A scheme that is supported and financed by the Scottish Executive is under way. It is legitimate, efficient and—most important—it is humane.

Some of those who have supported fox hunting—I emphasise that it is only some—have been engaged in a flawed and fraudulent campaign. They have sought to portray the Protection of Wild Mammals (Scotland) Bill as urban Scotland's articulation of its contempt for the countryside. That is a distortion, which is a contemptible campaigning tactic. The debate is

not about urban versus rural Scotland, or urban MSPs versus rural MSPs, or city people versus country people. The debate is about decency on the one hand and barbarity on the other. Fox hunting with hounds is cruel.

Any bill that bans fox hunting and hare coursing is a credit to this institution.

**Bristow Muldoon:** Presiding Officer, I am conscious that, due to various points of order, the start to the debate was delayed. I am also conscious that a large number of members still wish to speak. Under rule 2.2.6(d), I want to move a motion without notice to extend the meeting of the Parliament.

**The Deputy Presiding Officer:** I am minded to accept the motion without notice.

*Motion moved,*

That, under Rule 2.2.6(d), the debate be extended until 7.15 pm.—[*Bristow Muldoon.*]

**The Deputy Presiding Officer:** The question is, that the motion be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**FOR**

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)  
 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)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Harper, Robin (Lothians) (Green)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (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)



Lyon, George (Argyll and Bute) (LD)  
 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)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 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)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McLetchie, David (Lothians) (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)  
 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)  
 Radcliffe, Nora (Gordon) (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, Mrs Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Ben (North-East Scotland) (Con)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Brown, Robert (Glasgow) (LD)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 McAllion, Mr John (Dundee East) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Fabiani, Linda (Central Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 86, Against 11, Abstentions 4.

*Motion agreed to.*

**The Minister for Parliamentary Business (Patricia Ferguson):** As a consequence of the decision that we have just taken, I wish to move a motion without notice to move decision time.

**The Deputy Presiding Officer:** I am minded to accept the motion without notice.

*Motion moved,*

That, under Rule 11.2.4, Decision Time be taken at 7.15 pm.—[*Patricia Ferguson.*]

*Motion agreed to.*

18:48

**Michael Russell (South of Scotland) (SNP):** I shall be brief. Like my friend Christine Grahame, I started out by supporting the bill, but by the time that it had reached stage 1, I had decided to vote against it. Even if I had not voted against it at stage 1, I would definitely have decided to vote against the bill this afternoon.

I am not entirely happy with some of the company that I keep. I am certainly not happy with the orange loons in the public gallery, whose behaviour has been anti-democratic and disgraceful. I am not happy that I am on the same side as *The Daily Telegraph*. I am happy that each of us has the right to decide what we will do, but this afternoon has been a tragedy and a farce.

I want to address my remarks to those members who think that they have struck a blow for progress—the word “civilisation” was used—and for animal welfare. I am afraid that that is not the case. What will happen is that the legitimate activities of gamekeeping and conservation will be damaged possibly beyond repair. Members will have deprived people of their livelihoods without compensation. That is unforgivable and will, I am afraid, come back to haunt the chamber and haunt Scotland.

Most important, we have refused to show a tolerant and inclusive face, which we should show even to those whom we dislike and disapprove of. We have taken the idea that the best is the enemy of the good. As a result, certain people have forced issues that, with a moment's thought, they would have realised could only be damaging. The attitude in some parts of the chamber has been, “We are the masters now.” That has no place in a new Scotland. That applies to the left and to the right. If we are trying to build a new Scotland, the attitude that there should be no compensation for some because we did not get it is not an attitude on which we can base a new democracy or a new nation.

This has been a bad afternoon for the Parliament. I regret having been here. I hope—despite the babbling that is coming from the Labour benches—that the Parliament may learn, over time, how to tolerate even those whom we dislike.

18:50

**Tommy Sheridan (Glasgow) (SSP):** Today has been a positive day for the Parliament, and although I disagreed with just about everything that Mike Russell said, it has been positive precisely because he had the right to say it. Today we have had genuine debate. Members from different parties have agreed with one another, and members from the same party have disagreed with one another. There has therefore been an opportunity for genuine debate and discussion, without party whips and party lines. At decision time, the important thing will be that the bill will be carried because it is right. The bill will be carried because the message that it sends from this Parliament is right.

People have said that the bill is not a priority. In August 1999, Mike Watson and I had a discussion not long after we had both submitted our respective member's bills—mine to abolish warrant sales and Mike's to ban hunting with dogs. At the time, Mike Watson said that he had been thinking of introducing a member's bill to abolish warrant sales. It is probably an irony that my bill was debated first but that Mike's bill will become legislation before the abolition of warrant sales. That is a pity—a pity that I want to point out to the Tories.

The Tories have prattled on today about their concern for people. It is a pity that the only party that voted as a party to prevent the abolition of the humiliation of warrant sales was the Tory party. Tory members should be ashamed of themselves for having taken that action.

Members will support the bill today because the message that it will send out, loud and clear, is that the type of Scotland that we want to create is a Scotland that is tolerant, a Scotland that is compassionate, and a Scotland that is no longer prepared to stand by and watch cruelty inflicted on animals in the name of sport. That cruelty has to be rejected. If the Parliament has the courage to reject it today, I agree that that will not have been action on a priority issue, but it will have been action on a progressive issue. That is something that the Parliament can be proud of.

18:53

**Ben Wallace (North-East Scotland) (Con):** I have listened with interest to the views on the aims of this so-called bill. I challenge anyone who

intends to back the bill to say where the bill refers to those on horseback, and to say where the bill says that I cannot pursue a fox across country with a pack of hounds as long as they are muzzled—in other words, to say where the bill addresses the welfare of the fox. The bill has singularly failed to do that.

The bill has damaged the gamekeepers who have to go about their business. The ham-fisted way in which the bill has been put through Parliament has done nothing for the welfare of the fox. It will allow mounted pursuit of the fox to continue.

The members on the other side of the argument sat there looking as if they were on “University Challenge”. However, they had none of the answers and they did not even ask the right questions.

This debate is not only about welfare issues; it is about freedoms. I am here to defend the right of people to hunt foxes. I know about freedom. People sneer when I mention the Army. I did not run a local authority and I did not go on strike, but I defended real freedoms. I saw people on the streets of Belfast and I shovelled bodies into bin bags, between bigoted communities that would not allow freedom and would not tolerate minorities.

That is what we are doing today—we are failing to tolerate minorities. There are endless reports—discursive or inconclusive—about the cruelty that is inflicted on the animal. People tell me that because they do not like the by-product of an act, the act should be stopped. Some people do not like the by-product of killing a fox, but some people get kicks out of that. I do not hunt, so I get no particular kicks from that. Some people get kicks out of bondage, some people get kicks out of horror films and some people get kicks out of watching boxing, but it is not my sanctimonious right to take those things away. It is not my right to legislate against the ways in which people get their kicks.

Many people in the Parliament fought for the freedom to have a Parliament. Some parties campaigned for Scotland's freedom. How quick we have been today to limit the freedom of the people of Scotland. I will not support the bill.

18:55

**George Lyon (Argyll and Bute) (LD):** That speech demonstrates why Ben Wallace should be at Westminster, rather than here.

I spoke and voted against the bill at stage 1. It became clear to the Rural Development Committee that the bill was flawed, unworkable, unenforceable and would prevent legitimate pest control in rural Scotland, but the Parliament rejected that view.

**Johann Lamont (Glasgow Pollok) (Lab):** Several members of the Rural Development Committee have said that the bill was clearly flawed and would not do what it sought to achieve. It makes me wonder why there was no attempt to introduce a committee bill to address the issue of fox hunting on its own, rather than adopting a destructive tactic and suggesting that that was not an option.

**George Lyon:** That was one of the suggestions that was made by the committee, but it was not supported.

The Scottish Parliament rejected the committee's view at stage 1. However, nothing that has happened during today's debate has convinced me that the bill is now a workable piece of legislation. I would be interested to hear whether the Scottish Executive thinks that the bill, after all the amendments that have been made at stage 3, is now enforceable. I believe that the Deputy Minister for Environment and Rural Development is going to speak in the debate and I ask him to give the Parliament an assurance that the bill can be enforced in rural Scotland.

The bill brings uncertainty to the activities of the gamekeepers, hill packs and terrier packs—those who go about the legitimate business of trying to control the fox population in areas where foxes are a pest. It is important that that service continues for farmers and crofters. The bill will bring great uncertainty as to whether such pest control can continue.

Even worse, the bill is a lawyer's charter. The courts will be left to sort out the mess that we have created today.

The bill might have had one redeeming feature—that is, if the compensation amendment had been accepted. Like many of my colleagues, I was utterly gobsmacked that the Tories chose to put politics ahead of the people who will be affected by the bill. Instead of standing up and supporting the gamekeepers, the Tories chose to abandon the only amendment that had any chance of success. They put politics before the gamekeepers and they should be condemned for that. *[Interruption.]*

**The Deputy Presiding Officer:** Order. Mr McLetchie, let the member finish his speech.

**George Lyon:** Thank you. I was making a legitimate point.

The bill and the way that it has been forced through against the informed views of the Rural Development Committee will do the Parliament no credit. It is a flawed and unenforceable piece of legislation that all of us in the chamber will come to regret.

**The Deputy Presiding Officer:** I must close the open part of the debate. I apologise to those members who have not been called. I am grateful that ministers have chosen to use only one slot in the debate.

18:59

**The Deputy Minister for Environment and Rural Development (Allan Wilson):** I will be brief because the debate has been lengthy, and properly so. Parliament is now approaching a point where it must make a decision. Creating a new criminal offence is not something that any Parliament should do lightly. Any dispassionate observer—if there are any left—would agree that some 23 months of discussion and deliberation cannot, by any stretch of the imagination, be described as either cursory or superficial. The members of the Rural Development Committee are to be commended for the thorough and professional job that they have done.

The bill has come in for criticism from some quarters in the chamber today; members have suggested that it will not be workable or that it will be unenforceable. I believe that to be untrue. Although the bill was not constructed in the way that it would have been if it had been an Executive bill, as Richard Lochhead rightly pointed out, it has been amended at stage 2 and now at stage 3. If the majority of MSPs vote in favour of the bill, it will pass into law.

**Phil Gallie:** Will the minister give way?

**Allan Wilson:** I put it to the chamber, and to Phil Gallie, that that is what Parliamentary democracy is all about. It is a measure of the Parliament's strength that it can address difficult and contentious issues in a mature manner.

Members are now free to vote as they choose on the fate of the bill as amended. I encourage members to consider not only today's debate, but all the evidence that they have read or listened to since they voted in favour of the principles of the bill on 19 September 2001.

19:01

**David Mundell (South of Scotland) (Con):** I begin by thanking the minister for his co-operation. I also extend my thanks to Mike Watson for the civility that he has always shown, even to opponents of the bill, during the bill's passage, particularly at stage 2.

However, I do not agree with Mike Watson and I do not agree with what he said today. One thing is absolutely clear about the bill. It is such a pig's ear that Tony Blair will run a mile from it. After the mess that has been made today, it is absolutely clear that we will not see action on banning

hunting in England.

**Tommy Sheridan:** We are in Scotland.

**David Mundell:** We have not banned hunting. That is where Tommy Sheridan and the other supporters of the bill have been conned. The bill will still allow people to go out in their red coats, to shout their tally-hos and to smear themselves in whatever they like. They will still be allowed to go out drag hunting. If a fox comes along, there is nothing to prevent those people from killing it.

The bill's supporters have not banned the killing of foxes by dogs. Of course, foxes are the priority. Rabbits do not matter; they can just be torn limb from limb. If a hawk is doing that, that is fine. Hawks can even pull foxes apart. We went through a great pretence to ensure that one of the amendments deleted the word "dog", but there is no concern about birds of prey.

As Elaine Murray eruditely pointed out during the stage 1 debate, the bill has nothing to do with cruelty. It has everything to do with the hijacking of the parliamentary process by lobbyists with a very determined agenda. When it came to the bit, the lobbyists were not satisfied just with banning mounted fox hunting, a measure that they could have got through the Parliament with an overwhelming majority, even though I would have voted against it. The law would then have been on the statute books. The lobbyists could not accept that, however; they had to push and push their own agendas so that the bill covered gamekeepers and other people carrying out legitimate activities in the countryside.

That is what the bill's supporters have countersigned today by voting through all the amendments that repealed the Rural Development Committee's work. The bill's supporters have done the work of the people at the extreme end of animal activism. They have been conned, just like the Liberal Democrats were conned, into accepting £150,000 to sell out people's right to challenge the bill under the European convention of human rights.

The one positive vote was that against Karen Gillon's amendment 84. That vote will ensure that the bill goes all the way to the European Court of Human Rights, where people will be able to argue for the compensation that they deserve.

**The Deputy Presiding Officer:** Speak into your microphone please, Mr Mundell.

**David Mundell:** Thank you, Presiding Officer. I always aspired to your style of operation.

**The Deputy Presiding Officer:** I never needed a microphone, but you do.

**David Mundell:** Members will no doubt agree to put the bill on the statute book. That will be a

running sore for the Parliament. The public will cast it up as a waste of time and effort. Having spent all that time and effort, we have produced a dog's breakfast. If we had spent six hours in the chamber debating Scotland's economy or if we had spent 18 hours in the Rural Development Committee considering the services that people in rural Scotland require, we might have done something well, but we did not do that.

Even if the bill's supporters believe that the bill will do what they say that it will, there is not a toff—as some people would describe such a person—who cannot now go to Northumberland and hunt. Even better, there is not a toff who cannot go to Ireland, which positively wants people to hunt there. It is interesting that, in his discussions with the Irish Minister for Tourism, Sport and Recreation, the Minister for Tourism, Culture and Sport will be saying that Scotland has entered a new dawn and that Ireland, which is our partner, is some sort of barbaric state because it allows fox hunting. That is the ridiculous situation that has been created today.

This is the end of this particular chapter of what will be a long and sorry story. I hope that everyone who is concerned for the Parliament as a legislature, rather than as a body that allows sentiment to prevail, will vote against the bill.

19:07

**Tricia Marwick (Mid Scotland and Fife) (SNP):**

I start by thanking a number of people and organisations. I thank the members of the Parliament who accepted the guidance from Bristow Muldoon, me and others of the pro-bill support group and the tight amendments that we suggested would make the bill complete, remove the wrecking amendments that were accepted at stage 2 and ensure that no wrecking amendments were accepted at stage 3.

I thank my parliamentary staff—Craig Milroy and Karen Newton—for the extra work that they have had to do in connection with the bill. I thank Les Ward, from Advocates for Animals, and the Scottish Campaign Against Hunting with Dogs. I thank Peter Hastie for the work that he did on the bill, but I will not praise him too highly, because that might cause him difficulties in his new employment. I thank the Scottish Gamekeepers Association for the constructive way in which it has engaged with the Parliament on the bill. It has done a power of work in lobbying, on which it is to be congratulated.

Mike Watson and I gave a commitment to the Parliament at stage 1 that the final bill would do three things: it would ban mounted fox hunts; it would ban hare coursing; and it would ban fox baiting. I am satisfied today that we have achieved

all three aims. We also gave a commitment to the Parliament, particularly to Karen Gillon when she raised the issue, that legitimate pest control would continue. I am satisfied that the amendments that have been passed today, and the amendments that were passed at stage 2 that have been retained, will allow gamekeepers and hill packs to continue their necessary pest control work.

George Lyon said that the bill would be challenged in the courts. Well, what a surprise. I seem to recall that the bill was challenged in the courts before it even got to the Parliament. It was challenged in the courts in an attempt to prevent this day from happening.

I agree with John Home Robertson that the bill is not a priority for the Parliament. It has never been a priority for Mike Watson, Tommy Sheridan, Bristow Muldoon or me. I have been progressing other matters in the Parliament, but just because the bill is not a priority does not mean that it is not worth having.

Euan Robson said that the bill would devastate the Borders economy. I say to him that the Borders has suffered grievously during the past few years. It has lost hundreds of jobs at Viasystems and elsewhere. However, very few jobs are associated with the hunts. If the hunt owners would go over to drag hunting, there would be no job losses. That would be the sensible thing for them to do. Why will the hunt owners not go over to drag hunting? A master of foxhounds said, "We will not indulge in drag hunting because it would be like having sex with a condom on." Perhaps he, rather than I, should explain that.

I want to make it clear to those inside and outside the chamber that the bill will not be the forerunner of future bills. The Scottish Countryside Alliance and others in rural Scotland have peddled lies. Those lies need to be nailed and they need to be nailed today. I will never give my support in the Parliament to a bill that would ban fishing or shooting. Those activities are an essential part of our countryside. I do not believe that any member of the Parliament would support such a move.

The bill is not about rural Scotland versus urban Scotland. There is a majority in both rural and urban Scotland for the bill. I resent being told by people who leave Edinburgh's new town every week in their Range Rovers to hunt in the Borders that the rest of us do not understand the countryside. This is our country. Rural Scotland is important to every member in the chamber.

Today has been a long day. Let us now vote on the bill.

**The Deputy Presiding Officer:** I am minded to accept a motion to bring forward decision time.

**Patricia Ferguson:** I am always happy to oblige, especially someone in the Deputy Presiding Officer's august office. I ask the chamber's permission to move a motion without notice.

To allow for the fact that business has concluded early, I move,

That, under Rule 11.2.4, Decision Time be taken at 7.12 pm.

*Motion agreed to.*

## Decision Time

19:12

**The Deputy Presiding Officer (Mr Murray Tosh):** Two questions are to be put as a result of today's business. The first question is, that amendment S1M-2726.1, in the name of Alex Fergusson, which seeks to amend motion S1M-2726, in the name of Bristow Muldoon, on the Protection of Wild Mammals (Scotland) Bill, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

### FOR

Aitken, Bill (Glasgow) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 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)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 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)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Ben (North-East Scotland) (Con)

### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 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)  
 Canavan, Dennis (Falkirk West)  
 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)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 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)  
 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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 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)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 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)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robison, Shona (North-East 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)  
 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)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Lyon, George (Argyll and Bute) (LD)

**The Deputy Presiding Officer:** The result of the division is: For 32, Against 90, Abstentions 1.

*Amendment disagreed to.*

**The Deputy Presiding Officer:** The second question is, that motion S1M-2726, in the name of Bristow Muldoon, on the Protection of Wild Mammals (Scotland) Bill, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (North-East Scotland) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 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)  
 Canavan, Dennis (Falkirk West)  
 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)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 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)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)  
 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)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Robison, Shona (North-East Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 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)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lyon, George (Argyll and Bute) (LD)  
 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)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 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)  
Russell, Michael (South of Scotland) (SNP)  
Scanlon, Mary (Highlands and Islands) (Con)  
Scott, John (Ayr) (Con)  
Smith, Iain (North-East Fife) (LD)  
Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
Wallace, Ben (North-East Scotland) (Con)  
Wallace, Mr Jim (Orkney) (LD)

**ABSTENTIONS**

Ewing, Mrs Margaret (Moray) (SNP)  
Home Robertson, Mr John (East Lothian) (Lab)  
MacDonald, Ms Margo (Lothians) (SNP)  
Neil, Alex (Central Scotland) (SNP)  
Paterson, Mr Gil (Central Scotland) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 83, Against 36, Abstentions 5.

*Motion agreed to.*

That the Parliament agrees that the Protection of Wild Mammals (Scotland) Bill be passed.

*Meeting closed at 19:15.*



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