

MEETING OF THE PARLIAMENT

Thursday 19 September 2002

Session 1

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2002.

Applications for reproduction should be made in writing to the Copyright Unit,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now
trading as The Stationery Office Ltd, which is responsible for printing and publishing
Scottish Parliamentary Corporate Body publications.

CONTENTS

Thursday 19 September 2002

Debates

Col.

DEBT ARRANGEMENT AND ATTACHMENT (SCOTLAND) BILL: STAGE 1	10881
<i>Motion moved—[Ms Margaret Curran].</i>	
The Minister for Social Justice (Ms Margaret Curran)	10881
Mr Kenneth Gibson (Glasgow) (SNP)	10888
David McLetchie (Lothians) (Con)	10895
Robert Brown (Glasgow) (LD)	10900
Tommy Sheridan (Glasgow) (SSP)	10904
Trish Godman (West Renfrewshire) (Lab)	10907
Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)	10910
Mr John McAllion (Dundee East) (Lab)	10912
Mrs Lyndsay McIntosh (Central Scotland) (Con)	10914
Johann Lamont (Glasgow Pollok) (Lab)	10916
Christine Grahame (South of Scotland) (SNP)	10919
Karen Whitefield (Airdrie and Shotts) (Lab)	10921
Phil Gallie (South of Scotland) (Con)	10923
Mr Gil Paterson (Central Scotland) (SNP)	10924
Kate Maclean (Dundee West) (Lab)	10926
Colin Campbell (West of Scotland) (SNP)	10927
Cathie Craigie (Cumbernauld and Kilsyth) (Lab)	10929
Murdo Fraser (Mid Scotland and Fife) (Con)	10930
Helen Eadie (Dunfermline East) (Lab)	10932
Brian Adam (North-East Scotland) (SNP)	10934
Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)	10935
Lord James Douglas-Hamilton (Lothians) (Con)	10938
Linda Fabiani (Central Scotland) (SNP)	10940
The Deputy Minister for Justice (Dr Richard Simpson)	10944
DEBT ARRANGEMENT AND ATTACHMENT (SCOTLAND) BILL: FINANCIAL RESOLUTION	10950
<i>Motion moved—[Peter Peacock].</i>	
BUSINESS MOTION	10951
<i>Motion moved—[Euan Robson]—and agreed to.</i>	
QUESTION TIME	10953
FIRST MINISTER'S QUESTION TIME	10970
POINTS OF ORDER	10979
CULTURE (EDUCATIONAL DEVELOPMENT OF YOUNG PEOPLE)	10981
<i>Motion moved—[Mike Watson].</i>	
<i>Amendment moved—[Mr Brian Monteith].</i>	
The Minister for Tourism, Culture and Sport (Mike Watson)	10981
Mr Brian Monteith (Mid Scotland and Fife) (Con)	10985
Michael Russell (South of Scotland) (SNP)	10987
Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)	10990
Rhona Brankin (Midlothian) (Lab)	10992
Linda Fabiani (Central Scotland) (SNP)	10994
Robin Harper (Lothians) (Green)	10996
Mr Jamie McGrigor (Highlands and Islands) (Con)	10997
John Farquhar Munro (Ross, Skye and Inverness West) (LD)	10999
Cathy Peattie (Falkirk East) (Lab)	11000
Fiona McLeod (West of Scotland) (SNP)	11002
Donald Gorrie (Central Scotland) (LD)	11003
Murdo Fraser (Mid Scotland and Fife) (Con)	11005
Michael Russell	11007
The Deputy Minister for Education and Young People (Nicol Stephen)	11008
PARLIAMENTARY BUREAU MOTIONS	11011
<i>Motion moved—[Euan Robson]—and agreed to.</i>	

Motions moved—[Euan Robson].

The Deputy Minister for Parliamentary Business (Euan Robson)	11011
POINTS OF ORDER	11012
DECISION TIME	11014
CROFTING SUPPORT (HIGHLANDS AND ISLANDS)	11020
<i>Motion debated—[Tavish Scott].</i>	
Tavish Scott (Shetland) (LD)	11020
Rhoda Grant (Highlands and Islands) (Lab).....	11023
Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP).....	11024
John Farquhar Munro (Ross, Skye and Inverness West) (LD)	11025
Mr Jamie McGrigor (Highlands and Islands) (Con)	11026
Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD).....	11028
George Lyon (Argyll and Bute) (LD).....	11029
The Deputy Minister for Environment and Rural Development (Allan Wilson)	11031

Oral Answers

Col.

QUESTION TIME

SCOTTISH EXECUTIVE	10953
Aberdeen Football Club (Planning Application).....	10959
Children's Panels.....	10955
Deepwater Fisheries.....	10960
Demolition (Public Safety)	10958
Executive Priorities	10956
Funding (Monitoring)	10961
Physical Education (Student Places)	10953
Prescriptions (Electronic Transfer)	10954
Rape (Prosecution).....	10967
Rural Dental Services.....	10966
Surgery (Access)	10964
Torness Power Station (Shutdown).....	10963
FIRST MINISTER'S QUESTION TIME	10970
Cabinet (Meetings)	10970
Euro 2008	10975
Genetically Modified Crops (Bees and Honey)	10977
Prime Minister (Meetings).....	10971
Revenue-varying Powers	10973

Scottish Parliament

Thursday 19 September 2002

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

Debt Arrangement and Attachment (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Mr George Reid): Good morning. Our first item of business is the stage 1 debate on motion S1M-3085, in the name of Jim Wallace, on the general principles of the Debt Arrangement and Attachment (Scotland) Bill. I call Margaret Curran to speak to and move the motion.

Tommy Sheridan (Glasgow) (SSP): On a point of order, Presiding Officer. Before the debate begins, I seek clarification about the capacity to amend the bill. The advice that has been given to me is that any plan to remove the exceptional attachment order provision from the bill at stage 2 would be ruled incompetent. It is important that that point is clarified later this morning for the information of members. Many members have expressed their opposition to that provision, although they support other elements of the bill.

The Deputy Presiding Officer: I understand that Mr Sheridan has been in contact with the clerks on that subject. The matter is for the committee convener at stage 2 and I would not want to pre-empt any decision by the convener. My understanding of the matter is that, although there cannot be deletion, there could be amendment.

09:31

The Minister for Social Justice (Ms Margaret Curran): I am very pleased to open the debate in the chamber today, which is an important day for the Parliament. Today we effectively discharge our responsibilities to deliver a humane alternative to poindings and warrant sales—a workable scheme that protects the poorest and most vulnerable. We need to deliver a system that does not create loopholes for the few who are prepared to let everyone else pay for the services that they wish to use and are not prepared to face up to their financial responsibilities.

Many in the Parliament will know of the background to the work that has been undertaken to date. They will know that the Executive established a working group that led to the publication of the report “Striking the Balance: a

new approach to debt management”. The working group brought together people who wanted and knew that we had to find a workable alternative. Those who could not cope with that responsibility made their excuses and left.

The bill is the result of a lot of hard work by people with all sorts of competing interests who pulled together to deliver the alternative that the Parliament had called for. We now have a bill that has drawn together a panorama of opinion and ideas and achieved a consensual approach, which was no mean feat. The result was to turn old practices on their head, to look at the root of the problem, to tackle the real source and to treat it holistically.

The bill is an excellent example of our drive to ensure that different Government departments work together to achieve multiple aims and improvements. As Minister for Social Justice, I am pleased to introduce the stage 1 debate on the bill, which is part of a new strategy for tackling debt. From my social justice perspective, I promote social inclusion in Scotland—that includes financial inclusion. Unmanageable debt is an important, although not the sole, factor in financial exclusion. The perspective of the ministers with responsibility for the justice brief, on the other hand, is to promote improvements to the justice system to make it fairer, more accessible and more effective.

Bill Butler (Glasgow Anniesland) (Lab): The minister knows that many people have serious, sincerely held concerns that, because personal possessions can be used to offset debt, the bill is merely poindings and warrant sales by another name. What does she say to those people?

Ms Curran: I recognise that the Social Justice Committee took a lot of evidence on that subject and considered it in depth. I want to make it clear that last year—I think that it was last year—I voted for Tommy Sheridan’s Abolition of Poindings and Warrant Sales Bill. If I thought that the Debt Arrangement and Attachment (Scotland) Bill was not abolishing poindings and warrant sales, I would not be in the chamber today to move the motion. I want to make it absolutely clear to the Parliament and the people of Scotland that the provisions in the Debt Arrangement and Attachment (Scotland) Bill are not poindings and warrant sales by another name.

To illustrate the point, let me summarise the key differences between the old system and the new one that we are proposing. Creditors must make a specific application for an exceptional attachment order. They must provide debtors with an advice and information pack. If that step is successful—in the great majority of cases, we hope that it will be—all legal action stops at that point.

If it is not possible to reach agreement, the case may come to a hearing. The debtor can submit a voluntary declaration, which ideally would be made with the help of a money adviser. The debtor may also be assisted in person at any hearing by a money adviser or another lay person. The sheriff will take account of individual circumstances including whether debtors received the advice and information pack; the nature of the debt; whether creditors tried to reach a settlement or secure payment by other means; and the information that is contained in any voluntary declaration.

That is not just my view or the view of the Scottish Executive. In its evidence to the Social Justice Committee, the Scottish Consumer Council said that it was not reasonable to say that the bill's provisions

"amount to poindings and warrant sales under another name."

In its evidence to the committee, Money Advice Scotland said:

"We would contend that the proposals are not a rose by any other name."—[*Official Report, Social Justice Committee*, 12 June 2002; c 2994 and 3014.]

As the committee observed more generally:

"the vast majority of the organisations which submitted evidence were generally supportive of the Bill".

Tommy Sheridan: Will the minister take an intervention?

Ms Curran: No. I am finishing my answer to one intervention. Let me finish that response.

It is absolutely clear that the bill is not poindings and warrant sales by another name.

Tommy Sheridan: Will the minister take an intervention?

Ms Curran: No. I want to move on. I am not taking two interventions one after the other. It is not appropriate for me to take another intervention if I am to explain fully the general principles of the bill.

Let us consider the general principles of the bill. As I said, debt management is the front-line solution. Early intervention is required to promote dialogue and negotiated settlement. We need free, independent and easily accessible money advice. We are placing the enforcement system behind all that so that enforcement is not the first resort for recovering debt. The enforcement system will help people who can pay to do so. That protects those who cannot pay. However, the system will deal effectively with the minority who very well can but simply will not pay until they are compelled to do so.

The Executive's objective, which embraces the aims of everyone who chose to take part in the

search for a new way forward, is to empower individuals to deal with their own debt problems. We will give the help and support that is needed to get people back on their feet.

Tommy Sheridan: The minister mentioned Money Advice Scotland. She will be aware that Money Advice Scotland's evidence to the Social Justice Committee included the comment that, under the bill, 70 per cent of its clients would be excluded from the debt arrangement scheme. Will the minister address that point?

Ms Curran: We will move on to consider the detail of the bill. I have made it clear that today we are debating the general principles of the bill. We are taking a broad-based approach to consultation and involvement. At the next stage, we will consider the detail to ensure that the bill has the maximum impact that we intend it to have. We will go to wide consultation and consider the detail of that consultation. Money Advice Scotland will be a key source of the evidence that we will consider.

We are absolutely determined to give the help and support that is needed so that people can get back on their feet and, with a bit of dignity, regain control in doing so. We are also determined to get more debt paid in a managed way and to avoid the time and cost of enforcement. That is to the advantage of all. As I said, we reflected, debated and consulted long and hard on all the issues and problems that were raised. The bill is the result of extensive reflection and consultation.

Early in its life, the working group recognised that, in order to find the alternative to the diligence that had been abolished, it needed to examine a new approach to debt management in Scotland. The title of the working group's report—"Striking the Balance: a new approach to debt management"—describes exactly its recommendations. When the Executive put the working group's recommendations out to consultation, people across Scotland took the time and trouble to respond. The vast majority welcomed and supported the new approach that is proposed. It is important that I register that point strongly. Having gone through the process of intense discussion among stakeholder representatives and public consultation, the working group's recommendations now form the basis of the bill.

Tommy Sheridan: Will the minister take an intervention?

Ms Curran: No. I want to carry on.

We have introduced a new approach to debt management and debt enforcement that responds directly to the views of the Scottish people.

I now turn to the detail of the bill. The bill was introduced in May and has been scrutinised by the

Social Justice Committee, which took further views from interested parties. As I said, the committee endorses the general principles of the bill and welcomes what the bill seeks to achieve.

We will, of course, take account of the concerns that the committee raised. However, the bill has passed its first, fundamental test—that of setting the humane and workable alternatives that the Parliament sought. In order to make it absolutely clear, I will repeat that the bill is not pointings and warrant sales by another name.

Tommy Sheridan: Will the minister give way?

Ms Curran: No. If the member does not mind, I will carry on. I have already taken an intervention from him.

The bill creates new procedures and protections for recovering debt. It also establishes a national debt arrangement scheme, which will allow the repayment of multiple debts in a managed way that is free from the threat of enforcement. The money advice movement has advocated such a scheme for many years.

The Executive is committing resources to support that. For example, it has already provided £3 million additional funding per annum for front-line money advice support, which is being deployed across Scotland even as we speak. I have already said that the bill is the result of a wide-ranging consultation process and follows the conclusions of a diverse range of people, who reached universal agreement on the need for a national debt arrangement scheme.

There was also agreement about the need for enforcement for those who had the means but were unwilling to pay their debts until they were forced to. The Executive has set out its stall for the debt arrangement scheme in part 1 of the bill. Moreover, details of the proposals have been set out in “Enforcement of Civil Obligations in Scotland”, the Executive’s consultation paper on the reform of all aspects of the enforcement system. We invited views on detailed arrangements for the debt arrangement scheme and received a wide range of responses, which are being independently analysed. I can confirm that the results will be published.

Robert Brown (Glasgow) (LD): The Subordinate Legislation Committee has made some criticisms about the extent to which the Executive wants to rely on regulations. Will the Executive respond positively to those comments? It is important to ensure that citizens’ rights are contained in primary legislation and the major statutes.

Ms Curran: The Executive takes the Subordinate Legislation Committee’s comments seriously. Some would argue that we are doing

things the wrong way round and that we should have finalised the details first before introducing the bill. Indeed, I suspect that Robert Brown would make that argument. However, because of the nature of the previous member’s bill and the need for the Executive to respond within a strict timetable, we have had to do things this way round. That said, I can confirm that the Subordinate Legislation Committee—and the Parliament, if appropriate—will be fully consulted on the matter. As I said, given the time scale available, our only real alternative was to put the detail in regulations. We would have done so in primary legislation, but we are where we are.

Money advice will be the gateway to the debt arrangement scheme. Although we do not see it in the bill, real people are already benefiting from the Executive’s investment in money advice. Even as we have this debate, 100 additional money advisers have already been put in place across Scotland. We have invested an extra £500,000 per annum towards training and a common framework for quality assurance that will support consistent, high-quality money advice.

The bill’s provisions in relation to the debt arrangement scheme and the introduction of money advice as part of the enforcement process will ensure that we focus on giving information and advice by accessible, straightforward means. That will allow people to understand the choices that they can make to help them to help themselves.

Part 1 of the bill focuses on debt management. The debt arrangement scheme will build on existing and successful voluntary debt payment programmes that are already provided by the voluntary and not-for-profit sectors. We can improve such voluntary arrangements by ensuring that no enforcement action can be taken while real efforts to pay off debt are being made and maintained. The scheme needs to be national so that it is freely available to everyone under consistent terms.

Undertaking a debt payment programme under the scheme is not an easy let-off. However, setting up realistic programmes for repayment will mean that creditors as well as debtors will benefit. We must stop the upward surge of debt for the sake of everyone—individuals, the wider community and Scotland as a whole.

Parts 2 and 3 of the bill are about debt enforcement, or at least about one kind of enforcement. As members know, the Executive has been consulting separately on the whole enforcement system. Part 2 of the bill responds to recommendations from the Parliament, the working group and the consultation exercise that we should treat domestic and commercial situations differently. The new means of enforcement, which is known as attachment, will

be available for use, except in a person's home, and will most often involve assets held in a place of business where recovery must meet unpaid business debts. The Parliament made it plain that enforcement was necessary in such circumstances and that firm arrangements should be retained. We have done that in the bill not just for creditors, but for decent ordinary working people who pay their bills and are fed up with seeing chancers get away with it.

Part 3 of the bill introduces an entirely new court procedure for obtaining an exceptional attachment order. It is called "exceptional" because it is exactly that. The bill is designed to ensure that, in domestic cases, an order will be available only in exceptional circumstances. We have taken numerous steps to ensure that an order will be granted only as the exception in the few can-but-won't-pay cases. The provision is specifically designed to ensure that all but the exceptional cases are filtered out. The process is geared to reducing the numbers involved at each stage until only the few difficult cases are left.

Perhaps the process can best be illustrated as a journey that has various stages and stops. We will give people the exit signs that they need to end their journey through, for example, the provision of free, accessible expert money advice, which will be available before any type of court and enforcement action becomes a possibility; the debt arrangement scheme; and the advice and information package, which will be compulsory when enforcement action is threatened and will signpost the way to money advice and the debt arrangement scheme. When enforcement action is taken, it will not be possible to proceed unless opportunities for money advice have been given.

There will also be an opportunity to give information in a voluntary declaration and to have a lay representative explain circumstances. Money advisers have repeatedly told us that it would be helpful if they could represent their clients in court. Furthermore, enforcement action will not be allowed unless it can be established that assets are involved that are not everyday necessities and that have a genuine value towards meeting the debt.

There is also the possibility of a home visit from a money adviser, even for people faced with action who, for whatever reason, find it difficult to deal with their situation. That will ensure that, before an order is granted, it genuinely relates to someone who refuses to pay and not to someone who is in real difficulty. By taking those steps, we will ensure that only the tiny minority of people who can pay, but go out of their way to refuse to do so, will have the exceptional order granted against them.

We arrived at that new approach through a

recognition that one size cannot fit all and that a horses-for-courses solution was needed. The working group quickly realised that we did not require an intimidatory tool. Most debtors want to pay their debts but need help in finding ways of managing how to do so. We should not forget that failing to find a way through means that creditors end up wasting time and money pursuing debtors through the court and enforcement action. Some might even withdraw access to credit.

Like the working group, the Executive wanted to provide an incentive for other solutions before the enforcement route was used. We were particularly anxious to ensure that people who wanted to pay their debts and who had the means to do so would not be caught up in enforcement when other solutions were possible. The other solutions are in the bill, which represents the humane and workable alternative that we were looking for.

The Social Justice Committee has raised some points that the Executive will systematically address as we work through the next stages of the bill. If the Parliament approves the general principles today, it will take a decisive step towards tackling the problems of financial exclusion as well as addressing enforcement issues in the civil justice system.

Those who oppose the bill and imply that there is a cost-free alternative are doing the working families of Scotland a great disservice. I know as well as any other member in the chamber that the ordinary working people of Scotland insist that people must face up to their financial responsibilities. We cannot create a debt enforcement system that can be avoided and exploited. We welcome the widespread support for the bill's general principles. We are responsible elected representatives in a responsible Parliament and we will deliver for the working people of Scotland.

I move,

That the Parliament agrees to the general principles of the Debt Arrangement and Attachment (Scotland) Bill.

09:49

Mr Kenneth Gibson (Glasgow) (SNP): The Scottish Executive has made it clear that it intends the Debt Arrangement and Attachment (Scotland) Bill to fulfil its commitment to provide a workable but humane alternative to the enforcement procedure of poindings and warrant sales. The Executive also intends the bill to implement the recommendations of the working group as outlined in the report "Striking the Balance: a new approach to debt management", which was published on 6 July 2001.

Proposals in the bill include a statutory national debt arrangement scheme to help people to repay

debts in a managed way free from the threat of enforcement action; new incentives for debtors and creditors to reach negotiated settlements out of court; a new, less intrusive enforcement procedure that will target only those people who can pay but will not; and provision of money advice and information in court within the court process.

On 15 November 2001, Ian Brown, spokesperson for the citizens advice bureaux, said that current legislation does not protect consumers from unscrupulous companies. He related the story of a single parent on income support who was told that, if payment was not forthcoming, the bailiffs would be round within 72 hours to lift the beds and that she should not have children if she could not afford them. After the bill is enacted, such situations must become a thing of the past.

Scotland's current debt collection regime takes no account of individual need and fails to address multi-indebtedness. People in debt feel shame. They are powerless to stop debts increasing, no matter how hard they try to pay them off. Debtors experience complex legal rules, limited assistance with unpredictable costs and variable availability and quality of help. They need better advice and information.

Who is in debt? Not surprisingly, it is often the poorest and most vulnerable in our society. For example, an article entitled "Labour accused of victimising poor over social security loans" in *The Independent* explained that

"people refused social fund loans are most at risk of falling into debt and into the hands of the loan sharks."

Benefit deductions for repayment of social loans affect 1.22 million income support claimants in the United Kingdom. The largest group consists of disabled people and lone parents.

Each year, debt increases. In 2001, citizens advice bureaux in Scotland dealt with 160,000 cases. Indeed, 71 per cent of agencies report an increase in case work every year and debt now averages £4,500 per debt-advice client in Edinburgh.

As the minister said, people want to pay their debts. However, when the system traps them in a cycle of poverty, it is the system that is at fault, not the debtor. The SNP agrees with the broad policy objective of the bill—the need for negotiation and voluntary agreement without resort to enforcement.

Although we do not want to throw the baby out with the bath water, we have major concerns about the practical difficulties of some of what has been proposed. Fears have been expressed about the ability of the bill to separate those debtors who cannot pay from those who will not pay. Other fears include the need to obtain the consent of all

creditors before a debtor is accepted on to the debt arrangement scheme. Notwithstanding the minister's comments, the SNP is also unhappy about the proposed exceptional attachment order. We believe that the bill does not adequately address summary warrants and their usage, given that they contravene article 6 of the European convention on human rights, an issue on which my colleague Colin Campbell will expand.

It has not escaped our notice that, at present, debtors south of the border have better protection from undue harassment by creditors. We would like Scots to enjoy the same level of protection. We must promote independent advice agencies in tackling debt and poverty in Scotland and we must fund capacity to make a difference. It is vital to establish triggers at various stages of the debt recovery process to prompt debtors to seek early independent advice. We must introduce independent in-court advisers to every court in Scotland and compel loan firms and creditors to inform debtors of their rights before proceeding to diligence.

The SNP endorses in principle the proposals for the introduction of a national debt arrangement scheme and recognises that it is supported by Money Advice Scotland and other organisations.

In written evidence to the Social Justice Committee, the Scottish sheriff court users group noted:

"The introduction of a debt arrangement scheme could provide the cornerstone for an effective system of debt collection in the 21st century."

However, concerns were expressed about the lack of detail in the bill relating to the debt arrangement scheme. For example, the Law Society of Scotland said that it was

"concerned that a number of fundamental matters are to be dealt with by way of regulations, particularly when it is intended that these regulations will be subject to negative resolution procedure only."

Citizens Advice Scotland suggested that the vast majority of its clients with multiple debt problems would be unable to meet the criteria set out in the consultation document. As Mr Sheridan has mentioned, Money Advice Scotland stated:

"About 70 per cent of the clients who come to us for debt advice would not benefit from the scheme as it is currently set out."—[*Official Report, Social Justice Committee*, 12 June 2002; c 3003.]

Tommy Sheridan: Does the member agree that the concern of Citizens Advice Scotland and Money Advice Scotland is that the exclusion of their clients from the debt arrangement scheme will lead to their being subject to exceptional attachment orders?

Mr Gibson: That is a major concern of the SNP as well, as I shall outline in due course.

Organisations such as Money Advice Scotland, Citizens Advice Scotland and Debt on our Doorstep agreed that the scheme should allow for the composition of debts and the freezing of interest. The SNP concurs with that and seeks assurances from the minister that that will be seriously considered. In giving evidence to the committee, Citizens Advice Scotland argued:

"The important issue is not simply the length of time but whether composition of debts will be allowed and whether interest is frozen. The way in which those things are combined will be what makes the bill effective or ineffective."—[*Official Report, Social Justice Committee*, 12 June 2002; c 3000.]

Robert Brown: I agree that there should be composition of debts and that interest should be frozen. However, there is a practical problem in that some debtors will never be able to pay the debt. If they are to get even part of it paid, that would be to the advantage of the creditor and the debtor in a number of circumstances.

Mr Gibson: I fully agree with what Robert Brown has just said. Indeed, in the committee and during the debate on loan sharks, I mentioned the fact that some companies want people never to get out of debt but to keep paying interest ad infinitum. I told members about a company that offered me a credit card with a limit of £11,000, which I would have to pay off at £5 a month if I were daft enough to run up that much debt. I calculated that it would take more than 180 years to pay off the debt at that rate. As I do not consider myself to be immortal, I did not take up the kind and generous offer.

Christine Grahame (South of Scotland) (SNP): Another illusion gone.

Mr Gibson: Absolutely.

Meanwhile, back at the bill, debtors who can repay some money but have interest that exceeds or almost exceeds their repayments are often faced with a repayment schedule extending far beyond the lifespan of the debt arrangement scheme. The length of time to pay the debt must be more flexible and the freezing of interest must be possible if those debtors are ever to be debt free. As the Social Justice Committee report succinctly put it:

"The Committee would be concerned if the scheme was only open to those debtors who were able to repay their debts in full, including interest if demanded by creditors, within a 3-5 year period."

Section 2(4) of the bill says that a debtor's application for a debt payment programme has to incorporate the consent of all the creditors. However, section 7(2)(g) states that ministers might, by regulation, make provision about the circumstances in which

"the consent ... of a creditor or creditors generally may be dispensed with".

Citizens Advice Scotland argued that

"creditors can be less than co-operative when trying to negotiate a manageable debt repayment programme" and that

"there is little incentive for creditors to actively co-operate in respect of the proposed arrangement".

It is important that creditor consent is implicit rather than explicit and allows consolidation, rescheduling and repayment of multiple debts at a level that the debtor can afford. Placing a cash ceiling on the debt that a person may have prior to entering the scheme is unhelpful and will exclude many who wish to clear themselves of debt.

The SNP strongly believes that the national debt arrangement scheme will work only if advice is provided by properly trained independent money advisers. We welcome the fact that the bill recognises that.

One in five people are in arrears with household expenses, but the majority do not seek any advice, even when the debt proceeds to court. Research has revealed that six out of 10 people with problem debts sought no help or advice, even from family or friends. Only one in five made contact with their creditors and only one in three consulted a formal adviser, most often an independent advice agency or bank manager. Those who had sought advice said that it had made a significant difference, that advisers could often negotiate an agreement where they had failed and that a welcome barrier was placed between the creditor and them.

Further research has shown that the rent arrears of those who did not seek advice rose by more than 100 per cent compared to 25 per cent for those who did. The detailed picture of a client's finances drawn up by debt counsellors can allow creditors to see the most effective ways of recovering a debt.

The independent nature of the advice that is given is crucial and provides a balance in the relationship between debtor and creditor, as it is critical that the debtor trusts that the adviser will act only in his or her best interest. Debt on our Doorstep and Citizens Advice Scotland highlighted the fact that the bill does not state that the money adviser should be independent, which means that a money adviser who is employed by a local authority could be giving advice to someone who is in debt to that local authority in respect of council tax or rent arrears. Although local authorities might give impartial advice on the issue—I believe that they do—they might not be perceived to be doing so.

The Executive has allocated £3 million in resources to fund 75 additional money advisers, with £500,000 for training. Additional resources are to be welcomed, but that money is seriously

inadequate for the demands that may be placed on money advice services if the scheme works as it is hoped. That money should be considered as a first step, rather than as a last one. Recognising the importance of money advice, the SNP notes that trust in advisers can come only from clear independence, good training and adequate numbers of trained advisers for the various roles that are envisaged.

I am sure that many members will agree that some of the principal concerns about the bill relate to exceptional attachment orders, which have been called, in some circles, poindings and warrant sales by another name. In evidence to the Social Justice Committee, Citizens Advice Scotland said:

"we remain opposed to this form of diligence."

The Scottish Association of Law Centres believes:

"Exceptional Attachment Orders are not exceptional enough."

Significantly, the Society of Messengers-at-Arms and Sheriff Officers described section 46(2)(a) as "unworkable in practice", further commenting that it would lead to

"unnecessary confrontation between the officers executing the attachment and the debtor ... The officer would require to arrange transportation prior to every visit, with no precise idea of what non-essential assets, if any, are going to be attached and removed."

The firm of John Campbell, messengers-at-arms and sheriff officers, described the exceptional attachment proposals as

"draconian, harsher for debtors than the present legislation. Many of the protections and 'diligence stoppers' which presently exist for debtors and third parties will be lost."

The submission continues:

"It is not clear how a creditor will be able to establish the exceptional circumstances under which the above order can be applied for without access to the debtor's assets to ascertain what the debtor's circumstances are. In addition to this there is no provision for what happens when an exceptional attachment order is breached."

The SNP would have urged the minister to ditch exceptional attachment orders at stage 2. However, this morning it was made clear that that may not be possible. We are disappointed that, to date, the Executive has been unwilling to make it mandatory for sheriffs to decline the granting of an exceptional attachment order where it is known that the debtor is directly or indirectly in receipt of income support, income-based jobseekers allowance, working families tax credit or disabled persons credit. Deleting part 3 of the bill would have made such distinctions unnecessary.

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

Mr Gibson: I would like to take an intervention, but I have only two minutes left and I have a lot to

pack in.

The Scottish Consumer Council said:

"The issue of summary warrants is not addressed in the Bill. In our view, this issue is central to the proposed new system."

In a similar vein, the Institute of Credit Management stated:

"We made a recommendation through the working group that the summary warrant system should be reconsidered. It is probably true to say that the summary warrant system is why we are here today. It requires serious review if we are to go forward."

Also in oral evidence to the Social Justice Committee, the Scottish sheriff court users group stated:

"It is vital that council tax collection under the summary warrant procedure is included in the debt arrangement scheme."—[*Official Report, Social Justice Committee*, 12 June 2002; c 3008.]

It was also noted that the Executive should give more consideration to summary warrants. "Striking the Balance" recommended that

"the Executive should give further consideration to its policy on recovery of unpaid council tax and the use by local authorities of summary warrant procedure. The Executive's diligence review should take on board the Scottish Law Commission's recommendations for introduction of debtor protections within the court and enforcement processes for summary warrants."

In written evidence, the Executive stated that its consultation on "Enforcement of Civil Obligations in Scotland"

"was not considered the appropriate context in which to address the merits of whether summary warrant procedure should be available for use and by whom. Those principals are primarily for local government policy interests."

The Scottish Consumer Council argues that there are natural justice and ECHR issues in relation to the summary warrant procedure. It suggests that

"all debtors should be treated in the same way, whatever the reason for the debt."

The SCC also argues:

"summary warrant procedure may be found to contravene Article 6 of the European Convention on Human Rights (the right to a fair hearing), and is therefore subject to challenge under the Human Rights Act 1998."

On that basis, the SCC would

"like to see the abolition of the powers of local authorities to obtain summary warrants for council tax and community charge arrears."

The Executive must make it clear that it is truly committed to abolishing poindings and warrant sales in whatever guise. The SNP will seek to make radical changes at stage 2 should the Executive not do so.

10:04

David McLetchie (Lothians) (Con): I begin by declaring an interest as a member of the working group that was established by the Deputy First Minister and Minister for Justice to seek a workable and humane alternative to poindings and warrant sales. As a member of that working group, I speak in support of the bill that Margaret Curran has introduced today. I believe that it balances the legitimate concerns of those who supported Mr Sheridan's member's bill with a clear need for an alternative form of diligence against moveable property. As can be seen from the report "Striking the Balance", the working group was broadly based. I regret that neither the Scottish National Party nor Mr Sheridan saw fit to participate in its deliberations. That Mr Sheridan would prefer to retain his ideological purity and not engage in finding a practical solution to a complex problem came as no surprise, but the SNP boycott was disappointing, given that the party constantly proclaims its desire to assume the burdens of government.

Tommy Sheridan *rose—*

Christine Grahame: Will the member give way?

David McLetchie: I will give way to Christine Grahame in a second.

One of the burdens of government is the duty to find solutions to problems such as this. The SNP's abdication of responsibility says a great deal about its political maturity—or lack of it.

Christine Grahame: I remind David McLetchie that, during the debate of 6 December 2000, Phil Gallie said that the Conservative party

"would not stand against the principle of getting rid of poindings and warrant sales."

When challenged in that debate, Mr McLetchie admitted that in putting a diligence against moveable property and an attachment

"there is no point in kidding ourselves"

and agreed with me that

"That would be poinding and warrant sale by another name."—[*Official Report*, 6 December 2000; Vol 9, c 668 and 646.]

That is why Mr Sheridan and I left the working group—the attachment is a replacement not an alternative.

David McLetchie: Christine Grahame is playing with words. It is a workable and humane alternative. As I will explain, I have always believed that there has to be, in exceptional circumstances, a last-resort method for attachment of moveable property in satisfaction of debt. That is the view of the Parliament as a whole.

It ill behoves Mr Gibson to come to Parliament and, in an otherwise balanced and reasonable speech, express a lot of practical concerns about detailed measures in the bill, given that the SNP did not participate in any of the detailed deliberations that took place over many meetings. Had the SNP done so, we might have had a better bill and many of the concerns that Mr Gibson has expressed might have been expressed in advance.

Mr John Home Robertson (East Lothian) (Lab): I have noticed that the Conservative party has much to say about the Scottish Parliament building at Holyrood, yet it is still boycotting the Holyrood progress group. In view of the principle that Mr McLetchie has just enunciated, will the Conservative party be adding a member to the Holyrood progress group?

Tommy Sheridan: Will the member give way?

David McLetchie: I can take only one question at a time. As we have made clear on several occasions, the reason why we are not participating in—or as John Home Robertson puts it, boycotting—the Holyrood progress group is that from day one of the Parliament, the Scottish Executive has constantly boycotted and abdicated its responsibility for that folly down the road. The day that the Scottish Executive accepts that financial responsibility is the day that we will join John Home Robertson's group and be happy to participate. If he gets his side on board, I will get my side on board.

The Deputy Presiding Officer: I hope that we can get the debate back on track.

Tommy Sheridan: Is it Mr McLetchie's understanding that the working group considered a compulsory sale order as an alternative to poindings and warrant sales? Will he clarify whether the compulsory sale order has become the exceptional attachment order, or whether the compulsory sale order has disappeared altogether?

David McLetchie: I am sorry, but I do not understand the detail of that question. Mr Sheridan will have to give me more illumination.

Tommy Sheridan: That was the group's recommendation—a compulsory sale order.

David McLetchie: Again, we are playing with words.

Christine Grahame: I think not.

David McLetchie: I am afraid that we are. We did not support Mr Sheridan's bill to abolish poindings and warrant sales because we believed that it was irresponsible to do so without having an alternative in place and because we recognise that there has to be a last-resort measure if we are to

maintain the viability and effectiveness of our system of debt enforcement. It took some people quite a long time to wake up to that reality—there are some people who will never wake up to it.

We all know that Mr Sheridan has a keen interest in the issue of poindings and warrant sales. However, that does not excuse the irresponsible manner in which he has conducted his campaign in the past. He and all the other “can pay, won’t pay” people have undermined the principles on which a liberal democracy is based. Those principles are that we accept the law of the land and abide by it—not because we agree with every law, but because we accept both the law as it stands and the law reform process. The flagrancy with which Mr Sheridan and his like have breached those principles makes the member unfit to be a lawmaker.

Such conduct undermines the rule of law on which our civilisation depends and is contrary to the interests of the vulnerable people in our society of whom Mr Sheridan likes to think he is the sole champion. Many of those people see him breaking the law and think that it is acceptable to follow his example. Mr Sheridan has also made it easy for them to justify such behaviour to themselves, because he absolves them of their individual responsibility—he tells them that it is not their fault and that they are simply victims. Such a doctrine may find favour in some quarters, but it is corrosive for a free and democratic society. It leads to a system in which we are all free to pick and choose which laws we obey. That is a sure recipe for anarchy. In a lawless society, vulnerable people suffer the most.

A free society is founded on individual responsibility. To argue otherwise is either naive or self-serving. We can all choose whether to obey the law or to break it. Where credit arrangements are entered into freely and legally, there is a clear obligation on the debtor to repay their debt. Failing to do so was regarded as not only legally but morally wrong. That principle was accepted by generations of people from all walks of life in Scotland, because they understood that it was in the interests of society as a whole. Trying to undermine it does no one any favours.

The Abolition of Poindings and Warrant Sales Act 2001 offered no alternative system for collecting debts, which demonstrates that it was not a serious attempt to tackle the issue of debt but a piece of political showboating and grandstanding.

Tommy Sheridan: Does the member accept that there is a plethora of means for collecting debt, including arrestment of wages, arrestment of bank accounts, arrestment of benefits and sequestration? Does he accept that those provisions are in place and that to suggest that

there are no means for recovering debt is to mislead Parliament?

David McLetchie: At the beginning of my speech, I said that a variety of means for enforcing payment of debt were needed. In virtually every civilised society and jurisdiction, one of the mechanisms that is approved for doing that is the attachment of moveable property that falls into certain categories. The idea that Scotland should be different in that respect is barking mad.

As a last resort, it must be possible to attach goods with significant commercial value to satisfy debts that are owed by their owner to his creditors. The exceptional attachment order is such a last-resort measure. There are sufficient safeguards in the bill to ensure that in the domestic setting exceptional attachment orders will be very much a last resort.

Brian Adam (North-East Scotland) (SNP)
rose—

Mr Gibson: Will the member give way?

David McLetchie: I will give way to Brian Adam, as he sought to intervene first.

Brian Adam: Does the member accept that the principal role of poindings and warrant sales is to threaten and harass those who are unable to pay or who refuse to pay? Does he think that exceptional attachment orders will be different? It may be more difficult to obtain them, but will they not also be used to threaten and harass those who cannot pay?

David McLetchie: On the basis of the evidence that was given, I accept that there are instances of harassment. People with multiple debts, in particular, feel threatened and buffeted by their creditors. That real concern is reflected in the findings of the working group and in the bill that has been produced. A number of safeguards have been included in the bill to ensure that attachment orders are obtainable only in exceptional circumstances and as a last resort. I do not accept that they will be used to harass people, as Brian Adam suggests was the case with poindings and warrant sales.

We believe that the people who have most to gain from an effective system of debt recovery are the most vulnerable people in our society. If there were no means of ensuring payment, it would be far harder for many people to obtain credit, which has done much to raise their standard of living and to improve their quality of life. Our overall economy would also suffer, harming us all. Without a full range of means for enforcing payment, the poor record of Labour authorities in collecting council tax would be even worse. That might have grave consequences for those who rely most on local public services, who are

overwhelmingly the poorest and most vulnerable people in our society.

Because I was prepared to accept that we could improve on the current system, I agreed to serve on the working group. The group has devised a system that is an improvement on its predecessor and that addresses the legitimate concerns of many supporters of the bill, even though it will never satisfy the wearers of ideological blinkers.

I did not support the Abolition of Poindings and Warrant Sales Bill because it offered no alternative means for enforcing payment of debts, but the debate surrounding the bill identified some real problems. Many people in Scotland with multiple debts are no longer able to cope with their problems. They feel buffeted and harassed by their creditors—as Mr Adam pointed out—and have a real need for guidance in resolving their situation, at the same time as they try to face up to their responsibilities. I became convinced of the scale of the problem during the working group's deliberations, which demonstrated that there was a clear need for a new system of debt management such as that for which the bill provides.

Under the national statutory debt arrangement that part 1 of the bill establishes, people with multiple debts will receive support from money advisers, so that those debts can be repaid in a managed way over a specified period. During that period, enforcement and sequestration action will be prohibited.

I know that—very properly—some of the lobbying organisations to which Mr Gibson referred have expressed concerns about practicalities. Reference has been made to the potential conflict of interest of someone who both advises the debtor and is seen as a procurer of payment on behalf of the creditor or creditors. That is a potential problem if the adviser is perceived as acting exclusively in the interests of the debtor. However, I see the adviser's role as more akin to that of a mediator who acts in an even-handed manner towards both debtors and creditors, with the aim of achieving a mutually desirable and desired outcome.

Many will see the bill—and, in particular, exceptional attachment orders—as warrant sales by another name. There must be a means of enforcing payment. However, the bill goes to great lengths to ensure that exceptional attachment orders are in every way a last resort and will never be granted without attempts to reach an appropriate solution for creditors and debtors. The bill strikes the right balance between consideration for those who cannot pay and strict action against those who can but wilfully refuse to do so. I have not a jot of sympathy for the latter. There is a world of difference between the two groups. I am

satisfied that those who are unable to pay will be filtered out of the system so that they are not subject to attachment action and can be helped through their financial predicament.

The Abolition of Poindings and Warrant Sales Act 2001 failed completely to deal with the issue of those who are able to pay but choose not to do so. It is naive and irresponsible to deny that such people exist. There must be an effective sanction to prevent them from abusing the system. That is why we need the bill. It is why the Scottish Conservative party supports the bill and is pleased to play a full and constructive role in its genesis. I support the motion.

10:19

Robert Brown (Glasgow) (LD): I begin by declaring an interest. I am a member of the Law Society of Scotland and have a consultancy with Ross Harper solicitors.

I welcome David McLetchie's recruitment to the ranks of those who take the liberal view on a number of issues. In many respects his speech represents a valid and helpful contribution to the debate. It provided a timely reminder of the principles on which civil society and the rule of law are based.

The law of diligence in Scotland is a curious hotch-potch of old law with a few modern patches—of arrangements made originally for a very different, more rural society. It is a preserved area of historic, unpronounceable and often meaningless phrases such as poindings, keyhole citation, and heritable and moveable items.

The people who administer the system, such as sheriffs, sheriff officers and messengers-at-arms also hold offices whose origins are in the earliest days. Technically, many aspects of the system work well and we should be careful about changing those without understanding them in case we produce something more bureaucratic, costly and oppressive. That has resonance with regard to some of the detail of the exceptional attachment order, to which I will return later.

The old system was not designed to work in an age of consumer credit, where people are inundated recklessly with invitations to achieve the dreams of a lifetime by getting up to their eyes in debt, and where basic household goods, which category now reasonably includes televisions, telephones, fridges and washing machines, are bought routinely on credit.

The Debt Arrangement and Attachment (Scotland) Bill, which builds on the work of the working group that produced "Striking the Balance", is part of the answer. Many strands have come together in the bill, such as the work of

the Scottish Law Commission, the experience of lawyers and sheriff officers, the work of voluntary groups and campaigners who are involved in debt work and the experience of those who see the misery of poverty and multiple debt in our constituencies and want to do something about it. As a lawyer, former CAB chair and Glasgow MSP, I fall into a number of those categories. Like David McLetchie I think that it is a matter of regret that members of the SSP and the SNP did not see fit to take part in the group that considered the proposals.

I am clear in my mind, as were members of the Social Justice Committee, that the bill is founded on proper principles that will stand the test of time. The ministers and those involved deserve congratulations on the way in which they have worked to produce a liberal and modern structure.

I turn to the principles of the bill. The first principle is that people should honour their contracts and pay their debts. The Justice and Home Affairs Committee's stage 1 report on the Abolition of Poindings and Warrant Sales Bill stated:

"the law must provide enforceable mechanisms for the recovery of debts freely and legally entered into and that any mechanism for the enforcement of debt necessarily involves a degree of coercion."

When I listen to debates such as this I sometimes think that people do not really understand the purpose of the law, which is to set a standard and enforce it in suitable instances. That background to the debate is in all our interests.

Ultimately, unpaid debts are paid by others in the form of higher commercial and consumer charges, higher tax bills or a reduction in services. People see that clearly in the context of the council tax and we have heard views from councils throughout the land about the problems that they will face if council tax is not collected. Most people acknowledge that and realise that laws are there to compel people to act reasonably.

The second principle is that enforcement should be carried out in accordance with the principle of least coercion. Linked to that, by way of an exception to the first principle, is the key distinction between those who cannot pay and those who will not pay. The next principle is that there should not be loopholes in the law through which those who can pay but wish to avoid doing so can escape. That is where there requires to be a diligence against moveable property which, as a number of members have said, exists in all civilised legal systems.

The bill rightly acknowledges distinctions between private debt and commercial debt and between a diligence that seizes an item outside the home, such as a motor vehicle, and a

diligence that requires forced entry to a home. A Scotsman's home—or Scotswoman's home—is, like that of an Englishman, his castle and rightly so.

There are significant issues to do with the detail and working of the bill, one of which relates to the welcome provision for debt advice and the independence of the advice that is available. Members will see from the last page of the Social Justice Committee's voluminous stage 1 report that the committee agreed by division to insert in the report a paragraph that I proposed on that subject. My clear view is that the Executive should have taken the opportunity to reinforce the infrastructure by resolving the core funding of citizens advice bureaux throughout Scotland, because they are the main independent advice agencies. There are of course legal advice agencies throughout Scotland, but Citizens Advice Scotland is the major national body. The Executive should build the new money advice provision on the basis of a solid management structure.

The issue of independent advice is not academic. I instance two situations. The first is that money advice must include advice on debt from council tax and rent to the council. Money advisers within councils can erect Chinese walls, but there is a problem with the real and perceived independence of in-house council money advisers. There is a view that payment for debts such as those for council tax, rent and fuel bills should take priority.

Hugh Henry, the Deputy Minister for Social Justice, said in his letter to the Social Justice Committee of 31 August that he had been assured that in-house local authority money advice provision does not prioritise the recovery of debt that is owed to the council as that would be in conflict with good standards of money advice. The minister might be right on that, but that is not my understanding. A council money adviser told me that the council prioritises such debts precisely because that is good practice. I hope that I do not misrepresent the position of Citizens Advice Scotland, but I believe that it takes the same view on how it deals with debts for the good reason that council and fuel debts are not just past debts, but recurrent, continuing and future debts, which have to be dealt with in a fashion that takes account of that. When, as a lawyer, I worked in a limited way on debts I would have adopted the practice of prioritising such recurring debts. There seems to be an important and unresolved issue about who gives money advice.

Johann Lamont (Glasgow Pollok) (Lab): If citizens advice bureaux acknowledged that the debt was recurring, it would be logical for them to recommend that it be addressed first, so there would be no distinction between the advice given

by citizens advice bureaux and public sector money advice. The point that Robert Brown made about independent advice would be valid only if the citizens advice bureaux and the council gave different advice.

Robert Brown: I accept Johann Lamont's point in principle, but we still have to consider the detail of how much is attributed to the recurring debts and what the balance is between debts. There is an inherent conflict of interests that has to be acknowledged, because I do not think that it has been overcome.

The view of Citizens Advice Scotland is that money advisers should be independent to ensure that as many people as possible are attracted to seek advice on their debt situation. The perception as well as the reality of the independence of the advice is an issue.

There is also a need for a clear distinction between the adviser and the monitor, because that is not entirely clear from the bill at the moment. The Executive has not taken fully on board the fact that if Citizens Advice Scotland has to act in a double capacity, that might cause problems for its principles of independence. The Deputy Minister for Justice might reassure us on that matter in his summing up, but we have to examine it closely when we consider the detail of the bill.

I have no particular difficulty with the principle of creditor consent, but it must not be absolute—I think that it might be dealt with in regulations later. It certainly should not be the case that one or two unreasonable creditors, perhaps for the reasons that Kenny Gibson outlined, could hold up debtors' entry to debt arrangement schemes. The ministers will have to reassure us on that point as the bill develops. There is a nuance in whether debtors have to show explicit acceptance or whether they can get by on the implied acceptance on which money advisers rely at the moment. If debtors do not object, they are taken to be giving their consent. Progress should be made on that matter.

I have no difficulty with the principle of the exceptional attachment order, but people on the ground who will have to deal with the practicalities of the order have drawn our attention to several issues in the detail. One such issue is the immediate removal of goods when the sheriff officers call. That is unduly bureaucratic and harsh and has practical difficulties, because every time the sheriff officers attend, they will have to have the van in attendance, with all the consequent expense. That system is not satisfactory and we should bear in mind the sheriff officers' comments on it.

The second issue relates to summary warrants. One of the things that most impressed me, and other members, about the evidence that was taken

on the Abolition of Poindings and Warrant Sales Bill was the fact that council tax creditors, rather than private creditors, were identified as the principal issue. The idea of a summary warrant has always seemed objectionable in principle. We must examine whether there should be a charge for payment or some in-between mechanism before councils are allowed to go ahead with summary warrant procedure.

I agree with Kenny Gibson's comments about the composition of debt and freezing of interest for the practical reason that many debtors are not able to pay the full debt. It is better from everyone's point of view to freeze the interest on the debt and to allow repayment to take place over a realistically manageable period. That point should be taken account of.

It is important to have the debt arrangement scheme register, which I think the bill provides for. There must be a clear and distinct system that is readily accessible to creditors if that aspect of the proposals is to work.

I draw attention to the advertisement of the scheme. It is important to get on board as many people as possible. All the other systems have failed because, whatever the legislation said, people did not know their rights on the issue. Mechanisms must be put in place to ensure that advice is available and that people know where to find it.

Finally, I want to discuss the use of subordinate legislation. As we go through the bill, we must endeavour to ensure that people's rights, the principles of those rights and the procedures that have to be gone through are, as far as possible, included in the bill. That is an important element in ensuring that people have access to arrangements of the kind that we are discussing.

In spite of the reservations that I have made, I believe that the bill will give Scotland the most comprehensive and liberal system of debt collection in western Europe. I welcome the bill and I look forward to stage 2 consideration. The bill, with one or two amendments, will be a major contribution to the advancement of a proper concept of civil society in Scotland. I support the bill.

The Deputy Presiding Officer: We move to open debate. I will allow five minutes for speeches at this stage, plus time for interventions. That period will shorten later.

10:32

Tommy Sheridan (Glasgow) (SSP): In its current form, the Debt Arrangement and Attachment (Scotland) Bill is no more than a dog's breakfast—it is messy and incomplete and it

exposes the Executive's overriding concern, which is to placate the legal establishment and the credit industry rather than properly to humanise and modernise debt recovery for 21st century Scotland.

There are so many ifs, buts and holes in the bill that hereafter it should be referred to as the tea-bag bill. The legal establishment might well like the taste of it, but it will leave a poor taste in the mouths of those who fought so long and so hard to rid Scotland of the degrading practice of warrant sales.

The declared will of the Parliament is under threat. More than two years ago, the Parliament defied the Labour and Liberal Executive and the Tories, who all wanted to keep warrant sales. The Parliament voted to abolish warrant sales.

The bill introduces a diligence that is to be used against a debtor's household goods. It will be granted by a sheriff, on application by a creditor, and will be known as an exceptional attachment order. It was formerly known as a compulsory sale order and, before that, as warrant sales. The exceptional attachment order will allow sheriff officers to force entry to a debtor's home and to remove certain household goods. If those goods are not redeemed within seven days, they will be sold at a public auction. POUNDINGS have certainly been abolished, but warrant sales remain in the guise of the exceptional attachment order.

As I mentioned, exceptional attachment orders were to be called compulsory sale orders. If Mr McLetchie had paid any attention to the "Striking the Balance" report, he would have known what I was referring to. Exceptional attachment orders were called compulsory sale orders before the Labour spin-doctors got hold of them and realised that they did not sound very good. They thought that they had better change the name to sweeten the pill.

There will be nothing exceptional about exceptional attachment orders. They will be used as a tool of fear and humiliation against ordinary debtors, just as poundings and warrant sales were used.

Cathie Craigie: The member is seeking to misrepresent the content of the bill. Does he not agree that exceptional attachment orders will be exceptional in that they will be used only against those people who can pay and will not pay? A good socialist principle—and a principle of the working classes—is to pay one's way and to take care of people who cannot afford to do that. Mr Sheridan appears to be in favour of a debtor's charter for the chancers who will not pay—we all know that they are out there.

Tommy Sheridan: I thank Cathie Craigie for bringing me nicely to my next point.

Cathie Craigie: Will Mr Sheridan answer the point?

Tommy Sheridan: I will answer it, if the member will allow me to.

Cathie Craigie claims that I am misleading the Parliament. I will not quote Cathie Craigie, because she does not deal with the problems at the coalface. Citizens Advice Scotland deals with the problems at the coalface. Let us quote Jim Melvin of Citizens Advice Scotland, when he gave evidence to the Social Justice Committee. He said:

"It will depend on how the bill works out, but I feel that the majority of our clients will not be able to take advantage of the debt payment programmes in their present form. That is very worrying."

For whom is it worrying? It is worrying not for well-paid Executive ministers but for the thousands of low-paid workers who are in debt. People say that the bill should be changed. Of course it should be changed—it is full of holes.

Susan McPhee of Citizens Advice Scotland said:

"We worry that exceptional attachment orders will be used as a threat to force people to pay when they cannot."

I am not seeking to mislead the Parliament. I am giving the opinion of those who deal with the issues day in and day out.

In her evidence to the Social Justice Committee, Pauline Allan of Money Advice Scotland said:

"If the exceptional attachment order is retained, we also have concerns about the fact that the proposed process for pouncing some goods is one stage shorter than the previous process. As a result, it is worse than the old poundings and warrant sales. For example, goods can be taken away immediately and only seven days have been allowed for the person or a third party to have the item removed. That increases the threat."—[*Official Report, Social Justice Committee*, 12 June 2002; c 2992-2993 and 3013.]

She also said that about 70 per cent of Money Advice Scotland's clients would be excluded from the debt arrangement scheme, which will open them up to the threat of so-called exceptional attachment orders.

Johann Lamont: The Social Justice Committee highlighted that problem as an issue. Does the member accept that the problem is not to do with the principle of exceptional attachment orders? If we could establish that exceptional attachment orders would apply only to those who can pay but who choose not to, would the member support the orders? The kind of people who decide not to pay when they can pay are often the kind of people who are hostile to ordinary working-class people, rather than being such people themselves.

The Deputy Presiding Officer: After his reply, Tommy Sheridan will have one minute.

Tommy Sheridan: The simple answer to the member's question is no. [*Interruption.*] I am trying to answer the intervention—I know that the minister is not used to that.

The reason for my opposition to any attachment of a debtor's personal household goods is that I do not believe that it is possible to differentiate between those who can pay and those who cannot. More than enough measures are available in respect of wages, banks and benefits to allow the resources of those who—in the member's opinion—can afford to pay their debts but refuse to do so to be attached.

Cathie Craigie: Will the member give way?

Tommy Sheridan: I am sorry, but I am in my final minute.

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): He has had more than seven minutes.

Tommy Sheridan: I know that Duncan McNeil is not used to the concept of taking interventions, but it is because I took them that there is no time left.

The debt arrangement scheme is full of holes and a thorough overhaul of the bill is necessary, which would involve major surgery. There are many unresolved issues in the scheme, such as whether interest will be frozen. Provision for the composition of debts and questions such as whether the upper limit on debts will be £5,000, £10,000 or £15,000, whether there will be a lifespan for the payment of the debt, and whether it will be three, five or seven years, still have to be addressed.

No members of the Executive are aware of the answers to those issues. Until the Executive is aware of them, those we seek to protect will be the very people who will be exposed to the so-called exceptional attachment orders. That is why the bill as it stands is no more than warrant sales by another name.

The Deputy Presiding Officer: I call Trish Godman. She has five minutes, plus time for interventions.

10:40

Trish Godman (West Renfrewshire) (Lab): Like David McLetchie, I must declare an interest, as I was on the working group that produced "Striking the Balance: a new approach to debt management". That report's recommendations form part of the bill.

On behalf of most members of the working group, let me also take the opportunity—as David McLetchie has done—to clear the air by saying that I believe that the SNP and SSP representatives did not give the working group a

chance. At the second meeting, they informed us that they could not accept the remit of the working group and they withdrew. Most of the members of the working group were not politicians but people from organisations that worked each day with those who are in debt. All of us round the table were committed to rescinding poindings and warrant sales. To walk out on that group was deeply offensive.

Right from the beginning, the working group was clear that those who cannot pay must be helped in every possible way, but those who can pay must pay. We were clear that we had to find a final sanction against those who can pay but unreasonably refuse to meet their responsibilities. I believe that we have done that. We were also clear that a prison sentence was not an option.

The bill does not reintroduce poindings and warrant sales by another name. I have said publicly at meetings that I would never, ever sign up to that; neither would many of the Labour back benchers who spoke in the original debate. There is no way that I would sign up to anything that smacked of poindings and warrant sales. The question for those who will not vote for the motion is whether they believe that those who can pay, should pay. If they believe that, how do they propose to get such people to do so?

I cannot cover all the working group's deliberations, but I want to consider a couple of areas, the first of which is responsible creditor behaviour. We are all aware of the increasing availability of credit, which is clearly the root cause of many people's multiple debts. The working group examined the work that has been undertaken by the Department of Trade and Industry and recommended that the Executive submit proposals for reform in line with those of the DTI.

I ask the minister today to consider the possibility of having regular meetings with those who might be called the movers and shakers—the credit companies and banks who are the people who lend. In Australia, such meetings take place regularly both at state and federal level. People sit round the table and discuss who is lending, who is borrowing and how much it is costing. I also ask the minister to consider whether it would be possible to include information about credit unions in the information packs. It is important that we consider those seriously.

For the most part, people behave responsibly towards each other and pay their debts. If need be, responsible citizens will sell non-essential assets to meet their debts—as, I guess, we have all done. For the working group, that fact underlined the need for a means of enforcement against non-essential moveable assets. We needed a sanction for those who could but would

not pay. There would be wholly justifiable public outrage if, having done away with the iniquitous poindings and warrant sales, the Scottish Parliament were to be seen to allow those with money to evade their responsibilities. That is not why I am here.

Tommy Sheridan: Will the member give way?

Trish Godman: No. Tommy Sheridan did not give the working group a minute of his time, so he will get none of mine.

The Social Justice Committee is right to point out the need to find effective and innovative ways of communicating the advantages of the debt arrangement scheme for people in debt. We must ensure that, wherever possible, bills are not put behind the clock. That is a hard thing to do, but the Social Justice Committee has examined the issue.

The working group emphasised the need for early intervention in the shape of effective advice and counselling, which are at the heart of our report. There should be no stigma attached to seeking rapid help and support. We have all found ourselves in debt and, indeed, all who buy their own homes are in debt. We must be there to help those who find themselves in debt.

Mr Gibson: Will the member accept an intervention?

Trish Godman: No, I will not. Mr Gibson's party did exactly the same thing that Tommy Sheridan did to the working group.

Mr Gibson: But the member has been given five minutes plus time for interventions.

The Deputy Presiding Officer: Order. The member has said that she will not take an intervention.

Trish Godman: If the new system is to be effective and humane towards people in debt and if it is to ensure a fair balance between the rights of debtors and those of creditors, there must—after all other avenues have been explored—be a last-resort action against valuable non-essential goods. Such an element is indispensable and we cannot get away from it. The bill will put in place a more humane method of debt recovery, which is based on the premise that those who cannot pay must be helped, but those who can pay must pay.

The working group also recommended that, when the bill is enacted and its provisions have finally been put in place, its procedures and regulations should be subjected to parliamentary review after three years.

I urge members to support the general principles of the bill.

10:46

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I declare an interest as a member of the Law Society of Scotland.

I begin by apologising that I will be unable to attend the rest of the debate, as I must attend a ministerial meeting at 11 am.

In 1989, my wife Margaret Ewing introduced into the House of Commons the Abolition of Warrant Sales (Scotland) Bill. That is a useful starting point, because the SNP has always been committed to abolishing warrant sales.

Mr Sheridan mentioned those at the coalface. As a lawyer who was an insolvency specialist, I spent 10 years trying to prevent people who had incurred debt from being evicted from their house. I would try to make an arrangement, whereby the stress and misery that families experienced could be worked through, so that they could find some light at the end of the tunnel.

In my experience, people from all walks of life can face huge stress and pressure from debt. When parents incur debt, they can have feelings of guilt about not being able to look after their children properly and give them what they want. They worry about losing the house and so on. That is an horrific experience. Speaking from that experience, I want to make some positive suggestions about how the bill could be improved.

The minister set out the bill's basic premise, which is that warrant sales and their new replacement of attachment will not be necessary because of the debt arrangement scheme. If that is the thesis—I believe that it is—the debt arrangement scheme must work. As Trish Godman said, not only must it work, but it must be taken up and accepted as the way that things are done. Trish Godman suggested that there should be a body to represent all the players, which should include not only the banks and lending institutions but Citizens Advice Scotland and the people who give money advice. That is an excellent suggestion and is one of the solutions to the problem.

In my opinion, the current proposals are opaque, vague and incomplete. Every important question is avoided. Much of the work that was done by the Social Justice Committee shows the way that we need to go. It is totally impracticable for a debt arrangement scheme to require the consent of every creditor. That is an in-built failure. Not only will not every creditor consent, but most will not reply. That is what happens. That provision guarantees the bill's failure.

Some light at the end of the tunnel is provided by the fact that section 7(2)(g) provides that the creditors' consent may be dispensed with in some

circumstances. That is good, but in what circumstances should that apply? Let me make a clear suggestion—this may not be perfect, but I think that it is fairly close to the mark. I believe that the regulations that will be introduced should provide that a debt arrangement scheme could be brought about if a majority of creditors—as measured by value—fail to dissent. That would be fair and is about as practicable as is possible. Some refinement to that proposal may be required, but I think that that approach may work.

Secondly, it is essential—although this is not stated in the bill, it is perhaps implied—that there should be a meeting between the money adviser and the debtor. If things are done over the phone, the debt arrangement scheme will be guaranteed to fail. Rarely will a debtor provide all the information about his debts at the first meeting. For example, most people do not regard a mortgage as a debt and so do not mention it. As a result, information is found out in instalments. Unless there is a meeting with a money adviser, the debtor will not reveal information about all the creditors, meaning that any debt arrangement scheme will be doomed to failure.

My third point is on the composition of debt and the freezing of interest and is perhaps the most difficult. Robert Brown touched on it and Kenny Gibson raised all the issues. In the report of the Social Justice Committee, it is stated that the money advice team of City of Edinburgh Council said:

"Given the nature and ratio of debt to disposable income in most cases, it would be impossible to fit them into a three to five year period, without allowing composition, or stopping interest accruing. We agree most cases should be dealt with in three to five years, but that will be improbable without discounting the debt and impossible if interest is allowed to accrue."

Can debt be written off? The issue is extremely difficult. Interest should certainly be frozen, but the answer is to be found in the Debtors (Scotland) Act 1987, which sets out two tables in relation to earnings arrearments. It shows the amounts that can be deducted from somebody's income each week or month. The calculation of what somebody can pay has already been done. That is the way ahead. We do not need to reinvent the wheel. That, or something like it, should be used as a yardstick to measure the amount that an individual debtor is able to pay without it affecting the essential requirements of life—the need to aliment children and look after family. The calculations that have already been done should be the key to any regulations that are introduced.

I do not wish to trespass on the Presiding Officer's patience. The bill is well intentioned. It may be that its ambition is too high and so impossible to achieve, but it behoves us to find the best possible solutions. Unfortunately, because of

the 24 powers to introduce subordinate legislation, we have not yet seen the main course, but I hope that the Executive will take on board some of the comments that have been made in the debate and will introduce serious proposals to make the legislation work.

10:52

Mr John McAllion (Dundee East) (Lab): I, too, begin by declaring an interest, not as a member of the working group—because I had about as much chance of being invited to join that august body as I had of retaining my original membership of the Social Inclusion, Housing and Voluntary Sector Committee, which was zero—but as a co-sponsor of the original Abolition of Poindings and Warrant Sales Bill. I regret the fact that that bill is not yet law in this country. The debate so far has left me deeply unconvinced that the new bill—especially with its provisions for exceptional attachment orders—justifies the setting aside of the original bill. I will explain why.

I was struck by the names of those invited to give evidence on the Debt Arrangement and Attachment (Scotland) Bill, and by the absence of the community voices that played such an important role in the original bill to abolish poindings and warrant sales. I am thinking of groups such as the Lothian Anti-Poverty Alliance, the Communities Against Poverty Network, the Glasgow Anti-Poverty Project and others. I looked through annexe C and annexe D for their names, but could not find them anywhere.

Johann Lamont *rose*—

Mr McAllion: I will give way to Johann Lamont to find out why they were not there.

Johann Lamont: I think that John McAllion will agree with me that the context for the Debt Arrangement and Attachment (Scotland) Bill was the acceptance that warrant sales and poindings had to go and that ordinary working people who were burdened with debt needed help. Our job was to establish whether the mechanisms in the bill met those aspirations. The voices of the community groups that Mr McAllion talks about were so powerful that the Parliament had already taken them into account. The Social Justice Committee wanted to challenge those who had to deliver support for those people as to whether they could do so or not.

Mr McAllion: I certainly agree with Johann Lamont that those voices were powerful. As I recall, during discussions on the original bill, it was the evidence of those community-based groups—and, in particular, the evidence of individuals within those groups who had witnessed and been at the sharp end of poindings and warrant sales—that swung the committees of the Parliament

against poindings and warrant sales. The fact that those voices have not been heard on the replacement for poindings and warrant sales seems to me to be very strange indeed. If we are serious about empowering local communities, why were local communities not asked about the measures to replace poindings and warrant sales, which will affect them much more than they will affect any other group in Scotland? I deeply regret that they were not asked.

We are told that the replacement is not poindings and warrant sales by another name but a humane alternative to poindings and warrant sales. As I recall, the original Executive opposition to the abolition of poindings and warrant sales was based on a commitment that it would introduce a humane alternative. I happen to think that the abolition of poindings and warrant sales by the Parliament—in the teeth of the opposition of the Executive and of the legal establishment—was the finest moment in the Parliament's first three and a half years. However, we have to ask ourselves this question: when we abolished poindings and warrant sales, what were we abolishing? Was it a particular form of attaching poor people's goods and belongings, or was it the principle of attaching poor people's goods and belongings in order to recover debt? I thought that it was the latter. I thought that we were, in principle, opposed to sheriff officers forcing entry to a person's home, attaching their goods and selling them to recover debt, but it appears that that is not the case. It appears that many members here are not opposed to that.

The exceptional attachment order gives sheriff officers that right. In particular circumstances, they can force entry and attach and then auction people's goods to recover debt. Indeed, the evidence that sheriff officers gave to the Social Justice Committee was that the exceptional attachment order was actually a more severe form of attaching people's goods than was the previous method of poindings and warrant sales, which the Parliament was supposed to be opposed to.

I am told that the severity does not matter, because poor people will be protected through the debt arrangement scheme and so will not be subjected to that harsh form of recovery. However, we have already heard from Money Advice Scotland that, in its view, 70 per cent of its clients—who are the people in the greatest poverty and with the biggest debt problems—will not be covered by the debt arrangement scheme. That causes me considerable concern.

I read the evidence from the Scottish Association of Law Centres. It believes that exceptional attachment orders will become the norm and that, instead of there being 23,000 poindings and warrant sales, we will see

thousands of exceptional attachment orders against ordinary people.

There is an alternative. The evidence of Trevor Bailey of Dundee City Council was that the best means of recovering goods from the chancers—those who can pay but will not—are already in place. I am talking about, for example, bank and earnings arrestments and bankruptcy sequestrations. Those who can pay can be got to using those methods. The only people who cannot be got to using those methods are the poor and we are told that the poor will not get exceptional attachment orders anyway.

Exceptional attachment orders bring us no further forward. If we cannot vote to delete them at stage 2, some of us will be forced to vote against the bill. I cannot agree to the reinstatement of this barbaric method of recovering debt, which will be forced on poor people in Scotland. I will not do it.

10:57

Mrs Lyndsay McIntosh (Central Scotland) (Con): From time to time, it is worth while reminding ourselves why we are considering certain legislation. The Debt Arrangement and Attachment (Scotland) Bill arises as a consequence of Tommy Sheridan's success with the Abolition of Poindings and Warrant Sales Act 2001. Its aims are simple: to create a national, statutory debt arrangement scheme and to establish a humane and workable alternative to the diligence of poindings and warrant sales. Expressed like that, it seems so simple. We have to hand it to Mr Sheridan: he succeeded in steering his bill through to become an act by giving people anxiety attacks about how they might be perceived. All credit to him for doing that.

However, it is a matter of historical fact that we in the Conservatives opposed Mr Sheridan's bill. We did that not because we were unsympathetic or because we were unmoved by the plight of people in debt who have little in the way of material goods or possessions, or by their shame, embarrassment or despair when the sheriff officers came to call. We did so because we could foresee the difficulties ahead, as no alternative system had been proposed.

Sensing the difficulties, my boss Mr McLetchie willingly became a member of the cross-party working group that would seek a solution to the dilemma that was our initial concern. The "Striking the Balance" document was the result and we have no hesitation in supporting the guiding principles on which it was based—responsible behaviour by debtors and creditors.

I want to touch on something that Trish Godman said. I issue a challenge to every member, between now and when we finally come to vote on

this issue, to collect every single invitation that they receive to take out some form of credit. Collect every letter from every credit card company that writes, and think about just how difficult resisting the temptation can be for some people. That is the kind of thing I mean when I talk about responsible creditor behaviour.

The Social Justice Committee considered a stand of least coercion and the necessity to avoid loopholes. The bill before us is the result, and we are happy to support the Executive. I come at the bill from the assumption that we all want to make it work. The bill does a fair job of addressing the needs of all sides.

The committee took evidence from a wide range of interested parties, including local authorities, the Scottish Consumer Council, Citizens Advice Scotland, Money Advice Scotland, the Institute of Credit Management and many others, including sheriff officers, who have been much maligned. To their credit, sheriff officers even suggested how they could assist, particularly with people who are in the mindset of putting letters behind the clock on the mantelpiece—a group whose interests the committee has been at great pains to be alert to.

From the outset, the Social Justice Committee's concern has been that adequate, humane alternatives would be introduced.

Mr Gibson: Will the member give way?

Mrs McIntosh: Happily.

Mr Gibson: The Society of Messengers-at-Arms and Sheriff Officers described exceptional attachments as "unworkable in practice". What changes would the member introduce to make exceptional attachments workable?

Mrs McIntosh: I am prepared to listen to the advice of the society and others. It is pointless to say, "We will not listen to advice." Listening to advice is the whole idea of considering and debating amendments.

I almost forgot where I was in my speech. Suitable, humane alternatives should be introduced and access to credit for less well-off members of our communities should be available without their resorting to loan sharks and less reputable lenders, whose rates do not appear on glossy cards. That is a win-win situation. Consumers will benefit because of the safeguards, and businesses will benefit because they can continue in the knowledge that an alternative debt recovery system will be in place. If people cannot honour their debts, it makes sense to protect them. On the other hand, the law-abiding remainder should not have to suffer for people who are able but for some reason unwilling to pay.

Members would be surprised if the committee's support was not qualified. We flag up some

matters for further attention. I am sorry that Robert Brown is not present at the moment, as he homed in on an issue. The bill displays a penchant for subordinate legislation. Ms Curran has addressed that and I am sure that she will emphasise what has been said. We are also concerned about summary warrant procedure, which is well used by councils to collect huge amounts of overdue council tax and community charge. Why cannot private creditors use that procedure? Perhaps the minister could give us an idea of the Executive's thinking on that.

The minister has responded to anxieties about exceptional attachment orders. I assure members that the Social Justice Committee was well aware of the concerns and will consider amendments carefully, but the guide is in the word "exceptional" in the title. We were at great pains to consider the behind-the-clock people. We would welcome the provision of more money advice for them and we welcome the money that the Minister for Justice provided for Money Advice Scotland.

We are indebted to everyone who submitted evidence—particularly written evidence. I know that my colleagues on the committee will pursue other avenues of interest that have arisen from the evidence that we heard.

I will highlight one more thought. If either side abuses the proposed system, it will not work, and the fears that were originally expressed back in the days of the old Justice and Home Affairs Committee of fond memory will come home to roost.

11:03

Johann Lamont (Glasgow Pollok) (Lab): As convener of the Social Justice Committee, I will outline the committee's position on the Debt Arrangement and Attachment (Scotland) Bill. My responsibility is to outline the committee's position, so I shall resist to the best of my ability my natural inclination to express what are more properly my own opinions. It would be advisable if people did not provoke me.

I thank all those who were involved in producing the committee's stage 1 report. In particular, I thank the clerking team for its help and efficiency. I thank all the organisations and individuals who spoke to the committee and who provided written responses. We took seriously the importance of making the broadest call for evidence. Many organisations and individuals responded and we paid significant attention to those who wrote to us, as well as to those who spoke to the committee.

We were keen to have the broadest scope of views, but we also acknowledged that the key question is whether the mechanisms that will be put in place can do what they claim to do: provide

a humane alternative to poindings and warrant sales. That question was the focus of our oral evidence. It is remiss to suggest that the committee wished to disregard the powerful voices that drove the Parliament's decisions on the issue in the past.

The committee's report was unanimous and Robert Brown has talked about the divisions. I am therefore slightly bemused by some of the SNP's comments, particularly those on exceptional attachment orders. It is also not unusual for a front-bench Labour spokesperson to say something different from a Labour committee member, but when a front-bench spokesperson is the committee member and says different things, as with the SNP, perhaps that sends out a more confusing message.

One of the key objections to poindings and warrant sales was that they humiliated those who could not pay, to encourage those who would not pay. I have said that in debate. The case must be made that the proposal takes the can't-pays out of the system. The opposite is also the case. Those who will not pay cannot be allowed to use the dreadful circumstances that face those who cannot pay as a shield to avoid taking responsibility for their debt.

In earlier debate, it was recognised that people want to pay back debt. That is often the principle that drives most of the poorest in our communities. We also acknowledged that people in the poorest circumstances will be disproportionately affected by the non-payment of council tax. It is also acknowledged that a system is needed that does not prevent people who are on low incomes from having access to responsible lending, because the danger is that people are driven to irresponsible lenders.

The Social Justice Committee has concerns about the extent of access to the debt arrangement scheme and about exceptional attachment orders. We welcomed the proposal to introduce a national debt arrangement scheme and acknowledged that that proposal is widely supported by Money Advice Scotland and other interested organisations. However, the committee notes a lack of detail in the bill and expects the Executive to consult on all secondary legislation that will introduce the necessary regulations.

Tommy Sheridan: Does the member accept the evidence from Citizens Advice Scotland, Money Advice Scotland, the Legal Services Agency and the Scottish Association of Law Centres that if the debt arrangement scheme is not radically improved, exceptional attachment orders will not be exceptional?

Johann Lamont: I will talk about that, because the test for the bill is whether the debt

arrangement scheme can work. That is not an issue of principle, but it is an issue of the practical delivery of the principle, which can be dealt with at stage 2.

Several organisations told the committee that many debtors may be excluded from the scheme as proposed. For example, the committee would be concerned if the scheme were open only to debtors who could pay their debts in full, including interest if demanded by creditors, in three to five years. The committee invites the Executive to reconsider freezing interest while a debt is being repaid and to reconsider composition in favour of the debtor.

The committee would welcome further details from the Executive on how the bill addresses the circumstances of debtors who might be on means-tested benefits and unable to afford to pay their debts in full within the prescribed time under the proposed scheme. The committee seeks the test and reassurance that the debt arrangement scheme can be accessed by people in the poorest circumstances.

On exceptional attachment orders, the committee's unanimous view is that if the safeguards that the debt arrangement scheme introduces are followed, it is disingenuous to suggest that part 3 amounts to poindings and warrant sales by another name. However, the committee also notes the concerns of organisations that have practical experience of the current system and would be required to implement the proposed procedures. In particular, members are concerned about the provision for the immediate removal of any article that is attached. The committee invites the Executive to examine closely the evidence of the organisations that will be responsible for implementing EAOs.

The committee welcomes the Minister for Justice's announcement of an additional £3 million and we acknowledge the extra central support that has been announced. However, the committee would welcome assurance from the Executive that it has addressed equality issues in the provision of advice and it recommends that the Executive should consider finding effective, innovative ways of communicating the advantages of the DAS to debtors.

The proposal's strength is that it rewards willingness to be involved in the process of managing debt repayment, so it is essential that money advice and information is not tokenistic and that real work is done to engage with those whose first instinct might be to put the problem away from them. That was a feature of the evidence that we heard.

The committee agreed that, for the necessary bond of trust to develop between the adviser and

the debtor, a distinction is needed between the roles of the adviser in enforcing and supporting. The committee recommends that the Executive should consider lodging an amendment to clarify that distinction. On balance, the committee thought that it was possible for money advice to be delivered in the public sector. People who work for local authorities can still give independent advice.

The committee obviously looks forward to the Scottish Executive's response to the concerns that I have sought to summarise in my speech and which are set out in the committee's stage 1 report. I emphasise the fact that the committee will take seriously at stage 2 its responsibility to raise the issues that have been flagged up in today's debate. Nevertheless, the committee recommends to the Parliament that it agree to the general principles of the bill.

11:10

Christine Grahame (South of Scotland) (SNP): I, too, am a member of the Law Society of Scotland and a non-practising solicitor who had a great deal to do with clients who were in debt, so I recognise much of what Fergus Ewing had to say.

I want to focus on the principles. The Justice and Home Affairs Committee's stage 1 report on the Abolition of POUNDINGS and Warrant Sales Bill said:

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

It is a pity that Mr McLetchie has left the chamber, because I have an example of what is an alternative and what a replacement. When the bus breaks down, one has the alternative of sitting by the road and perhaps hitching a lift, or one could wait for a replacement bus. That is the difference between an alternative and a replacement. What the Executive is doing—and it is kidding itself on—is replacing warrant sales by the exceptional attachment order, as I shall demonstrate.

Murdo Fraser (Mid Scotland and Fife) (Con): Will Christine Grahame accept an intervention?

Christine Grahame: No. I want to give an example. Murdo Fraser can come in later.

I shall quote from two different pieces of legislation. The first lists as articles exempt from pouncing,

"implements, tools of trade, books or other equipment reasonably required for the use of the debtor or any member of his household in the practice of the debtor's or such member's profession, trade or business, not exceeding in aggregate value £500".

The second lists,

"any implements, tools of trade, books or other equipment reasonably required for the use of the debtor in the practice of the debtor's profession, trade or business and not exceeding in aggregate value £1,000 or such amount as may be prescribed in regulations".

The first piece of legislation permits

"the opening of shut lockfast places, if necessary for the purpose of executing the pouncing".

The second provides a

"Power of entry and valuation",

under which,

"An officer may open shut and lockfast places for the purposes of executing an attachment."

There is no difference.

I tell Trish Godman that a warrant sale is a procedure of diligence. It is irrelevant whether the person cannot pay because of their economic circumstances or whether they are wilfully not paying. It is a procedure, and that procedure remains in those two pieces of legislation. There is no difference between the Debtors (Scotland) Act 1987 and part 2 of the Debt Arrangement and Attachment (Scotland) Bill.

Robert Brown: Christine Grahame is entirely right to say that it is a procedure. There is no argument about that. Surely the issue is about those who go through the barriers to arrive within the ambit of the procedure. That is the principle that the bill is dealing with.

Christine Grahame: I am talking principles. The preamble to the bill says, *inter alia*, that it is a bill

"to abolish poundings and warrant sales".

It quite obviously is not abolishing warrant sales. That procedure remains. It is nothing to do with ability or inability to pay. It is the procedure.

There are problems with the bill, but there is a logical argument here. We either abolish warrant sales or we do not. The Debt Arrangement and Attachment (Scotland) Bill is not abolishing warrant sales. However, in the debate on 6 December 2000—

The Deputy Minister for Justice (Dr Richard Simpson): Could I tell—

Christine Grahame: Please let me finish.

Dr Simpson: She has misled people.

Christine Grahame: I have not misled people.

The Presiding Officer (Sir David Steel): Order. Are you giving way or not, Ms Grahame?

Christine Grahame: I shall give way.

Dr Simpson: The only thing that Christine Grahame failed to do was to say that the

quotations that she read out refer to commercial cases.

Christine Grahame: It is not commercial.

Dr Simpson: It is.

Christine Grahame: With due respect, I ask the minister to check afterwards, but it is not commercial.

Dr Simpson: Well, I shall double check.

Christine Grahame: I would also like to add that, on 6 December 2000, in a debate in this chamber, Euan Robson said that he had suggested introducing a bill to abolish poindings and warrant sales only to be told:

“Actually, I think somebody’s beaten you to it.’ I therefore congratulate Tommy Sheridan”.

He went on to say:

“I heard Tommy Sheridan say earlier that it is impossible to make an attachment to property without entry to property. That is simply not the case.”—[*Official Report*, 6 December 2000; Vol 9, c 667-68.]

It is. It is here in the section of the bill that deals with entry into lockfast places.

When the Justice and Home Affairs Committee scrutinised the bill, Phil Gallie said that it was clear that the Tories would not stand against the principle of getting rid of poindings and warrant sales. Poindings and warrant sales are still here in a bill, renamed. David McLetchie was quite right; we must not kid ourselves. It is the same thing. All right, there are barriers and protections, but the Executive is still keeping warrant sales. Let us not kid ourselves.

Murdo Fraser: Will Christine Grahame take an intervention?

The Presiding Officer: The member must wind up now.

Christine Grahame: In the same debate, Gordon Jackson said:

“The right thing, and the really good thing, that we have done today is to abolish poindings and warrant sales and to say, ‘Focus your minds. On that date it will disappear.’”—[*Official Report*, 6 December 2000; Vol 9, c 670.]

Warrant sales may be more restricted, but they live on.

11:15

Karen Whitefield (Airdrie and Shotts) (Lab): The bill before us today is not perfect. There are undoubtedly issues that will have to be addressed at stage 2. However, I believe that the principles of the Debt Arrangement and Attachment (Scotland) Bill are sound. It will provide a more humane and sensitive response to the problem of debt and I am confident that, after stage 2 amendment, the bill will ensure that only those who can afford to pay

their debt but are unwilling to do so will face the threat of attachment. Such attachments will be the exception, not the rule. It is our responsibility to make a commitment to see that, after stage 2, that is what the legislation ensures.

I am also confident that the vast majority of people in Scotland want a law that ensures that those who can afford to deal with their debt are required and, if necessary, helped to do so. The people of Scotland do not want a law of diligence that allows individuals to walk away from their debt. Critics of the bill who oppose attachment but offer no viable alternative are being disingenuous. Their plans, if they could be called plans, seem to allow people to walk away from their financial responsibilities. They offer people the option of credit without repayment, leaving the vast majority to face the consequences of the actions of those who simply do not want to pay: increased prices and greatly reduced access to credit. That would undoubtedly disadvantage those on low incomes.

Tommy Sheridan: Does Karen Whitefield agree with the evidence that she heard, which was that if exceptional attachment orders were not part of the bill, that would have absolutely no effect on the provision of credit?

Karen Whitefield: What Tommy Sheridan does not say is that his proposals would not sort out the attachments or make them work. He must accept that we have to do something with those who are unwilling to pay their debts. People in my community to whom I have spoken, including the poorest people who strive to pay their debts, do not think that people who do not want to pay should get away with it. It is disingenuous and quite wrong to say that poor people do not want to pay their debts, because they do. Tommy Sheridan is not aligned with the views of the majority of the people of Scotland. I believe that ordinary Scots, and most certainly the people in my constituency, understand that individuals should take responsibility for the debts that they incur. They would resent any system that allowed anything else.

The committee report raised a number of concerns, many of which were reflected in the excellent briefing produced by Citizens Advice Scotland. I would like to highlight three of those issues. The first is the issue of an upper monetary limit beyond which the facilities of debt arrangement would not be available. I am persuaded by the arguments put forward by Citizens Advice Scotland that setting such a ceiling in stone might exclude people with multiple debt from participation in the debt arrangement scheme. It is vital that the arrangement be as inclusive as possible and that those who are both able and willing to pay are given every opportunity to do so.

Secondly, I share the concern of Citizens Advice Scotland regarding the ambiguity in the bill about the differing role of the agency or person giving advice and of the agency or person monitoring payments. Those roles must remain separate. Finally, central to the success of the legislation will be ensuring that proper and consistent training is given to sheriffs. The Scottish sheriff court users group highlights the existing inconsistencies with regard to how sheriff courts deal with debt. It is vital that sheriffs understand the implications of the new legislation and that they are seen to be implementing it consistently across Scotland.

I ask ministers to take note of those and other concerns raised in the debate. As I have already said, no one claims that the bill is perfect, but I am convinced that its general principles are sound, and that this morning's opportunity to raise concerns will help ensure that the bill will, at a later stage, reflect what people want.

11:20

Phil Gallie (South of Scotland) (Con): Many points have been eloquently made about the bill's content. Christine Grahame said that I once suggested that I approved of the principle of abandoning poindings and warrant sales. She is absolutely right. No right-minded person likes the thought of poindings and warrant sales going ahead. If there were alternatives, I would certainly welcome them.

I take Christine Grahame back to the history of the bill, and to evidence taking at the Justice and Home Affairs Committee on the Abolition of Poindings and Warrant Sales Bill, when I expressed grave reservations about getting rid of the poindings and warrant sales process. *[Interruption.]* I gave notice at stage 1 consideration of Tommy Sheridan's bill, when the Conservative party stood against it, that what was being offered to the chamber then was not a workable proposition. *[Interruption.]* Unfortunately, the Executive buckled to pressure from the back benches, and accepted that bill at stage 1. The bill progressed, and became an act.

Christine Grahame's comments are attributed to the time of stage 3 deliberations over that bill, when the Conservatives were bound to accept the bill as amended, with the promise that a working party would be established to set out alternatives. That was key to Conservative party support for the Abolition of Poindings and Warrant Sales Bill, and allowed me to state that, in principle, I would go along with getting rid of poindings and warrant sales. Perhaps I went further as, at the time, I complimented Tommy Sheridan on sticking to an issue about which he had expressed great concern over a long period.

Christine Grahame: Phil Gallie will recall that the Justice and Home Affairs Committee unanimously recommended in its stage 1 report on the Abolition of Poindings and Warrant Sales Bill

"that efforts should be concentrated on finding a workable but humane alternative."

Having heard me quote earlier from the Debtors (Scotland) Act 1987 and from the sections of the bill covering attachment orders and officers being able to

"open shut and lockfast places",

is Phil Gallie saying that such methods are alternatives? Are they not just replacements?

Phil Gallie: They are certainly alternatives, but, to some extent, Christine Grahame is right in suggesting that they are replacements. They are practical working arrangements. If people incur debt or owe their local authority money for taxation, there must be a final option for those who have not paid. They owe it to society; they owe it to their neighbours. If they do not meet their debt, they pass it on to others. I believe that, in Scotland, poor people, or whoever, do not have the desire not to pay; they want to meet their commitment.

There will always be the shysters, however; there will always be those who want to avoid payment. Realistically, the Executive, the Government and the Parliament have to ensure that people do not get away with incurring debt without any intention to pay. If we were to go along with Tommy Sheridan's original thoughts, I am afraid that that is where we would arrive. The people who would suffer the most would, almost certainly, be the very poor, whom Tommy Sheridan suggests he is here to protect.

Tommy Sheridan: Will Phil Gallie give way?

The Presiding Officer: No. Phil Gallie has sat down and finished his speech. Before I call Gil Paterson, I point out that someone in the chamber has a mobile phone switched on. Please check that it is switched off. I now call Gil Paterson.

11:24

Mr Gil Paterson (Central Scotland) (SNP): I hope that that was not me, Presiding Officer.

The aim of the Debt Arrangement and Attachment (Scotland) Bill, to create a national debt arrangement scheme and replace poindings and warrant sales, is laudable. It aims to ensure that the poorest in society, who cannot pay their debt, are protected. It all sounds very fine and well meaning but, when we look at the various consultation papers in depth, we discover that what is being proposed may leave those whom the bill is trying to protect in a worse position than that

in which they currently find themselves.

According to Citizens Advice Scotland and Money Advice Scotland, their current clients will not benefit from the present proposals for a national debt arrangement scheme, given that people in debt are on low incomes or on benefits, and have very little or no disposable income. A scheme to repay debt over three to five years would be of no use to them. In evidence to the Social Justice Committee, Angus McIntosh of the Scottish Association of Law Centres said:

"The advantage of the bill is that it prohibits further diligence while debt arrangement schemes are in place. That is a positive step. However, as I said, the difficulty is that, although that is fine for people with substantial disposable income, if a person does not have sufficient disposable income to make meaningful and significant payments to creditors, they may not be able to get into the debt arrangement scheme in the first place."—[*Official Report, Social Justice Committee*, 6 June 2002; c 2957.]

Regrettably, the problem of the way in which the benefit system works with regard to low incomes is not something that this Parliament can do anything about. It can, however, amend the bill to ensure that debt arrangement schemes work for those who most need them.

As has already been said, Money Advice Scotland estimates that about 70 per cent of those clients who approach it for debt advice would not benefit from the debt arrangement scheme. As the bill's provisions stand, those people would be more at risk of incurring exceptional attachment orders—they would be less protected than they are under the current system of diligence.

When the Abolition of Poindings and Warrant Sales Bill was passed, the will of the Parliament was that no one should be subjected to having their property sold if they are unable to repay debt. Yet here we are, discussing what will replace poindings and warrant sales, and the bill includes a form of warrant sale for domestic customers, albeit without poinding. I say to the minister that that is unacceptable.

In their evidence to the Social Justice Committee, both Money Advice Scotland and Citizens Advice Scotland stated that they did not believe that removing the use of exceptional attachment orders from those who cannot pay would affect either the workings of the bill or the availability of credit to those on low incomes. The Executive should think seriously about that, as should, I suggest, back benchers in the Labour party.

The provisions that the bill would introduce have the makings of a fairer system of debt collection that treats those who experience difficulties with respect. Research by Citizens Advice Scotland shows that it is a low income, together with changes in circumstances and an inability to

access mainstream credit, that leads to an inability by some people to repay their debt.

To ensure that the intentions behind the Abolition of Poindings and Warrant Sales Bill and the Debt Arrangement and Attachment (Scotland) Bill become a reality, the Parliament must do all that it can to promote credit unions; to ensure that those on low incomes have access to credit at reasonable rates; to ensure that those who provide credit do so in a reasonable manner; to ensure that money advice is readily available; and to ensure that our young people are provided with the basic skills to manage their money effectively.

I again address my remarks to back-bench members of the Labour party. If the measures before us go ahead, we really are going back to the future. For the folk whom they care about and whom I care about—the poor and the vulnerable—that means warrant sales.

11:29

Kate Maclean (Dundee West) (Lab): I welcome the opportunity to participate in the debate. I will confine my remarks to some of the equality issues that were highlighted by the Equal Opportunities Committee in its stage 1 report. The good thing about having the chance to speak about equalities in the chamber is that it does not really matter at what stage of the debate it comes—it is not likely to be repeating what other people have said.

The Equal Opportunities Committee's report was not a comment on the desirability or otherwise of attachment; our comments were on the equal opportunities implications of the bill if passed.

The Equal Opportunities Committee is unhappy about the absence of an overarching equality statement in the bill. We believe that such a statement would demonstrate the Executive's commitment to the encouragement of equal opportunities across all areas of its activity. That is a criticism not only of the bill, but of most of the legislation that the Parliament passes. Given that some previous legislation has included such a statement, can the minister explain why that was not thought to be necessary in this bill?

The committee is also disappointed by paragraph 45 of the Executive's policy memorandum. It states:

"The proposed approach should have no impact on equal opportunities."

The committee feels that many of the groups that are listed in schedule 5 to the Scotland Act 1998 could be disproportionately affected by debt and therefore by the bill. The statement in paragraph 45 was contradicted by the view of the justice department in its response to me, when I wrote to it on behalf of the committee. The justice

department stated:

"It is recognised that some women still bear the burden of coping with family debt commitments and that the elderly and those with limited education may experience greater difficulty in managing their affairs and paperwork."

Can the minister explain that contradiction?

A matter that particularly concerns the Equal Opportunities Committee—it concerns us about quite a lot of legislation—is the absence from the bill of a guaranteed provision of information in accessible formats. I repeat comments that I make every time that we discuss legislation that the committee has scrutinised. The absence of that guarantee is bound to have a significant impact on equal opportunities, although the committee accepts that the impact is hard to quantify. If there is no guaranteed provision of information in accessible formats, it is difficult to see how the Executive can be confident that all individuals in need of debt management advice can be assisted and that money advice can be equally accessed by people who do not have English as a first language or who have sensory impairments or a learning disability.

On a similar theme, the committee is concerned that section 48 of the bill appears to allow a minimum of four days for an officer to notify a person of an attachment. How can the minister be sure that the four days' notice for power of entry if an attachment is to go ahead is adequate for someone who is disabled or does not have English as a first language? The committee seeks from the Executive a guarantee in the bill that every effort will be made to ensure that adequate support arrangements are provided, for example an interpreter or an advocate for debtors who may require such support.

Finally, it is difficult to comment on the debt arrangement scheme, because very little of its detail is in the bill. The committee would be concerned if the scheme were seen to have a disproportionate effect on any of the equal opportunities categories identified in schedule 5 to the Scotland Act 1998. We ask the Executive to demonstrate that equal opportunities criteria are met in finalising the debt arrangement scheme.

I would welcome a response from the minister to the points that I have raised and to any or all of the points listed in paragraph 25 of the Equal Opportunities Committee's stage 1 report.

11:33

Colin Campbell (West of Scotland) (SNP): The problem with summary warrants was articulated by the Scottish Consumer Council, which stated:

"The Bill does not address the issues surrounding summary warrant procedure, which are in our view central

to the proposed new system."

The SCC further stated that it would like to see greater protection for debtors in summary warrant cases; for example, there should be time to pay and a requirement for creditors to serve a charge before proceeding to an attachment order. The Scottish Law Commission supported that view. The SCC was unhappy about what it called

"the continued privilege of summary warrants for the collection of council tax."

In the Executive's view, its consultation

"was not considered the appropriate context in which to address the merits of whether summary warrant procedure should be available for use and by whom. Those principals are primarily for local government policy interests."

That is a bit of an Executive cop-out. I note from paragraph 81 of the Social Justice Committee's 4th report 2002 that

"At the same time, the Executive was addressing the issue of Local Authority use of summary warrant procedure through the joint COSLA and Executive Working Group which produced the report, *It Pays to Pay*, on council tax collection. The Committee would welcome being advised of the progress of the working group."

I hope that the working group has made progress. I hope that the Executive can tell us today what conclusions have been reached on the matter.

If the Executive is in the business of facilitating debt repayment in a humane and sympathetic way—I believe that it is—the legislation must be comprehensive and foolproof, and its principles must be consistent. The Scottish Consumer Council took the same view—that consistency was imperative. It argued that European convention on human rights issues arise from the continued existence of summary warrant procedures. The SCC's view was that all debtors should be treated in the same way, whatever the reason for their debt. If they were not, there may be infringements of article 6 of the ECHR.

The Legal Service Agency reinforced that point. Its representative, James Bauld, stated:

"charges are important, because they represent the last stage at which people have the chance to bring something back to court through an appeal ... When sheriff officers serve a charge, sometimes it is the first time that people actually see what the charge is. As a result, serving the charge is important because it acts as a step before we start proceeding with the final diligence."—[*Official Report, Social Justice Committee*, 6 June 2002, c 2970-71.]

Of course, the final diligence is precisely what we want to avoid, if it is at all necessary.

In short, it seems to me that, first, there is a want of consistency in the application of proposed debt legislation and collection methods. Secondly, a body of opinion does not believe that summary warrants should be served without prior serving of a charge. I hope that the Executive will address those points.

11:36

Cathie Craigie (Cumbernauld and Kilsyth)

(Lab): I am happy to support the principles of the Debt Arrangement and Attachment (Scotland) Bill. We are now well on our way to providing a workable legal framework that will distinguish between those people who cannot pay and those who will not pay.

Thankfully, we are now in a period when Government is taking seriously the many social problems that are associated with debt. I hope that, by putting in place more money advisers and counsellors, we are able to help people to manage their way out of the downward spiral that debt brings to many families. As other members have said, the debt arrangement scheme that is contained in the bill has almost unanimous support. It is seen as a mechanism for helping people to free themselves from the shackles of debt. Money advice agencies and local authorities all have proof that debt repayment plans can and do work. However, I believe that the proposals that are contained in the bill can be improved on to provide greater protection for the debtor. I ask the ministers to consider the points that have been raised in the debate when we proceed to the next stage of the bill.

The debt payment programme will bring together an individual's debts, which will allow a manageable single sum to be agreed for regular payment. However, if interest is not frozen when the payment plan is agreed, the amount that the debtor will be paying towards the debt could be as little as 50 per cent. People who work in money advice currently can, and do, negotiate with creditors and they are often successful in having interest suspended. We should support their work through legislation.

A period of three to five years has been set for payment plans. The Social Justice Committee took strong evidence that that time frame would mean that a substantial number of people who have multiple debts would be excluded. That would defeat one of the main aims of the bill. The time span must be flexible enough to allow plans to be prepared over a realistic period so that they can allow repayment and recognise the level and burden of the debt that an individual faces.

I am concerned that the upper limit will be set too low. A level that is too low would exclude an awful lot of people from the scheme. The indication that has been given is that the level will be set at about £10,000. I am sure that the minister is aware, as I am from speaking to local money advisers and from my experience of constituency cases, that many people have debts that are far in excess of that figure. The Debt Arrangement and Attachment (Scotland) Bill must offer advice, assistance and protection to those

people. We must consider that matter closely as we proceed to the next stage of the bill.

A number of organisations raised the issue of creditors' consent. I agree that creditors should not be able to hold up the progress of debt payment plans. Banks, building societies and other credit providers compound many people's debt problems by offering credit and cash far too easily. Their sales policy, for example in their television and newspaper advertising, is very aggressive. They must be made to take shared responsibility for finding solutions to the debt problem.

Other issues will need to be examined further as the bill progresses. For example, the issue of awarding preferred creditor status to local authorities has been raised by local authorities that have no other option. Local authorities have an important role in providing public services, and many local money advice agencies regard them—even without legislation—as preferred creditors. We must look into that further.

Robert Brown raised the issue of summary warrants, and the role of the Scottish ministers in relation to those needs to be clarified further. Johann Lamont, as the Social Justice Committee's convener, raised the issue of the independence of local authorities. Citizens Advice Scotland has raised concerns about the extent to which local authorities can be independent. I do not agree with Citizens Advice Scotland on that issue, as I believe that local authorities give independent advice.

I look forward to the next stages of the bill and to working with the Social Justice Committee, over the next few months, to ensure that we establish a system of debt recovery that not only recovers debts from those who can pay, but helps those who cannot.

11:41

Murdo Fraser (Mid Scotland and Fife) (Con):

Like many members who have spoken in the debate, I declare an interest as a member of the Law Society of Scotland and as a solicitor, although I am no longer practising.

Like Robert Brown and Fergus Ewing, when I was a practising solicitor I had to advise people who were in debt. I also had to advise creditors. We have heard a lot about the rights of debtors, but I would like to speak up for the rights of creditors. It was my job to advise creditors—often people in small businesses—who had difficulty in recovering sums of money that were due to them. They came to me when they faced bankruptcy, losing their homes, closing down their businesses and laying off staff because they could not recover sums that were due to them. What we have heard in the debate so far has been pretty depressing.

The Scottish Socialist Party, perhaps not surprisingly, does not care for the rights of creditors. However, it is pretty depressing that the Scottish National Party is taking the same line and not proposing a realistic alternative.

Christine Grahame: Will the member take an intervention?

Murdo Fraser: Christine Grahame did not give way to me during her speech, but I shall be delighted to give way to her.

Christine Grahame: I was a bit impassioned at the time.

What Murdo Fraser says is nonsense. I, too, have represented many creditors. At issue is the fact that the principle of the abolition of warrant sales, which the Parliament voted for, is not included in the bill—as I demonstrated by quoting sections from comparable legislation.

Murdo Fraser: The problem is that the SNP has come up with no realistic alternative to the attachment of moveable property. The SNP is therefore disregarding the interests of commercial creditors, which is grossly irresponsible.

Mr Gibson: Will the member allow me to ask him a question?

Murdo Fraser: No, thank you. We have heard enough from the SNP.

The Scottish Conservatives welcome the bill, as it strikes a reasonable balance between the rights of creditors and the need to protect debtors. Crucially, it allows the attachment and sale of moveable property with suitable safeguards in place. No legal system in the western world does not have a system of diligence against moveable property. All civilised countries need such a system because, without it, it would be too easy for debtors to escape their obligations.

The problem of speaking so late in the debate is that all the points that I was going to make have been made. I will endear myself to the Presiding Officer by being brief on two specific points. The first relates to the volume of subordinate legislation that is mentioned in the bill. It must be of concern that so many issues—some of them fundamental—will be dealt with through regulations, especially when only the negative resolution procedure is to be used. That applies, for example, to the detail of debt arrangement schemes in section 2(5), which sets the limits of the debt payment programme. That detail should be subject to the affirmative procedure, not to negative resolution. There are other examples later in the bill.

My second point concerns summary warrants, which issue has been raised by my colleague Lyndsay McIntosh. The bill does not deal with

summary warrants, although they are used widely by public sector creditors, especially local authorities that are trying to recover council tax. There are issues of natural justice attached to that. Why should public sector creditors have advantages that private sector creditors do not have? The bill contains numerous safeguards to protect debtors who owe money to private sector creditors, but those do not apply in the case of public sector creditors. Why should that be? Are public sector creditors much more reasonable and responsible than private sector creditors? There is no evidence of that. In fact, the great majority of warrant sales were instructed by the state—by local authorities. From the consequential amendments, it looks as though the new attachment order will be permitted under summary warrant. That issue needs to be examined carefully. For the sake of fairness to all, we should consider why public sector creditors should have an advantage over private sector creditors.

I have made several points. I hope that the Executive will consider them at stage 2 of the bill.

11:45

Helen Eadie (Dunfermline East) (Lab): I have learned several things this morning. Before the debate, I did not know that the SNP and Tommy Sheridan did not participate in the Scottish Executive's working group. That concerns me. Given the strength of will that was professed by the Parliament last year, I am enormously disappointed that members who say that they care have not helped to develop alternative proposals. The consultation paper that was issued last year called for responses. According to the papers that I have read, the consultation report states that respondents did not advance any alternative proposals. What more can I say?

The focus of the bill and the Executive's effort is the need to assist the most vulnerable people in society who are at risk of falling into debt or struggling to cope with debt. As a Fife MSP, I am proud that the Scottish debtline pilot has been based in Fife. I agree with Trish Godman and Gil Paterson, who talked about credit unions. They are absolutely right: much more needs to be done throughout Scotland. In America, credit unions are big business. A massive amount could be done to promote credit unions in Scotland. As a Co-operative Party member, I declare an interest in the matter.

I am pleased that the Executive is taking positive steps to tackle the problem of debt at its root, with the investment of £3 million for 100 new money advisers. Money Advice Scotland has been promoting that approach to the problem of debt and has welcomed that move. A further welcome for the Executive's plans comes from the Scottish

Consumer Council, which said that the bill

“adheres to the principles that money advisers have been advocating for years.”—[*Official Report, Social Justice Committee*, 12 June 2002; c 2994.]

The SCC has stated that the proposals cannot be described as warrant sales mark 2. Attachments will exist, but the bill’s central aim is to protect debtors from them. Attachments will be used only in exceptional circumstances, when a debtor can pay but will not pay. Instead of wrangling for political points, we must ensure that the bill and subsequent regulations stick to and achieve the stated goal of protecting people and lifting them out of debt.

The debt arrangement scheme, along with money advice, will introduce a new approach to the tackling of debt. The ability of a debtor to make single payments to a distributor will end the nightmare of juggling multiple debts. Significant further protection from attachment will be offered by the bill. The onus will be on the creditor to satisfy a sheriff that all reasonable steps have been taken. One of the most telling facts about warrant sales was the fact that they often did not raise enough money to cover even the expenses of creditors. They were used as a punishment. The bill will abolish that abhorrent practice. Even in the rare circumstances in which a sheriff may consider proceeding with an attachment, he or she must be satisfied that a sale would raise enough money to cover expenses and pay off 10 per cent or £50 of the debt.

However, no one is complacent about the need to address the legitimate concerns of all the stakeholders in the issue. The replacement system for debt recovery will work only if both debtor and creditor have faith in it. As Citizens Advice Scotland and others have urged, we must start to think about the possible regulations that would define the way in which the new legislation would work in practice. Many issues will need to be clarified and settled to the satisfaction of all sides.

For example, Citizens Advice Scotland has highlighted the importance of access to the debt arrangement scheme. We must do all that we can to ensure that the most vulnerable people in society—those who are most in debt—can join the debt arrangement scheme. As the proposals stand, there is a danger that those who are unable to pay their debts with interest and within a certain time will not gain access to the scheme. The possibility of negotiating interest and debt payments in certain circumstances should be considered. Such a response would be to the collective advantage of creditors, as more debt would probably be repaid more quickly.

Another possible area of conflict is the need for creditor consent. Clarity is required on what

circumstances would allow a creditor to refuse consent for a payment programme. Such guidance must take account of the legitimate concerns of creditors, but it must also protect debtors from having a payment programme that might change their lives undermined by one creditor’s refusal to consent to it.

Those are the real and thorny issues that we must tackle soon. The principles of the bill are sound. To protect people from the downward spiral of debt, let us move to address the real issues without further delay.

11:50

Brian Adam (North-East Scotland) (SNP): Stage 1 of any bill is about that bill’s principles. I have considerable concerns about two of the principles of the Debt Arrangement and Attachment (Scotland) Bill. First, there is the bill’s total lack of transparency. There is little of the detail on which many of the witnesses gave evidence to the committees that considered the bill at stage 1. There is little of the detail that will tell us how the bill will work.

Many concerns have been raised—and acknowledged, even by the minister—that much of the bill will need to be amended at stage 2 and perhaps beyond. I welcome the fact that the Executive is willing to amend the bill, but when is a point a minor detail and when is it something that undermines the bill? So many questions arise about the principle of exceptional attachment orders and how they might be implemented that the proposal lacks credibility. A range of organisations—those that would have to implement the proposal and those that would have to offer the advice—raised concerns about that proposal. John McAllion was right to point out that we did not hear from the community groups that were concerned about the abolition of poindings and warrant sales.

A number of arguments have been ranged against disposing of the exceptional attachment order. One such argument is that there is no alternative. That argument is trotted out regularly by the Tories, for example. In fact, a range of alternatives is currently available and not used. It is possible to arrest wages or bank accounts. It is possible to recover debt from benefits. Debt can also be recovered through negotiation, which the part of the bill that deals with debt advice arrangements will enhance. Ultimately, a sanction called sequestration is available.

Robert Brown: Will Brian Adam give way?

Brian Adam: I ask Robert Brown to wait until I have finished developing my point.

The principle to which I thought that the Parliament had agreed in passing the Abolition of

Poundings and Warrant Sales Act 2001 was that we would not make any charges against moveable property to dispose of it. The fact that the Conservatives support the exceptional attachment order gives the game away. They are the ones who support action against moveable property to realise debt. That is nothing to do with the Abolition of Poundings and Warrant Sales Act 2001. Whatever name we give to it, the Conservatives are prepared to use action against moveable property to realise debt. The bill does not produce an alternative; it just provides a replacement.

If Robert Brown wants to make an intervention, I would be delighted to take it.

The Deputy Presiding Officer (Mr Murray Tosh): It will need to be brief: Mr Adam is quite short of time now.

Robert Brown: Is Brian Adam seriously suggesting sequestration as the alternative to poundings and warrant sales? That is what he seemed to say.

Brian Adam: I said that it is available and that more than one measure is available. The bill does not abolish the principle of disposing of individuals' moveable assets to realise finance to repay debt. That is exactly what the 2001 act—which Parliament passed overwhelmingly—was concerned with. The bill is an attempt to undermine the 2001 act. It is to no one's credit that we are taking that line.

The principal moving force behind the abolition of poundings and warrant sales was the fear that was associated with that system. That fear will not be removed, because, for example, we have not spelt out what "exceptional" means. The fact that someone can come into a person's home, take away their goods and dispose of them publicly and humiliatingly will not change under the bill. It is a poundings and warrant sales bill. It is to the Executive's shame that it has introduced such a bill, but that is exactly what it did with the abolition of student tuition fees.

11:56

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I pay tribute to the members of the working group that put together "Striking the Balance". It is evident, when one reads the bill and that report, that a great deal of serious, detailed work has been put into the matter. That is an example of the Parliament at its best.

There have been some excellent speeches from all parties. I will refer to some of them. The minister, Margaret Curran, gave us a good outline of the bill's *raison d'être* and structure. She said that the bill enjoys widespread support. I believe

that that is the case. When I talk to my constituents, that is the message that I receive. The minister called the bill a humane and workable alternative. I believe that to be true.

Kenny Gibson from the Scottish National Party gave a considered speech. I liked his account of the credit card problems that he has experienced. We can all say amen to his comments on that. I will return to that point later on. His point that some creditors would like us to be in debt for evermore is true—the old, biblical word usury comes to mind.

My Liberal Democrat colleague Robert Brown made a number of points. He flagged up creditor consent. The lack of any form of reply from creditors should perhaps taken to be consent. Perhaps that could be examined at stage 2. He and other members mentioned the freezing of interest. I am sure that we all agree that that is logical. Again, some detailed changes may have to be made to accommodate that.

Robert Brown made a general point about advertising, if that is the right word. If the bill is to have the maximum effect, it is hugely important that the greatest number of people understand it and that the message is put across. Let us face the facts: debt is an unmentionable—people do not like to talk about it. Advertising is at least one way of getting across information.

Consumer credit in its broadest sense is not a devolved matter. In parallel with the bill, the Executive should consider establishing some form of best practice and revisit the issue. Consumer debt and consumer credit will be with us for a long time. Westminster may choose to legislate. We will see what happens on that.

Johann Lamont made a worthwhile speech and gave the Social Justice Committee's interpretation of the bill. We had some splendid vintage Gallie, which I greatly enjoyed. It was an effective speech. As a member of the Equal Opportunities Committee, I heartily endorse Kate Maclean's remarks. We must litmus test every bill against the work of that committee. I hope that Kate Maclean's remarks will be borne in mind at stage 2.

Among the SNP speakers, I complement Colin Campbell and Fergus Ewing, who is no longer in the chamber, for considered and thoughtful speeches. Fergus Ewing made a most useful point on the Debtors (Scotland) Act 1987 when he pointed out that some of donkey-work for establishing repayment schemes is in that act. The tool is in the toolbox. It may only be a matter of picking it up.

Murdo Fraser made the point that it is also important to remember the creditor's interest—the argument is not one-sided. David McLetchie took us through the legal framework—the democratic

basis of law, why we have laws and how they are best interpreted. I am sure that all members were grateful for that. He brought a forensic skill to it. Lyndsay McIntosh, whose speech echoed David McLetchie's, reminded us that, if we are not careful, the law-abiding folks suffer. In the heat of the rhetoric, we would do well to remember that.

In concluding, I will broaden my theme, moving from the bill to the wider context. There are many reasons why people fall into debt, which hits some of the poorest in society. That is why the bill has been introduced, but if it is to have the maximum effect, we must concentrate on some of the major aspects of the problem.

I will draw attention to three points. The first is a question: how many MSPs have not been approached on the subject of benefits? That is not a devolved matter, but we all know about the appalling time lag that exists between the submission of an application for benefits by someone who deserves them and that person receiving their benefits. That time lag contributes to the debt problem. When we speak to our Westminster colleagues, we should urge them to take action on that front.

Secondly, banks were mentioned—by Kenny Gibson, I think—as independent sources of advice, about which I sound a note of caution. How many of us would leave a meeting with our bank manager absolutely certain that we had received the best possible deal in relation to rescheduling or paying off debts? That is an important point.

Thirdly, the merits of the CABx versus those of local authority debt advice units have been discussed. I do not want to get drawn into that argument, but I remind members that, in the broad context of debt, the strong role of the CABx is not limited to giving debt advice. In my constituency, Caithness CAB conducted a wide survey that identified the areas of maximum debt and the reasons for debt. In turn, that information can be used as a tool by local enterprise companies and local authorities to hit the problem head on and to throw resources at it. That work is a local equivalent of the Executive's laudable initiative of putting extra money into money advice.

It is worth remembering that CABx are at their most effective when they are able to maximise the benefit take-up of ordinary citizens. That tackles the problem of debt—it helps to hit that problem—and it takes money from Westminster and puts it into local economies in our beloved Scotland, which is highly effective. We should build on the foundation of CABx in Scotland—we should increase their number and let them flourish.

12:02

Lord James Douglas-Hamilton (Lothians)
(Con): We have heard many good speeches this morning, including that of Jamie Stone.

The Conservatives have said that we support the Scottish Executive's Debt Arrangement and Attachment (Scotland) Bill, which was introduced on 7 May. We are always ready to give the Executive constructive criticism when its policies are seen to be lacking, but in the spirit of constructive politics, we support legislation that has been well drafted and that has sound general principles.

The case for the legislation was particularly well presented by Margaret Curran and David McLetchie. I also welcome the fact that the Consumer Credit Counselling Service for Scotland has announced that George Foulkes MP has agreed to become its patron. That Glasgow-based charity offers consumers a free debt counselling service through its dedicated helpline, the Scottish debtline, in partnership with the Highland Council. Last year, the Scottish debtline helped more than 10,000 people in Scotland with their debts. I wish George Foulkes every good fortune. I served with him as a councillor in Edinburgh and I believe that he is well qualified for that role.

In considering debt, I was reminded of an essay by Isaiah Berlin on the meaning of freedom. On one hand, there is freedom to do certain things and, on the other hand, there is freedom from being interfered with. Resolution of potential conflict between those freedoms must happen through well-balanced outcomes. Mr Tommy Sheridan's Abolition of Poindings and Warrant Sales Act 2001 provided for the abolition of poindings and warrant sales by 31 December 2002. However, the act suggested no alternative means of debt collection, which makes it largely unworkable in our view. As we know, a working group was established to recommend an alternative, which met first in July 2000 and subsequently published "Striking the Balance: a new approach to debt management".

Two years on from the introduction of Mr Tommy Sheridan's bill, I stand in the chamber to debate a bill that contains the very safeguards that we called for two years ago, and we welcome that. The bill will provide for a consensual system of debt collection in which creditor and debtor are brought together to create a mutually beneficial programme of debt repayment.

Mr Gibson rose—

Lord James Douglas-Hamilton: Just a minute—I have something to say.

The new environment will be particularly beneficial to a debtor who has multiple debt

responsibilities and to his respective creditors. With the help of a payment distributor, whose role is similar to that of a mediator or counsellor, the parties will participate in the creation of a simple payment programme that will successfully pay creditors the sums that are owed to them. We must not lose sight of the fact that the debt arrangement scheme is designed to help people who have the resources and who are prepared to pay, but who may have insufficient knowledge of, or advice on, how best to effect payment, particularly in cases of multiple debt.

Mr Gibson: I thank Lord James for accepting my intervention. He said that he supports legislation that has been well drafted. Speakers of all parties have made the point that, although they agree with some of the bill's principles, they do not accept that the bill is well drafted. How would Lord James improve the bill in order to make it more workable in practice?

Lord James Douglas-Hamilton: I accept the point that Mr Kenny Gibson makes, which is a fair one. This debate is not the last word on the bill, which I expect will be amended at stage 2. For example, people will want to know the precise difference between those who cannot pay and those who can. I expect that the Social Justice Committee will consider that point. The intention behind the bill is good and its general principles are good. As Mr Gibson was right to note, the detail of the bill should be examined in due course.

What is the controversial aspect of the bill? It is not whether there should be responsible creditor behaviour—everyone appears to accept that—but whether there should be responsible debtor behaviour when the debtor is in a position to pay. To be frank, it is our view that there is a balance to be struck between the creditor's legitimate requests and the debtor's circumstances. I understand that an overwhelming majority of the groups that were involved in the consultation exercise supported that approach, although there were some exceptions. We want to ensure that the bill protects the interests of creditors and the general public.

The point at issue is whether the debt arrangement scheme and the proposed exceptional attachment orders will ensure that creditors continue to offer credit to those who are less well off. It is extremely unlikely that creditors would have been willing to do so in the absence of a debt recovery system. The blunt reality is that businesses would not have been able to afford to take that risk.

Tommy Sheridan: I hope that the member will accept that the evidence that the committee received on the availability of credit—in the absence of exceptional attachment orders—was absolutely clear: the credit industry is in no way

relying on those orders. Will he reflect on that fact?

Lord James Douglas-Hamilton: Mr Tommy Sheridan does not represent all the creditors in Scotland. If there is no debt recovery system, creditors will not be willing to offer credit, which will weigh against his constituents. I recognise the consistency of his position, but I believe that he is irresponsible in misleading his constituents. I am genuine when I say that I am certain that, in such circumstances, credit would not be forthcoming.

In our view, the bill will assist businesses, because they would have had to put up with the prospect of lost revenue in the absence of a reasonable means of debt recovery. The bill will also help citizens who want credit. In our view, the bill will provide safeguards for those who cannot afford to pay, who should be excluded from the procedures on exceptional attachment orders, particularly because those orders should always be used as a last resort.

I come back to the need for a balance being struck between being considerate and compassionate to those who cannot pay and taking firm action against those who can pay but who neglect, forget or refuse to do so.

Mr Stone: Will the member give way?

The Deputy Presiding Officer: No. Lord James is in his last minute and I would rather that he concluded.

Lord James Douglas-Hamilton: I always welcome Mr Jamie Stone's contributions, which are enlightening and welcome. I look forward to having a discussion with him afterwards.

The Social Justice Committee is to be warmly congratulated on a job well done. Our position is clear: if people cannot pay their debts, they should be assisted and given protection to help them through their predicament. If people can pay their debts, special privileges should not apply. We also believe that small creditors, and others to whom credit is owed, should not be disadvantaged.

We support the bill. We believe that, through its principles and intentions, a genuine attempt has been made to strike the right balance.

12:10

Linda Fabiani (Central Scotland) (SNP): In his speech, John McAllion stated that the finest moment of the Scottish Parliament so far was the vote to abolish poindings and warrant sales. I agree totally; that vote was the most important event in the Parliament to date and I often say so when asked. The vote led to the setting up of the working group on a replacement for poindings and warrant sales. The result of its work is the

introduction today of the Debt Arrangement and Attachment (Scotland) Bill. As a member of the Social Justice Committee, I have to say that I had unavoidably to miss some of the meetings at which the bill was debated and evidence taken. However, I have studied carefully the evidence, the committee's report and the *Official Report*. The issue is one about which I care deeply; over the years I have witnessed the actuality and the effects of debt, including the effect of poindings and warrant sales.

Most of the contributors to the debate noted that the bill has two main parts. Although members said that the debt arrangement scheme is worthy and long overdue, many expressed concerns. Those are summarised best by Citizens Advice Scotland, which highlighted the sort of scenarios that citizens advice bureaux workers and volunteers encounter regularly. The scenarios include debtors who can repay but whose repayments are less than the interest accruing, debtors who can pay but whose repayments are only marginally more than the interest accruing, debtors whose creditors will not agree to composition of debts and—far too common—debtors in high levels of multiple debt.

Citizens Advice Scotland also highlighted the horrendous situation of debtors in multiple debt whose debt repayment would take longer than the lifespan of the debt arrangement scheme. My colleague Kenneth Gibson alluded to that. I am very pleased that the Social Justice Committee took on board and reported much of the advice that it was given by those at the coalface. The committee has considered how to make the debt arrangement scheme a better scheme.

I am heartened by the minister's commitment to taking a broad-based approach to that subject and by her recognition that further consultation is required. I foresee copious amendments at stage 2 to allow the part of the bill that deals with the debt arrangement scheme to serve better the needs of those at whom it is aimed. One contentious aspect of the debt arrangement scheme is the need for money and debt advice to be independent. That was outlined eloquently by Robert Brown, who declared his interest in the Rutherglen and Cambuslang citizens advice bureau. We are talking about an area in which perception can be as important as reality. Earlier this week, I spoke to representatives of the East Kilbride citizens advice bureau, who told me that their clients tell them repeatedly that the CAB's independent stance is crucial to those who seek advice.

It is not surprising that the contentious part of the bill has been the main issue of debate today. I listened carefully to the debate. What I heard reinforces what was at first a gut feeling that the bill does not replace warrant sales—poindings,

yes but not warrant sales. However, the will of the Parliament was to abolish both poindings and warrant sales and I am greatly concerned that the will of the Parliament is not being followed.

Helen Eadie: I have listened carefully to what Linda Fabiani and her colleagues have said in the debate. Given the real concerns that the SNP had from the outset, and the strength of will that the Parliament expressed, why did not the SNP participate in the working group on a replacement for poindings and warrant sales?

Linda Fabiani: I am not the best person to answer that question; neither Kenny Gibson nor I had the social justice portfolio at the time. The matter has dragged on for a long time. I suggest that Helen Eadie ask Christine Grahame that question.

Johann Lamont: Will the member give way?

Tommy Sheridan: Will the member give way?

Linda Fabiani: I did not realise that I was so popular.

Tommy Sheridan: I am surprised that, after three and a half years, Helen Eadie does not understand this point, because it has been discussed several times. SNP members and I left the working group because the group declared its intention to propose a replacement for poindings and warrant sales. We are opposed to poindings and warrant sales and do not think that they should be replaced. By the way, we are also opposed to compulsory sale orders. [*Interruption.*]

Linda Fabiani: I did not think that I was going to be a referee when I stood up. [*Interruption.*]

The Deputy Presiding Officer: Order. Ms Fabiani should continue, and no other members should interrupt her.

Linda Fabiani: I have no doubt whatever in my mind—

Johann Lamont: Will the member give way?

Linda Fabiani: I might do so soon.

I have absolutely no doubt that the Minister for Social Justice, Margaret Curran, my coalition colleagues in the Social Justice Committee and most MSPs wish to do the right thing. However, I also have absolutely no doubt that they are misguided if they believe that they are abolishing warrant sales. Christine Grahame's absolute logic proves that point. I suggest to Richard Simpson that, before he tries to take on Christine Grahame again, he read the bill and make sure of his facts.

Johann Lamont: Will the member give way?

Linda Fabiani: No, thanks.

We have heard much about the need to differentiate between those who cannot pay and

those who will not pay. However, under the bill, those who cannot pay might still suffer warrant sales—that archaic form of debt collection. We have heard many fine words about the need for a last resort. In theory, a last resort is an absolutely wonderful idea, but eviction from one's home is seen as a last resort for those who owe rent and it is a fact that some landlords use the threat of eviction to control rent arrears. Although warrant sales are supposed to be a last resort, some councils use the summary warrant procedure as a tactic to scare and harass people in order to collect council tax arrears.

It is nonsense to say that there are no alternatives to warrant sales. Many members have suggested such alternatives today, and many others have discounted them.

Johann Lamont: I accept that Linda Fabiani was not a member of the working group. Indeed, I suspect that, if she had been, she might have stayed on and fought her corner. I am curious as to why she is now arguing that exceptional attachment orders are just warrant sales by another name. After all, she signed up to a report that contains the unanimous recommendation that

“The Committee was of the view that if the safeguards which were to be introduced by the Debt Arrangement Scheme were followed, then it was disingenuous to suggest that Part 3 of the Bill amounted to poindings and warrant sale by another name.”

The committee reached consensus on the view that we should try to sort out warrant sales, rather than simply say that we oppose them on principle.

Linda Fabiani: As I have said, the issue is not poindings and warrant sales; we have done away with poindings, but we still have warrant sales, as Christine Grahame clearly pointed out. The paragraph of the report to which Johann Lamont refers mentions “poindings and warrant sales”.

Johann Lamont: The paragraph says that

“it was disingenuous to suggest that Part 3 of the Bill”—

The Deputy Presiding Officer: Order. The member is not giving way again.

Linda Fabiani: Johann Lamont said that she, as the convener of the Social Justice Committee, would not get all wound up, but that is clearly what has happened.

Although I was unable to do so, my colleagues sat and listened to the evidence that was given. I have read that evidence. We are not replacing poindings and warrant sales; although we are doing away with poindings, warrant sales still exist. After reading the evidence over and over again and listening to many people, I feel strongly that warrant sales will still be used.

Although we welcome the debt arrangement

scheme, we do not welcome the introduction of exceptional attachment orders. The minister mentioned that, in relation to the proposals, a witness had used the phrase

“a rose by any other name.”—[*Official Report, Social Justice Committee*, 12 June 2002; c 3014.]

I suggest that warrant sales by any other name would smell as vile.

I should also add that I am very saddened by this morning's ruling that no deletions—only amendments—to the bill will be allowed at stage 2. The SNP will attempt radically to amend the bill's exceptional attachment provisions, because if we do not, we will be unable to reflect the Parliament's will in a way that protects as much as possible the poorest and most vulnerable people in our society.

The Deputy Presiding Officer: As reference was made to a ruling, it might be appropriate to clarify what was said earlier. Decisions on admissibility of amendments at stage 2 will be made by the convener of the Social Justice Committee, with appropriate advice from parliamentary staff.

Tommy Sheridan: On a point of order, Presiding Officer.

I was told to seek the advice of your office about the admissibility of amendments at stage 2. The advice was that it will not be permissible to delete section 3 of the bill, which deals with exceptional attachment orders. Will you reflect on that advice and provide us with more details this afternoon?

The Deputy Presiding Officer: We will, but the general position is that the Presiding Officers are not willing to give a ruling on stage 2 amendments because the admissibility of stage 2 amendments is a matter for the convener of the lead committee. That is where we should leave it, but if it is appropriate to give any further information to Parliament, Sir David might choose to do so.

12:21

The Deputy Minister for Justice (Dr Richard Simpson): I thank the Social Justice Committee for its report, which is excellent. Many concerns have been reinforced in speeches today and I will not be able to deal with them all now. It is extraordinary to stand here today—after standing here yesterday to speak about the Criminal Justice (Scotland) Bill with its 64 sections—because I felt more able to sum up yesterday than I do today. Today's contributions have been well considered and the speeches have been excellent. The points that have been raised need detailed consideration that cannot be given in the short summing-up that I must make today.

Before getting to the meat of the matter, I want to thank the subsidiary committees. There is a fundamental question about whether we should have a general equal opportunities statement in bills. As a Parliament, we need to decide whether we must resolve the matter. I have had a discussion with Kate Maclean, the convener of the Equal Opportunities Committee, but I have not come to a conclusion. The Executive and the Equal Opportunities Committee must resolve the problem because bills that do not contain such a statement will be seen as somehow inferior and not promoting equal opportunities in comparison with those that do. That is not the Executive's intention and it is not the intention of the Equal Opportunities Committee. We do not believe there is a contradiction in what we have said, but I will respond to Kate Maclean in detail in writing on that point.

Robert Brown referred to the Subordinate Legislation Committee, which has also considered the matter carefully. Paragraph 23 of the Social Justice Committee's report refers to equal opportunities in more detail.

Issues have been raised about regulations, their review and whether they should be subject to affirmative procedure. We must discuss that in some detail at stage 2—I will not make such matters less important by trying to address them today.

I always look for opportunities to praise colleagues, even if they are in Opposition parties. I think David McLetchie's speech was—unlike other speeches—excellent [*Interruption.*] That will probably not earn me any brownie points.

My greatest concern is that the SNP and the SSP chose not to participate in the working group on a replacement for poindings and warrant sales, whose remit was

"To identify a workable and humane replacement diligence against moveable property to that of poinding and warrant sale and to make recommendations for implementing legislation to be brought forward during the Parliamentary session 2001/02."

Tommy Sheridan: Will the minister take an intervention?

Dr Simpson: Not at this point.

To use Christine Grahame's analogy, the bus was departing on this complex issue. The SNP and the SSP tried to decide the route by which they would go, but Christine and Tommy got off at the first stop and said, "We want nothing more to do with it."

Tommy Sheridan: Will the minister take an intervention?

Dr Simpson: Not at the moment, but I promise to let the member speak.

The Opposition must be critical, but what I have not heard today is a suggested alternative to exceptional attachment orders, which will protect the poorest in our society. We all want to protect the poorest in our society.

Mr Gibson: Will the minister give way?

Christine Grahame: Will the minister give way?

Tommy Sheridan: Will the minister give way?

Dr Simpson: I will finish my point and let at least two of the members speak.

The point was made by a Conservative colleague and by Labour members. If we do not have some system of exceptional attachment, we will block those in our society who need credit from getting it from appropriate places.

I am not in the business of protecting creditor organisations. Margaret Curran has already met the banks and—to respond to Trish Godman's point—she will meet them again. We need to have discussions with the banks, because there are problems in that respect. However, we must come up with a solution that is workable and that will protect the poorest in our society.

Mr Gibson *rose*—

Christine Grahame *rose*—

Tommy Sheridan *rose*—

Dr Simpson: Let me see. I will not take Christine Grahame's intervention because I will come back to her point later. I will take Tommy Sheridan and then Kenny Gibson.

Tommy Sheridan: Has the minister read the evidence that was submitted to the Social Justice Committee? Cathie Craigie asked the Institute of Credit Management whether, if exceptional attachment orders were not available, that would lead to a reduction in the availability of credit. That organisation's answer was an unequivocal, "No." Is not it misleading to suggest that if there are no exceptional attachment orders, poor people and low-income families will somehow or other not be able to access credit? That is wrong and the minister is misleading the Parliament by saying that.

Dr Simpson: Mr Sheridan always takes quotations from one organisation and says that they represent the totality. It is total and utter rubbish. Mr Sheridan is misleading and failing to protect the very people whom he purports constantly to protect.

Mr Gibson: I have to say that I quoted many organisations. The minister says that we have not offered alternatives, but we have heard about loads of alternatives today, including bank arrestments and benefit deductions. I even quoted

several benefit deductions that are available. The bill is about negotiation.

If the minister wants to protect the poor, why will he not ensure that those who are on income support, working families tax credit or disabled persons credit will not suffer from exceptional attachment orders?

Dr Simpson: The problem is that Mr Gibson has failed to consider the bill in its totality. I will come to those points in a minute.

I want to deal with John McAllion's point. He has made some powerful interventions, but he says that we did not consult. "Striking the Balance" received 800 consultation responses; every organisation was able to respond. I refute John McAllion's point that we did not have adequate consultation.

Mr McAllion: Will the minister give way?

Dr Simpson: Mr McAllion had a chance to make his point. I cannot take any more interventions.

All members seek a workable and humane system for those who cannot pay. We must have a system that protects the poorest in our society, but we must also have a system that ensures that those who can pay do so. That is the system that we have set up in the bill. If one considers the matter in the round, the debt advisory scheme is the crucial element. That is the element that—following the working group's approach—gives us a scheme that will take debt in Scotland into the 21st century.

Christine Grahame: Before the minister runs out of time, he should acknowledge that he has completely missed the point—it is not about not protecting the poor. The bill narrates that it abolishes warrant sales. I want the minister to answer a direct question. Section 16 of the Debtors (Scotland) Act 1987 narrates circumstances of exempt articles and the Debt Arrangement and Attachment (Scotland) Bill narrates, in schedule 2, non-essential assets that are exempt from attachment orders. Those sections are identical. Are not they the same thing?

Dr Simpson: I accept that the comments that I made in my intervention on Christine Grahame earlier were not totally correct. I want to put that on the record.

Christine Grahame: Hooray!

Dr Simpson: Christine Grahame was talking about the provision for tools of trade, which applies principally to commercial cases. However, I accept that it could also apply in some domestic cases. The key issue is that in both cases where there has to be an attachment, there should in all circumstances be adequate protection of essential

items. The bill provides that. It also introduces a completely new system for dealing with domestic cases. It is inevitable that where the bill deals with a last-resort sanction of attachment, there will be some similarities between its language and that of other legislation.

Mr Gibson: The language is exactly the same.

Dr Simpson: Christine Grahame selected some phrases from the bill in which the language is the same.

SNP members have said clearly that they do not want any form of final attachment, so at stage 2 of the bill they must lodge amendments that will ensure the protection of the poorest people.

Fergus Ewing, Robert Brown and others raised the important issue of creditor consent, which is a problem. We are consulting on the matter. We must ensure that creditors have the opportunity to consent during composition of debts. If they do not participate, no alternative measures will be available to them. The bill does not allow a creditor to attack a debtor on their own. That is fundamental. There is a need for composition of debts.

Lord James Douglas-Hamilton referred to the Consumer Credit Counselling Service, of which my good friend George Foulkes has agreed to be the patron in Scotland. The other day I had an interesting meeting with representatives of that organisation. In England the CCCS deals with 100,000 clients a year, whose debts it manages extremely well. The service has operated successfully for 10 years and has debt repayment schemes that run for 15 years, on average. However, most debts are wiped out after 4.7 years. Creditors make agreements that allow them to collect something, in the knowledge that they will not be able to collect the entire debt. Members have been asking all along whether such a scheme could work in practice here. The CCCS is a not-for-profit organisation that provides exactly the service that we require.

Concerns have been expressed about the independence of money advisers. The Chinese wall system works, but we will ensure that it is effective. More than 50 per cent of money advisers are independent and 100 new advisers have been recruited. We will ensure that the service is properly funded and that people get the money advice that they need.

Linda Fabiani and Kenny Gibson mentioned interest freezing. I will send Kenny Gibson a quotation to remind him of what he said originally on the matter.

I apologise to members for failing to deal with all the points that have been made. Today the Parliament has done itself a great deal of good,

because this has been a measured debate. I want to end almost as I began—with a challenge to Tommy Sheridan and the SNP. They should admit that they made a mistake in resigning from the working group. They should have participated, but they went off in a huff.

Let us leave that debate behind us. We will not expect an apology from Tommy Sheridan or the SNP.

Tommy Sheridan: Did the minister vote for the abolition of poindings and warrant sales?

Dr Simpson: I did.

Tommy Sheridan: You did not.

The Deputy Presiding Officer: Order. Mr Sheridan, will you please desist?

Tommy Sheridan: Aye, sure. I am sorry.

Dr Simpson: I challenge Mr Sheridan and the SNP to devise workable alternatives to the EAO. If they do so, I am sure that they will be considered at stage 2. However, today I have not heard members propose such alternatives.

Taken as a whole, the bill embodies the principles that the Parliament articulated in the Abolition of Poindings and Warrant Sales Act 2001. I urge the Parliament to support the motion.

Debt Arrangement and Attachment (Scotland) Bill: Financial Resolution

12:33

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is consideration of a financial resolution. I ask Peter Peacock to move motion S1M-3102, on the financial resolution in respect of the Debt Arrangement and Attachment (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Debt Arrangement and Attachment (Scotland) Bill, agrees to any increase in expenditure payable out of the Scottish Consolidated Fund in Consequence of the Act.—[*Peter Peacock.*]

The Deputy Presiding Officer: The question on the motion will be put at decision time.

Business Motion

12:33

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is consideration of business motion S1M-3405, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, which sets out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Wednesday 25 September 2002

2:30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Education, Culture and Sport Committee Debate on the Committee's Report on proposed Commissioner for Children and Young People Bill

followed by Parliamentary Bureau Motions

5:00 pm Decision Time

followed by Members' Business – debate on the subject of S1M-3357 Mary Scanlon: Importance of Primary Care

Thursday 26 September 2002

9:30 am Scottish Conservative and Unionist Party Business

followed by Business Motion

2:30 pm First Minister's Question Time

3:10 pm Question Time

3:30 pm Executive Debate on Race Equality

followed by Parliamentary Bureau Motions

5:00 pm Decision Time

followed by Members' Business – debate on the subject of S1M-3387 Brian Fitzpatrick: New CancerBACUP Scotland Centre Opened in Glasgow

Wednesday 2 October 2002

2:30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 1 Debate on Local Government in Scotland Bill

followed by Financial Resolution in respect of the Local Government in Scotland Bill

followed by Parliamentary Bureau Motions

5:00 pm Decision Time

followed by Members' Business

Thursday 3 October 2002

9:30 am Standards Committee Debate on the Code of Conduct for Members of the Scottish Parliament: Disclosure of

Complaints

followed by

Standards Committee Debate on its 7th Report 2002 on Replacing the Members' Interests Order: Proposal for a Committee Bill

followed by

Standards Committee Debate on its 1st Report 2002 on Lobbying

followed by

Business Motion

2:30 pm

Question Time

3:10 pm

First Minister's Question Time

3:30 pm

Executive Business

followed by

Parliamentary Bureau Motions

5:00 pm

Decision Time

followed by

Members' Business

and (b) that Stage 1 of the Protection of Children (Scotland) Bill be completed by 22 November 2002 and that Stage 1 of the Council of the Law Society of Scotland Bill be completed by 17 January 2003.—[*Euan Robson.*]

Motion agreed to.

12:34

Meeting suspended until 14:30.

14:30

On resuming—

The Presiding Officer (Sir David Steel): Before we proceed with question time, I advise members that I have a rather lengthy ruling to make on a point of order. As I do not want to delay question time, I will keep it to 3.30 pm.

I would like members to give a warm welcome to the Speaker of the House of Commons, the right hon Michael Martin MP, who is accompanied by Sir William McKay, clerk to the House of Commons. We also have with us the right hon Kenneth Kowalski, the Speaker of the Legislative Assembly of Alberta, Canada. I do not want to forget the members of my own trade union, the Scottish Peers Association, who are with us this afternoon. *[Applause.]*

Question Time

SCOTTISH EXECUTIVE

Physical Education (Student Places)

1. Ms Margo MacDonald (Lothians) (SNP): To ask the Scottish Executive whether it plans to increase the number of physical education student places. (S1O-5582)

The Deputy Minister for Education and Young People (Nicol Stephen): The number of physical education students in Scotland has been rising. In 1997-98, the figure for the number of students undertaking PE teacher training was 274. In 2000-01, the number was 352 and the figure for the current session is 382.

Ms MacDonald: I thank the minister and inform him that I spoke to the director of physical education at the University of Edinburgh this morning. He assured me that, if the minister can talk turkey to his friend the Minister for Finance and Public Services about assistance for the University of Edinburgh, the best thing that the minister could do, given the recent reports on the poor health standards of Scottish schoolchildren, is to allow the university to introduce a greater number of places particularly for teachers who wish to specialise in physical education at primary school level. If he decides that that might be a reasonable course of action, perhaps he will refer it to the physical education review group. At the same time—

The Presiding Officer (Sir David Steel): Order. The member must be brief.

Ms MacDonald: Will the minister also review the curriculum needs in schools?

Nicol Stephen: I am happy to do that. The PE review group, which I chair, is examining those

issues. The Executive has ambitious proposals to improve the physical activity of young people. Those plans include the physical education that is offered in our schools in the widest sense. We are talking not only about the school curriculum but about what happens to children before school, in break time, playtime, lunch time and at the end of the school day. The PE review group will examine all those issues. I am pleased to offer to take Margo MacDonald's proposals to the review group.

Dr Sylvia Jackson (Stirling) (Lab): When the Scottish Parliament sat in Aberdeen prior to the recess, the minister said that he would report progress on enabling University of Stirling education students to join the teacher induction scheme. Will the minister give us that progress report and say what is to happen to the final-year students when they finish in January 2003?

Nicol Stephen: Those students are not physical education students but, as they are teaching students, I am happy to give an update. We will shortly write to the local authorities to find the most appropriate ways forward to support those students. The position is one that is well understood by ministers. We are determined to take action to assist the students.

Phil Gallie (South of Scotland) (Con): Does the minister agree that not only does health education benefit our young people, it offers commercial benefits if PE students are educated to a standard that makes them suitable to meet the commercial needs of private gymnasiums? The public is taking a growing interest in keeping healthy by using such gyms.

Nicol Stephen: My top priority is to ensure that we have adequate numbers of PE students for our schools. It is a concern that not all the 100 students who enter Moray House School of Education each year graduate. There is also a fall-off in the number of students who go forward into teaching. If we have ambitious plans for our young people, I want as many of those PE graduates as possible going into the teaching profession. We have ambitious plans to expand in that area. The private sector can find ways to look after itself.

Prescriptions (Electronic Transfer)

2. Irene Oldfather (Cunninghame South) (Lab): To ask the Scottish Executive what action it is taking in order to extend the use of electronic prescribing between general practitioners and pharmacies. (S1O-5563)

The Deputy Minister for Health and Community Care (Mr Frank McAvetty): A Scottish pilot scheme for the electronic transmission of prescriptions is under way in Ayrshire and Arran.

Irene Oldfather: I welcome that initiative in my area. However, the minister will be aware that the initiative involves the transfer of sensitive data from general practices to pharmacies. Can he assure me that adequate safeguards will be put in place to ensure that patient information will be dealt with in strictest confidence at all times?

Mr McAveety: I give that assurance. The pilot provides controlled access only to approved national health service parties by means of secure systems and agreed protocols. If anyone is concerned about procedure and confidentiality, they have no need to be alarmed.

Children's Panels

3. Cathy Peattie (Falkirk East) (Lab): To ask the Scottish Executive whether it will consider enhancing the role of children's panels in youth justice. (S1O-5599)

The Minister for Education and Young People (Cathy Jamieson): As part of the Executive's action plan on youth crime, specialist hearings will be piloted with the aim of bringing persistent young offenders to hearings more quickly and ensuring that they are involved in programmes that will tackle their offending behaviour.

Cathy Peattie: Several children's panels are worried that the youth courts will undermine them. Will the minister give us a commitment to children's hearings?

Cathy Jamieson: I am happy to give such a commitment. I have made it clear in my discussions with local authorities, members of children's panels, the Scottish Children's Reporters Administration and others that I want to build on the strengths of the children's hearings system and address any weaknesses. That means that we must improve the system. I believe that what we propose to do, with the specialist children's hearings running alongside the youth courts, will strengthen the system and have better outcomes for young people and local communities.

Mr Adam Ingram (South of Scotland) (SNP): Will the minister explain why there is an upper age limit of 60 for those applying to serve on children's panels? Does she agree that such age discrimination is not only unfair but absurd because it disqualifies many people who are ready, willing and able to serve and who are ideally suited for the task through acquired knowledge, experience and wisdom?

Cathy Jamieson: I am aware of Adam Ingram's interest in that matter because he has written to me about it. It is worth pointing out that there is no upper age limit in statute. When the children's hearings system was set up, it was intended that children's panels would be made up of people

from local communities who would be representative of those communities. It is important to have a range of people and ages and to have a gender balance.

I have raised the issue to which Adam Ingram referred. I will write to him with a full explanation in due course. However, it is important to recognise that we recently launched a recruitment campaign for children's panel members and I hope that all members will support that.

John Young (West of Scotland) (Con): The minister gave assurances on gender balance. I would go along with that. Does she not think that an age balance should also come into being? I remind her that after Colonel John Glenn resigned from the United States Senate, he went once more into space as an astronaut at the age of 77. In addition, two former Wimbledon champions from France played a tennis match in the 1990s when both were over 89 years of age and it was a credible match. Further, a boxer fought for the world heavyweight championship at the age of 45.

The Presiding Officer: Order. The member is giving me ideas.

John Young: Could the minister give a firm assurance that there will be no ageism? We do not want it spreading into the Scottish Parliament.

Cathy Jamieson: I am tempted to say that some of my colleagues are saying that the idea of John Young going to the moon is an attractive option and that they would be willing to support him in his desire.

However, I take on board the points that John Young made. I want a children's hearings system that represents local communities. We must ensure that we get a range of ages and experience. If members know of people in their communities who could serve on the children's panel advisory committees, which is an important job that is often overlooked, I urge them to encourage such people to get involved as that will help us to deliver our objectives in the youth justice system.

Executive Priorities

4. Andrew Wilson (Central Scotland) (SNP): To ask the Scottish Executive what desired outcome is currently its greatest priority in focusing its policies. (S1O-5567)

The Minister for Finance and Public Services (Mr Andy Kerr): As the chamber heard in some detail last week, the Scottish Executive is committed to improving the lives of the people of Scotland, focusing on growth and opportunities. Our spending review has laid out how we intend to build a better Scotland.

Andrew Wilson: As we know, the Government

is fond of targets. However, does the minister recognise that the entire Scottish post-war experience has been one of economic underperformance, migration, population decline and life-expectancy figures and living standards that, despite our potential, lag far behind where they should be? Does he recognise that the critical outcome that drives all those factors is the health and performance of our economy? Economic growth is of central importance to the quality of our lives and our public services. Why is it that the one thing for which a target is not set at the heart of Government—economic growth—is the one thing that truly counts?

Mr Kerr: I almost heard the funeral march playing in the background as Andrew Wilson spoke.

The Scottish Executive is focused on creating opportunities for economic growth. There is a target for economic growth and it is contained in the document "A Smart, Successful Scotland", which Andrew Wilson should read.

What Andrew Wilson said about the brain drain and Scotland's economic growth in comparison to the rest of the UK over the past 30 years is simply untrue. We have set what we think are challenging targets. Last week, I briefed a full meeting of the business community, consisting of representatives of all the organisations that represent Scottish business. They gave a sound and warm welcome to the commitments made by the Scottish Executive for growth in the Scottish economy.

Rhona Brankin (Midlothian) (Lab): Does the minister agree that a successful Scotland is one with a modern economy based on science and skills? Does he further agree that we do not want Scotland to be wrenched out of the UK and left totally dependent on the price of one commodity, namely oil, which is what the SNP advocates?

Mr Kerr: That would be sad for the Scottish nation. The top priority of the SNP is not economic growth and opportunity but constitutional change in the UK. It is interested in secession and settlement issues and the ownership of assets rather than in building a strong and growing economy or investing in public services as the Scottish Executive wants to do. Its focus is the wrong focus and I am sure that the people of Scotland will endorse that view.

Miss Annabel Goldie (West of Scotland) (Con): Does the minister agree that a welcome target for the business community would be the restoration of uniform business rates? Why is the Scottish Executive hostile to that?

Mr Kerr: As I said last week, and have consistently said to the business community in Scotland, I do not share the view that is expressed by Annabel Goldie. We do not have a uniform

business rate in terms of the rate poundage but it is uniform in terms of the tax take, which we take in relative terms from north and south of the border. Rates revaluations are at different levels on either side of the border. Property prices are different on either side of the border. Our business rate poundage reflects that difference and the tax take is exactly the same. Indeed, the tax take is the same as it has been since 1995.

Demolition (Public Safety)

5. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Executive what consideration it gives to public safety issues when determining applications for listed building consent to demolish historic buildings that are in an unsafe condition and uneconomic to repair. (S1O-5562)

The Deputy Minister for Tourism, Culture and Sport (Dr Elaine Murray): Before I answer the question, I would like to welcome, in my ministerial capacity, Scotland's junior chess champions, who are in the gallery this afternoon.

Scottish Executive policy on the demolition of listed buildings is that no worthwhile building should be lost to our historic environment unless it can be demonstrated beyond reasonable doubt that every effort has been made by all concerned to find practical ways of keeping it. When reviewing proposals to demolish in the light of this policy, consideration is always given to matters of public safety and, where this is an issue, arrangements can be made for interim protective measures to be put in place if a decision on the application may be delayed. Where public safety is a matter of extreme concern, there are powers under the Building (Scotland) Act 1959 for building control authorities to take immediate action to make safe or demolish the building in question.

Murdo Fraser: I thank the minister for her thorough reply and echo her comments about the Scottish chess champions who, Keith Harding tells me, soundly thrashed their MSP opponents.

The minister has been in correspondence with me over the case of my constituent David Walter, owner of Balthayock House outside Perth, who has been refused permission to demolish the house despite the safety risks. As the minister's advice was that Mr Walter should sell the house and as the estimated cost of repair is put at £2.3 million against a likely market value when restored of £750,000, what sort of person does the minister think is likely to want to buy that house?

David McLetchie (Lothians) (Con): Andy Kerr. [Laughter.]

Dr Murray: I will not make the obvious response to that.

The member has raised the matter in writing

with me and he will be aware that the reporter on the inquiry when the application was called in found that there had been no attempt to sell the property at a marketable value. One of the reports taken for the purposes of the inquiry did not agree that there was a real risk to the building. If the constituent feels that that is not correct, it is open to him to go to Perth and Kinross Council for a second opinion. If he finds that the second opinion indicates that the building is dangerous, he can return the matter to the Executive.

Rhoda Grant (Highlands and Islands) (Lab): Why is Historic Scotland intent on forcing people to preserve buildings as ruins when local people would prefer to see them restored and of some use to the community, such as is the case with Castle Tioram?

Dr Murray: I am well aware of the member's interest in Castle Tioram and the controversy surrounding that issue. Rhoda Grant will be aware that the applicants have lodged an appeal on a point of law. That went to the Court of Session on 22 March and a date has not yet been set for the appeal. I am not able to comment on that particular case as it is within the legal process.

The Presiding Officer: That was a very narrow question, so we will move on to question 6.

Aberdeen Football Club (Planning Application)

6. Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the Scottish Executive whether it will hold a public inquiry into the planning application from Aberdeen Football Club to build a new stadium and other facilities on a greenbelt site in Kingswells. (S1O-5597)

The Minister for Social Justice (Ms Margaret Curran): The application is being dealt with by my colleague Hugh Henry. I know that he is fully aware of the complexities and details of the case. A decision will be announced soon and it would therefore not be appropriate for me to comment further.

Mr Rumbles: Is the minister aware of the huge public concern in the north-east and the loss of confidence in the decision-making process of Aberdeen City Council? Does she agree that there is a need to call an independent public inquiry soon to restore confidence in the independence and propriety of the system?

Ms Curran: I can only repeat that we are aware of the complexities and details of the case. A decision will be announced soon.

Brian Adam (North-East Scotland) (SNP): Is the minister aware of the great concern about the conduct of planning matters, in respect not just of the new stadium, but also of the local plan? Will she advise her colleague that many of us would

like a public inquiry dealing with all the matters of concern in the Aberdeen area with regard to planning in recent times? Will she bear in mind that we seek a rapid decision, irrespective of what it is, so that we can remove the planning blight and go ahead with getting the application dealt with for the 2008 football tournament?

Ms Curran: I am sure that Brian Adam and other members are aware that there are rigorous criteria associated with planning processes. We are fully aware of those. I assure members that we follow closely the criteria and processes that we are duty bound to go through. The same will apply in the Aberdeen case.

Alex Johnstone (North-East Scotland) (Con): Last week, I held a surgery in Kingswells, which will be affected by the application. The nature of the representations that I received indicates that there is an intense desire for a public inquiry. One lady who visited my surgery was moved to tears over the proximity of the proposed development to the crematorium. For that reason, I emphasise how emotive the subject is and how essential it is that all views are taken into account.

Ms Curran: I assure the chamber that any decision that we take on planning matters will adhere strictly to planning criteria. We are fully aware of the complexities and details of the case. A decision will be announced soon.

Deepwater Fisheries

7. Richard Lochhead (North-East Scotland) (SNP): To ask the Scottish Executive what steps are being taken to protect the interests of any deepwater fishermen whose livelihoods have been jeopardised by recent decisions of the European Union Fisheries Council. (S1O-5561)

The Minister for Environment and Rural Development (Ross Finnie): The European Council of Ministers will not formally adopt the regulation agreed on 11 June until it has the opinion of the European Parliament. In the meantime, as I said last week—and as I also said in response to the same question from Richard Lochhead at the Rural Development Committee—we have written to the European Commission and asked it to consider our views on the matter. We have also asked it to consider the views of our fishing industry, which has written to it about the matter, alongside the views of the European Parliament.

Richard Lochhead: I thank the minister for his answer. Many deepwater fishermen have contacted me in recent weeks. They are utterly disillusioned and at their wits' end following Europe's decision to lock them out of their own back yard to the benefit of foreign fleets and to impose a management regime that will endanger

the future of deepwater stocks. Will the minister give a commitment to raise the issue at next week's fisheries council and stand up for Scotland? Will he also indicate what steps he is taking to manage the displacement of fishing capacity that will arise if the regulation is not reversed in the near future?

Ross Finnie: I have indicated that we will raise the matter at the appropriate moment. We are trying to persuade the Commission that the decision was wrong. I will be at the fisheries council and I will be alive and alert if the matter comes on to the agenda. I cannot see the point of raising a point that is going to come with the opinion. I have asked the council to take account of the letter that has been written to it and it will do that, either in September or October. When it does, we will raise the issue because I am quite clear that the decision was wrong.

However, the decision was taken by the majority of council members. No matter how unfortunate the decision was, one cannot entirely ignore the democratic basis on which it was made.

Tavish Scott (Shetland) (LD): Does the minister accept that when the fisheries council next meets, it is important to resist the advances made by the friends of fishing campaign on the reform of the common fisheries policy? Will he also ensure that the Scottish perspective on the common fisheries policy is strongly expressed, particularly in light of the Danish presidency's recent actions? Will he also stress the importance of ensuring that where that approach is taken, the European Commission should act in a balanced and neutral manner?

Ross Finnie: I agree with that. There is a risk that the Commission might seek to compromise because Scotland agrees with the principles of the common fisheries policy reform. It might compromise in order to try and bridge the gap between those who believe in those principles and the friends of fishing, who are a million miles away from agreement. That would compromise the position of the Scottish fishing industry. I assure members that I am well aware of that possibility. In the discussions that I had yesterday as a preliminary to next week's meeting, we in the UK were apprised of that possibility and we will not allow it to happen.

The Presiding Officer: Question 8 is withdrawn.

Funding (Monitoring)

9. Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): To ask the Scottish Executive what assessment it has made of any returns received from East Dunbartonshire Council on the council's use of funds provided by the Scottish

Executive for the implementation of free personal and nursing care and of the need for external monitoring of the application of such funds. (S10-5559)

The Deputy Minister for Health and Community Care (Mr Frank McAveety): East Dunbartonshire Council has suggested that its allocation for the implementation of free personal and nursing care will be insufficient to meet local demand in this financial year. We reiterate that all local authorities received enough money to meet payments for existing self-funders, to replace lost income following the end of charges for personal care and to meet additional demand stimulated by the policy. Accordingly, we have now written back to the council leader, advising that the allocation was agreed with the Convention of Scottish Local Authorities to ensure that local authorities could fulfil the policy intentions and asking East Dunbartonshire Council to review its present position.

Brian Fitzpatrick: The minister will be aware of the dossier of cases that I have raised with him in relation to East Dunbartonshire Council's dealings with my elderly constituents throughout Strathkelvin and Bearsden. I am particularly concerned about the erratic nature of decision making on applications. For example, evidence is emerging of assistance being refused in cases where delayed discharge money has already been paid out and of applications being refused and then subsequently granted following my intervention. Will the minister urgently review the returns from East Dunbartonshire Council and will he consider the need for outside monitoring of the authority?

Mr McAveety: I reassure the member that all local authorities will have to return information as of October. We will monitor carefully the issues that arise from those returns. In this case, we thought it appropriate to identify what the allocation was for and we hope that it will be met. We are happy to have dialogue with local authorities to ensure that they fulfil the policy intentions that were approved by the Parliament.

Mrs Margaret Smith (Edinburgh West) (LD): In view of the concerns that have been raised about a number of cases across the country, and concerns about the guidelines on feeding, what action is the Executive taking to monitor the implementation of free personal and nursing care? I received a letter from Dr Barclay of Westminster Health Care Ltd's Strachan House nursing home in my constituency, in which he stated that no payment had been received by any of the people in his home for three months, which means that residents are out of pocket to the tune of almost £3,000 each.

Mr McAveety: I am happy to receive those concerns from Margaret Smith on behalf of her constituents. Monitoring procedures ensure that there is intervention when inappropriate judgments are made. Recently, one or two cases have been identified, and after further inquiry and examination of the legislation and the guidelines, the concerns have been addressed. I hope that, through that continuing process, we can address the teething issues that exist with new policies such as free personal care.

I reiterate the fact that we have given sufficient resources to local authorities to meet present need, to meet the unmet demand that has presented itself, and to ensure that there is sufficient capacity to deal with other infrastructure issues. However, matters arise in sequential order, and the fundamental issue is to deal with those people who present themselves and require assistance.

Torness Power Station (Shutdown)

10. Mr John Home Robertson (East Lothian) (Lab): To ask the Scottish Executive what discussions it has had with Her Majesty's Government and British Energy plc about the local economic impact of the generator shutdown at Torness power station. (S1O-5590)

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): The temporary shutdown at Torness is not affecting the local economy as the plant remains fully staffed while remedial work continues. We are well aware of the importance of British Energy to the Scottish economy and we are in close contact with the Department of Trade and Industry in relation to its current discussions with the company.

Mr Home Robertson: I welcome the minister's acknowledgement of the importance of nuclear power to the Scottish economy. I ask ministers at every level in the Executive to keep in close touch with the UK Government and British Energy about proposals to restructure British Energy.

On Torness, does the minister welcome the fact that radiographic checks, which have been completed on most of the gas circulation pumps, have revealed no design faults and just two impellers with manufacturing defects? Does he share my optimism that both reactors at Torness will be generating environmentally friendly electricity safely in the near future?

Lewis Macdonald: I welcome the progress that is being made on the necessary remedial work and the guarantees on the security of supply and the safety of the installation.

Fiona McLeod (West of Scotland) (SNP): Given that Torness will close in 2022 and that Hunterston B in my constituency will close in 2011,

what plans does the minister have with local enterprise companies, local further education colleges and other bodies to ensure that we have a skilled decommissioning work force in those days?

Lewis Macdonald: I realise that the work force of 2022 may still be at school, but we should attend to the matter even at this early stage. We are continuing to work with local enterprise companies to ensure that we have a skilled decommissioning work force.

John Scott (Ayr) (Con): What discussions has the minister had with Her Majesty's Government on the long-term security of Scotland's electricity supply if British Energy is put into liquidation or administration, and on the impact that such a company closure would have on Scotland's economy?

Lewis Macdonald: We are in close contact with Her Majesty's Government because it has lead responsibility for the generation of electricity, although, clearly, we have an interest in ensuring security of supply to Scottish businesses and consumers. For that reason, we are working closely with Her Majesty's Government on the work that it is doing with British Energy to ensure that the company has a future and to ensure the security of Scotland's electricity supply.

Surgery (Access)

11. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the Scottish Executive how it is helping people that require hip and knee surgery to get more prompt access to treatment. (S1O-5601)

The Minister for Health and Community Care (Malcolm Chisholm): Last week, I announced £4 million to speed up treatment for hip and knee surgery. That funding will afford 500 patients with the longest waits the opportunity to have their operations carried out in the private sector.

Pauline McNeill: I welcome the Health Care International hospital into the national health service and the national waiting times unit. Will the minister assure me that the use of private hospitals will not undermine on-going NHS services? Will he ensure that not only those 500 patients will benefit, but those patients who are next in line for treatment on the NHS? Does the minister agree that while the Scottish National Party is debating the difference, Labour is making the difference?

Malcolm Chisholm: We are taking action on the longest waiting times. There is a problem with orthopaedics across the United Kingdom. The number of orthopaedic procedures is increasing, but demand is increasing even more. That is why we need to have specific initiatives for orthopaedics. We injected extra money from the

waiting times money earlier in the year. We are building up the capacity at the national waiting times centre, which was formerly HCI. We now have a further initiative, which uses spare capacity in the private sector. At the end of August, I attended a meeting with orthopaedic surgeons and others to discuss the general problem and new proposals arose from that meeting. We are dealing with the issue on a range of fronts.

Dorothy-Grace Elder (Glasgow) (Ind): As the minister knows, hip replacement is a very successful operation, which restores people to a proper pain-free life. In Glasgow, people have to wait up to 20 months for such operations and it takes about a year to see a consultant in the first place. By how much does the minister estimate operations will be speeded up in the west of Scotland as a result of the new investment?

Malcolm Chisholm: I acknowledge that there is a particular problem in Glasgow. That is why, out of the sum of almost £4 million that was announced last week, Glasgow received almost £1.5 million. We are conscious of the issues in Glasgow. Patients in Glasgow who are waiting for orthopaedic procedures and other operations will benefit from the spare capacity in the private sector and from the increasing use of the national waiting times centre.

Dorothy-Grace Elder has highlighted out-patient waiting times. Members will have noticed that in our spending review last week we included an ambitious target of a maximum out-patient waiting time of six months by 2006. Much work will be necessary to make progress on the longest waiting times. We have already drawn up action plans with every board in Scotland, which will mean that they target immediately the out-patients who have been waiting the longest. We are determined to achieve the new target as well as to achieve the targets that have already been set for in-patient waiting.

Mary Scanlon (Highlands and Islands) (Con): By June this year, 1,000 fewer hip replacements had been carried out than had been carried out in the period ending in June 1999. In addition, 4,000 more people were on the orthopaedic waiting list in June this year than were on it in June 1999. Will the minister admit that his opposition to allowing NHS patients to use the private sector has led to pain and suffering for thousands of orthopaedic patients in Scotland?

Malcolm Chisholm: I have already discussed the rising demand for orthopaedic procedures, which is an issue throughout the United Kingdom.

On her second point, Mary Scanlon should look back at the press cuttings. I think that I became Minister for Health and Community Care on 27 November last year. Within about three weeks, I

was accused in the *Sunday Herald* of wanting to privatise the health service. I actually said that I was going to take a pragmatic view of the use of spare capacity in the private sector. That is exactly what we did last year. We bought the national waiting times centre—formerly HCI—because it would have gone out of business and that would have been a loss to the people of Scotland. As I have said since my first week in office, we will use spare capacity in the private sector to reduce the longest waiting times. That is pragmatic, unlike the ideological approach of the Conservative party.

Rural Dental Services

12. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): To ask the Scottish Executive what action it is taking to retain rural dentists. (S10-5609)

The Deputy Minister for Health and Community Care (Mrs Mary Mulligan): On 25 April, I announced a £1 million package as part of a phased programme to improve recruitment and retention of NHS dentists.

In addition, from 1 April, the Executive has introduced a remote areas allowance and additional continuing professional development allowances for dentists working in remote areas, which are linked to NHS earnings.

Mr Stone: The minister will know from conversations that we have had that the town of Thurso is set to lose two of its dentists in December, which will mean that 4,800 patients will have to find a new practice. At present, no general dental practitioners in Wick or Thurso are taking on NHS patients. Does the minister agree that we need a step change in thinking and approach? In the Highlands, we are already having trouble getting NHS patients to dentists and we must resolve the issue before the situation becomes even worse.

Mrs Mulligan: I am acutely aware of the difficulties in the Highlands. I have suggested on several occasions that boards should seek to install salaried dentists to address some of the problems. Highland NHS Board has 5.6 full-time equivalents at the moment. If Highland NHS Board wanted to extend that capacity by making applications to the health department, I imagine that there would not be any difficulty.

Maureen Macmillan (Highlands and Islands) (Lab): Will the minister consider how dentists might be attracted to country towns in the longer term? In particular, will she look at how the Executive might enhance its role by supporting and expanding the use of training practices in rural areas as a way of introducing young dentists to country practice? I am convinced that the majority would enjoy their training away from the cities—

The Presiding Officer: Order. We have heard the question—

Maureen Macmillan: And I am convinced that they would be willing to pursue their careers in the country.

Mrs Mulligan: As I said, additional moneys have been made available for those coming out of training in dental hospitals to move into such areas. Alongside that on-going process, we want to see links made between rural dental practices and students, so that, as Maureen Macmillan mentioned, students will be attracted to rural areas, which are such good places in which to live. I am sure that many will want to return to rural practice after they have qualified.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): I welcome the fact that the health board in my constituency is employing salaried dentists, but is the minister satisfied that the current output from the Scottish dental schools is sufficient to meet demand?

Mrs Mulligan: The present agreed output is 120 students per year, which should be enough to meet the needs of Scotland. However, there is an issue about retaining those numbers within Scotland. That is one reason why we have introduced the golden hellos. We are not complacent and will continue to review the situation. The Scottish advisory committee on the dental work force will report further next year on our training and recruitment procedures. We will review the number at that stage.

Rape (Prosecution)

13. Mr Gil Paterson (Central Scotland) (SNP): To ask the Scottish Executive what action is being taken in order to increase the percentage of rapes reported to the police that are prosecuted. (S10-5570)

The Solicitor General for Scotland (Mrs Elish Angiolini): The Crown's policy is to prosecute every case of rape where there is sufficient reliable and credible evidence to do so. The Lord Advocate has already taken steps to clarify the law in this difficult area. Last year, he referred the case of Edward Watt to the High Court and secured a ruling that clarified the definition of rape in Scots law. That should make prosecution possible in some cases in which it was not previously possible.

Mr Paterson: Although I welcome the Sexual Offences (Procedure and Evidence) (Scotland) Act 2002, the act will protect only those whose case reaches court, which is currently 8 per cent of those who report rape. Given the fact that the Minister for Justice has recently stated in reply to a parliamentary question that no further research will be carried out into the investigation of rape in

Scotland, will the Executive ensure that those who review the police guidance will examine the work that was carried out by the Metropolitan police force's project sapphire? That project was backed up by research and by training projects that were developed in America, which aim to provide investigators with skills that help them to collect evidence, which will help to overcome—

The Presiding Officer: Order. We have the question.

Mr Paterson: There is one further part—

The Presiding Officer: No. Members must not add information to their questions.

The Solicitor General for Scotland: We will certainly look outward at any initiatives that are of relevance. The prosecution of rape is a serious area that is a major priority for the Crown Office and Procurator Fiscal Service. We are undertaking a major review of all our working practices to ensure that they are efficient and to ensure that quality evidence is available for the court. That is a priority, because we need to have sufficient evidence before we can do anything with these tragic cases.

We are also working with the police and the Executive to ensure that the new guidelines for the police allow the investigation of such cases to be approached much more forensically and energetically than has perhaps been the case in the past 15 years. An attractive change is taking place in the pattern of how such cases are taken forward. We are doing a great deal to ensure that serious crimes such as rape are addressed expeditiously in Scotland.

Trish Godman (West Renfrewshire) (Lab): Does the Solicitor General have any intention to examine other legal systems, in particular those in northern Europe and the States, where more crimes are reported and the conviction rate is much higher? Indeed, the conviction rate in New York is 74 per cent.

The Solicitor General for Scotland: Members will perhaps be aware that the definition of rape varies across the world from one jurisdiction to another. Many jurisdictions take a much wider definition than does Scotland, where the definition of rape is narrow and relates only to intercourse, so comparisons may be misleading.

Of course, we look at other legal systems. This autumn, as has happened before, a member of our policy group will work with district attorneys and attend their training course for the prosecution of sexual offences. We constantly look at what we are doing and look outward for ideas. On Monday, I attended the conference of the International Association of Prosecutors.

The reality is that Scotland requires a robust

level of evidence, and corroboration is certainly a more difficult obstacle. Having said that, I believe that we secure equivalent rates of conviction to many jurisdictions around the world that do not have to achieve our level of evidence.

First Minister's Question Time

15:10

Cabinet (Meetings)

1. Mr John Swinney (North Tayside) (SNP):

To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S1F-2102)

The First Minister (Mr Jack McConnell): As always, the Cabinet will discuss matters of importance to the people of Scotland.

Mr Swinney: Earlier this year, I wrote to the First Minister suggesting cross-party co-operation to combat racism in Scotland. I thank the First Minister for his positive response and congratulate the Executive on the measures that it has taken to date. Given that consensus, may I draw the First Minister's attention to the comments of the Home Secretary, who said that asylum seekers should "get back home"? Does the First Minister believe that those comments have helped or hindered the genuine efforts of the Executive, and of all parties in Scotland, to tackle the scourge of racism in our society?

The First Minister: I heard the Home Secretary's comments on the radio this morning and that was not what he said. The quote has been taken out of context. It is false of Mr Swinney to raise matters in that way in the chamber.

Mr Swinney: Let me give the First Minister the full quote from the Home Secretary:

"If these people are dynamic and well qualified, and I don't dispute they are, they should get back home and recreate their countries."

Last week, the First Minister said:

"I ... know the sort of Scotland I want government to help to create. A society that greets talent to Scotland, as other countries have welcomed Scottish talent to theirs."

In order to protect the sound Executive policy on racism, will the First Minister today dissociate his Executive from the Home Secretary's remarks?

The First Minister: No, I will not. The point that the Home Secretary made on the radio this morning, and he made it very clearly, was that some asylum seekers in the UK came here for very good reasons, because of the circumstances back in their own countries. In some cases, those circumstances have since changed, because of international action that we on this side of the chamber supported but that Mr Swinney certainly did not. Let us get the facts from the past right.

The point that the Home Secretary was making this morning was that, in some cases, people may wish to return to assist those countries whose circumstances have changed in order to take forward the development of their nations.

The point that I was making last week—which I have made again this week and which I will make again and again, because we need to create a culture in this country of welcoming talent and of ensuring that people are welcome in Scotland and can contribute to the growth of our economy—is that not only do we need to retain Scots in this country and not have them leaving to work abroad, down south or anywhere else, but we need to attract ex-Scots back to Scotland and to attract new talent, so that people stay here if they come to our universities to study or come here if they are attracted by our economy, our academic research or any other aspect of our society. That is what I think the new Scotland should be about and I am determined to see it happen.

Mr Swinney: That is a vision that all of us in the Parliament will support, but it is fundamentally undermined by the unwillingness of the First Minister to give a clear statement that his Executive and the Parliament dissociate themselves from the Home Secretary's remarks, which have been roundly condemned by all sections of opinion in our society. Will the First Minister, at the third time of asking, take the opportunity to dissociate his Executive from some repugnant remarks?

The First Minister: If there is anything that will put people off coming to Scotland and helping us to grow our economy, it is the sort of politics that we see in the chamber week in, week out and that is about running Scotland down. Within the past hour, we heard Mr Andrew Wilson describe a Scotland from the past 50 years that no sane person in Scotland today would recognise. The educational, social and economic advances in Scotland since the second world war have been dramatic. They have improved our quality of life. People used to live in slums in Glasgow. People died young. People died in childbirth. All those things have changed in Scotland since 1945. In the chamber, we consistently hear from the Scottish National Party a description of a Scotland that I do not recognise. We need a Scotland—*[Interruption.]* Presiding Officer?

The Presiding Officer (Sir David Steel): Order.

The First Minister: We need a Scotland that welcomes talent to our shores and encourages that talent to stay here. That will help to grow our economy and grow our population. We will do that by being positive in the chamber, getting away from the personality politics of the past and concentrating on the policies for the future. When we do that, we will be much more successful as a country.

Prime Minister (Meetings)

2. David McLetchie (Lothians) (Con): To ask the First Minister when he next plans to meet the

Prime Minister and what issues he intends to raise. (S1F-2093)

The First Minister (Mr Jack McConnell): I talk regularly with the Prime Minister on matters of importance and expect to see him again shortly.

David McLetchie: Does the First Minister agree with the Prime Minister that the principle of Cabinet collective responsibility is essential to effective government? If so, surely Mr Watson should have done the right thing and resigned from the Cabinet over the review of Glasgow hospitals. That would have maintained the principle of collective responsibility and, in all likelihood, achieved a much better result for the people of Glasgow in our vote in Parliament last week. By clinging to his post, has not Mr Watson achieved the worst of both worlds?

The First Minister: I remind Mr McLetchie that all the ministers in the devolved Government supported the position as proposed in the Parliament last Thursday by Malcolm Chisholm. I am pleased that that happened. The principle of collective Cabinet responsibility is important and is being implemented.

David McLetchie: The First Minister's interpretation of the rules is at variance with everyone else's. If he will not listen to me, perhaps he will listen to others. Minutes ago, a series of interviews was broadcast on the BBC's "Holyrood Live". Mr McAllion, from the First Minister's back benches, said:

"If people can't agree with Government policy then they have to go."

Will the First Minister listen to him? If not, will he listen to Mr Tavish Scott, a former junior minister who knows a thing or two about resigning in the right circumstances and who described the affair as having "a corrosive effect"? If the First Minister will not listen to politicians, will he listen to Sir William Kerr Fraser, the former head of the civil service in Scotland? Sir William said:

"I think he has broken the rules. The power of an administration both within Parliament and outside becomes damaged."

By protecting his friend in the face of the overwhelming opinion that his friend should go, is not the First Minister making a mockery of collective responsibility and bringing the Government in Scotland into disrepute?

The First Minister: That was a long way of calling for another resignation. I suspect that, if the word "resignation" were removed from the English language, Mr McLetchie might have problems devising a speech.

The principle of collective Cabinet responsibility was maintained in the chamber last Thursday. All ministers voted with the Government, which was

right and proper. The Tories and others in opposition are deliberately creating a distraction from the success of the creation of a portfolio for tourism, culture and sport in the Cabinet. That portfolio recognises Scotland's identity, our confidence in the arts and culture and the importance of our tourism industry.

In a year when our tourism industry has started to grow again, when our cultural industries have won awards abroad and have been successful at home, and when we have had sporting achievements at the Commonwealth games and our campaign for the Euro 2008 championships looks like it has a chance of success, we should concentrate on the good things in the portfolio and on the importance of tourism, culture and sport to Scotland. I hope that Mr McLetchie will join us in that crusade.

The Presiding Officer: Go on quickly.

David McLetchie: We are talking not about the width of the portfolio, but about Mr Watson publicly disagreeing with Mr Chisholm. The breadth of the portfolio and what Mr Watson is doing are irrelevant. Other members are more than capable of doing the job. Heaven knows that the First Minister has enough experienced ministers dispossessed on his back benches. Why will not the First Minister address the issue? Mr Watson broke the rules and he should go.

The First Minister: I repeat that all ministers voted with the Government last Thursday. That is the principle of collective responsibility properly implemented.

Revenue-varying Powers

3. Mr Duncan McNeil (Greenock and Inverclyde) (Lab): To ask the First Minister whether the Scottish Executive has any plans to recommend to the Parliament the use of revenue-varying powers conferred by the Scotland Act 1998. (S1F-2098)

The First Minister (Mr Jack McConnell): No, we do not.

Mr McNeil: I welcome that clear response, as I am sure will many hard-working families in my constituency. Does the First Minister agree that the spending review confirms the success of the devolution partnership? In the spirit of cross-party co-operation, will he join John Swinney in congratulating Gordon Brown on his budget, which will deliver benefits for public services in Scotland?

The First Minister: I am absolutely delighted to join the leader of the Scottish National Party in welcoming Gordon Brown's budget. I agree wholeheartedly with John Swinney that this summer's budget invested an amount of money in Scottish public services that will make a real difference to

Scotland. I am delighted that he will support that. I only hope that the others on the Opposition benches will stop making the sort of daily promises that Mr Swinney found so difficult to justify in his BBC interview on Sunday afternoon. Perhaps, at some point, we will get some honest budgeting from the SNP.

Alex Neil (Central Scotland) (SNP) rose—
[*Interruption.*]

The Presiding Officer: Order. Let us hear the question.

Alex Neil: I am always delighted at the reception that I receive from Labour members.

Mr Kenneth Gibson (Glasgow) (SNP): The member always welcomes them as well.

Alex Neil: They are warmly welcomed—by the teeth.

I draw the First Minister's attention to the report published this week by the London-based constitution unit, which points out that Scotland has been in surplus for 22 of the past 23 years. Is not it time that the Scottish people had access to that money, which has been drained away to the UK Treasury in London? If it were spent in Scotland instead of in London, we would be a growing economy instead of an economy in recession.

The First Minister: I am pleased that Mr Neil welcomes the opportunity to use the word "independence", which he presumably enjoyed in the document that was published on Tuesday. I notice that his colleagues were a bit quieter about that during the day on Tuesday and on Tuesday night.

Mr Swinney: When?

The First Minister: I see a little division appearing among the SNP members, but let us concentrate on the issues and not the personalities.

Two things clearly emerged from this week's report. The first was the economic uncertainty created by the negotiations, the referenda and the process of independence that the Scottish National Party would prioritise. That would have a devastating impact on interest rates, inflation, the currency exchange rate and other economic factors at a critically important time when the Scottish economy needs to grow out of its current position and achieve higher growth. [*Interruption.*]

The Presiding Officer: Order. We must listen to the answer.

The First Minister: Secondly, we—
[*Interruption.*]

The Presiding Officer: Order. We cannot have a running commentary during the answers.

Mr Gibson: Be consistent for once.

The Presiding Officer: Order. I have just said that we must hear the answers.

The First Minister: Thank you, Presiding Officer.

We now know quite clearly what the choice will be in the elections next year. We face the choice either of risk and uncertainty and of a budget gap that cannot be filled or of investment in public services and growth in opportunities from the budget that was announced last week. That is the choice facing the people of Scotland and I know where Labour wants to go.

Mr David Davidson (North-East Scotland) (Con): I am delighted that the First Minister has promised not to put up the variable tax at this time. Does he agree that the system is skewed, as a decrease in taxation through the tax-varying power would benefit Gordon Brown and not the block grant to the Scottish people? Moreover, an increase would damage the Scottish economy even further and would cause greater difficulty in our economic position. Would he care to examine the Scotland Act 1998 with the Prime Minister when he meets him and review it so that we can have reasonable taxation levels in Scotland?

The First Minister: As I have said consistently since I became First Minister, I believe that the challenge that the Parliament faces is to win the people of Scotland's confidence and belief in our credibility by using the powers that we have to the greatest effect to grow our economy and to deliver opportunity through improved public services. That is the challenge that we face, using the powers that we have today, not spending the next four years arguing about the powers that some people think we should have and making the fatal errors that would be made by going down that road.

Euro 2008

4. Andrew Wilson (Central Scotland) (SNP): I had hoped to give the First Minister the chance to show some unified leadership for Scotland, but—

The Presiding Officer: Order. Let us stick to the question.

Andrew Wilson: To ask the First Minister what the Scottish Executive's current assessment is of the prospect for success of the joint bid to host the European football championships in 2008. (S1F-2097)

The First Minister (Mr Jack McConnell): We have submitted an excellent joint bid and we believe that it is a strong contender. On behalf of the whole Parliament, I welcome to Scotland this week the committee that is assessing the technical

nature of our bid. We met members of that committee yesterday and I believe that they will be impressed by what they see, not just in the stadia that we have in Scotland and not just in the quality of our organisation, but in the enthusiasm that exists locally and nationally for the bid.

In that regard, I thank the football clubs and local authorities of Aberdeen, Dundee and Edinburgh, which did so much to assist on Tuesday and Wednesday, and those of Glasgow, which assisted today. I also thank the Irish football authorities, the Irish Government and the Gaelic Athletic Association, all of which hosted excellent presentations on Monday. I believe that they were very persuasive in working with officials from the Union of European Football Associations.

Andrew Wilson: I think that the whole Parliament and the whole country are delighted to hear that the bid is going well. Does the First Minister agree with me—someone who, as he might recall, first called for a joint bid with Ireland two and a half years ago in the chamber—that our passion for the game and the near-impeccable behaviour and welcome of our fans could be the key, determining factor that wins us the bid? Does he agree that a successful bid for Scotland and Ireland to host the European championships in 2008 will produce a friendly football festival that will unite the whole continent of Europe behind the game, based on welcome and on friendly football fans?

The First Minister: Yes.

Dennis Canavan (Falkirk West): Will the Scottish Executive and the Irish Government consider making a joint appeal to the GAA to allow the use of their magnificent stadium at Croke Park for Euro 2008? Although I understand the historical reasons for banning non-Gaelic sports from Croke Park, will both Governments try to persuade the GAA that it is now time to move on and to recognise the huge potential benefit of stadium sharing in terms of economic co-operation and good sporting relationships at international level, particularly between Scotland and Ireland?

The First Minister: We would wish to leave that to the Irish Government and its relationship with the GAA, but we fully support the Irish Government's approach to the GAA. I believe that the discussions that will take place over the next few months can lead us to a constructive conclusion for the bid. The GAA played host to the UEFA officials this week, not only taking them around Croke Park, but marching them on to the turf there. The GAA has this week played its part in assisting with the bid. I hope that it will see that its participation in the bid can be a boost for Gaelic athletics in Ireland as well as a boost for the European championships in 2008.

Genetically Modified Crops (Bees and Honey)

5. Iain Smith (North-East Fife) (LD): To ask the First Minister what studies have been carried out on the effect of pollen from GM crops on bee colonies and honey production. (S1F-2105)

The First Minister (Mr Jack McConnell): Studies acknowledge that minuscule amounts of genetically modified material may be found in honey. However, our independent advisory bodies are clear that pollen from GM crops does not pose a greater risk to bees or honey consumers than pollen from conventional crops.

We today received test results from *The Sunday Times* and, in line with our precautionary approach, we will have the validity of the findings independently assessed and then made public.

Iain Smith: I am sure that the First Minister will agree that the primary concern must always be the safety of the public, including the members of the Newport-on-Tay probus club, who may wish to enjoy some of their local honey when they return home from the chamber today.

Can the First Minister confirm that Ross Finnie took immediate action to obtain from *The Sunday Times* a copy of its report and to ensure that it was passed to the Food Standards Agency, the Advisory Committee on Releases to the Environment and the Advisory Committee on Novel Foods and Processes? Will he further confirm that, if any of those agencies says that GM pollen found in the honey poses any threat to human health or the environment, the GM crop trials will be halted immediately?

The First Minister: We will continue to demand the highest possible level of confidence that the trials pose no demonstrable risk to public health or the environment. Clearly, if such a risk were posed, we would take the necessary action.

Robin Harper (Lothians) (Green): Given that the Agriculture and Environment Biotechnology Commission has recommended a debate on the subject of GM crops, and given that the Secretary of State for Environment, Food and Rural Affairs, Margaret Beckett, has announced a public debate on the issue in England and Wales—that debate is about to begin—does the Executive intend to hold a public debate on the future of GM crops in Scotland? If so, when will it begin?

The First Minister: I think that the Minister for Environment and Rural Development has already confirmed that we in Scotland will be part of the debate that Robin Harper has mentioned. We will be enthusiastic participants in the debate and we look forward to the outcome of the discussions that will take place.

Tricia Marwick (Mid Scotland and Fife) (SNP): Iain Smith would have had more credibility had he

joined me, Robin Harper and the community of north-east Fife at the recent public meeting in Newport to oppose the spring trials about which he now complains.

On 29 May, my colleague Bruce Crawford drew Ross Finnie's attention to a report from the European Environment Agency, which highlighted the fact that GM pollen can be transferred beyond 10km. Will the First Minister explain why the scientific information has been ignored and why Ross Finnie and the Lib-Lab coalition continue to put the environment of Fife at risk by approving an autumn GM crop planting in Newport?

The First Minister: Tricia Marwick should for once avoid gesture politics and take note of the answers that are given in the chamber. Iain Smith is not a member of my political party, but I know that—as is right and proper—as the local constituency MSP he contacted the minister on Monday morning, asking him to investigate *The Sunday Times* evidence. *The Sunday Times* was contacted and it has provided the evidence. The minister has instructed that the evidence be properly analysed. That is the right and proper thing to do, rather than indulging in gesture politics in north-east Fife or in the chamber.

Points of Order

15:31

The Presiding Officer (Sir David Steel): I know that there are other points of order, but I turn first to the point of order that Mr Sheridan raised this morning with the Deputy Presiding Officer.

As was said this morning, when there are doubts about the admissibility of a stage 2 amendment, the final decision rests with the convener of the committee that is dealing with the bill at that stage. Any such decision can be made only in relation to a particular amendment that has been lodged, as the precise wording of an amendment can often determine whether it is deemed admissible or not.

However, it might be of assistance if I remind the chamber of the general principles that apply in making such decisions. One of the tests of whether an amendment is admissible is whether it would be

“inconsistent with the general principles of the Bill”.

That test is explained in part 4 of the “Guidance on Public Bills”. The relevant point is that if an amendment would remove or frustrate one of the principal components of a bill, it is treated as a wrecking amendment and as inadmissible. The attachment procedure provided for in the Debt Arrangement and Attachment (Scotland) Bill is clearly a key component of the bill and it follows that any amendment that prevented that procedure from being effective would be inadmissible. Whether any particular amendment that may be lodged would have that effect is clearly a matter of judgment and that is a judgment that is, at stage 2, for the convener of the committee, rather than me, to make.

I also remind members that, if the motion on the bill is agreed to today, there will be a further opportunity to vote on the bill at stage 3. Members who find themselves unable to amend the bill to the extent that they consider appropriate will have the opportunity to vote to reject the bill as a whole at that stage.

I hope that that clarifies the matter to everyone's satisfaction.

Alex Neil (Central Scotland) (SNP): On a point of order, Presiding Officer. I draw your attention to a report on the front page of *The Herald* this morning, in which it is stated that the Deputy First Minister will announce the new Cabinet policy on proportional representation for local government at the Liberal Democrat conference in Brighton next week. Given the importance of that policy, should the Deputy First Minister not announce it in the chamber?

The Presiding Officer: There is a distinction between party policy and Executive policy. If the Deputy First Minister is speaking at a party conference in his capacity as a party politician, that is up to him. The short answer to Mr Neil's question is that we will have to wait and see.

Alex Neil: With all due respect, the way in which the story is written makes it clear that the Deputy First Minister will be speaking in his capacity as Deputy First Minister and will announce Executive policy. Is your ruling that, if it is Executive policy, it should be announced in the chamber?

The Presiding Officer: That is normal procedure. It would be rather strange to announce Executive policy at any gathering in Brighton, whatever its nature. We will have to wait and see what happens. Mr Neil cannot ask me to rule on hypothetical questions.

Ms Margo MacDonald (Lothians) (SNP): On a point of order, Presiding Officer. Can you rule that, should the Deputy First Minister inadvertently speak at a party-political meeting in his capacity as Deputy First Minister, he would be out of order to refer to policy that might be enacted by the Parliament?

The Presiding Officer: What I have said is simply guidance. I can consider matters only when they happen. I cannot rule on hypothetical issues.

Tommy Sheridan (Glasgow) (SSP) rose—

The Presiding Officer: Does Mr Sheridan want to come back on the main point?

Tommy Sheridan: I apologise. I thought that the other points of order were going to be on the main point.

Presiding Officer, can you give a ruling on the comments that the convener of the Social Justice Committee made earlier? I am not questioning the credibility of Johann Lamont, but today she said that she supported a specific aspect of the Executive's bill. Given her support for the exceptional attachment order, is it fair and proper that, as the convener of the Social Justice Committee, she will have a determining decision on whether an amendment is a wrecking amendment?

The Presiding Officer: Yes, it is. I was in the chair when the convener was speaking and I listened carefully to her speech. She was speaking on behalf of the committee. When a convener is in the chair, she or he acts impartially and uses her or his best judgment, just as a Presiding Officer does in the chamber. Let me make it clear that there is no question of the Presiding Officers telling committee conveners how to do their job.

Culture (Educational Development of Young People)

The Presiding Officer (Sir David Steel): The next item of business is a debate on motion S1M-3401, in the name of Mike Watson, on the role of culture in the educational development of young people, together with an amendment to the motion.

15:35

The Minister for Tourism, Culture and Sport (Mike Watson): The Executive invites Parliament to recognise culture's enormous potential for helping to deliver on a key priority of the Administration, which is to give our children and young people the best possible start in life. We are committed to developing and realising that potential, and I welcome today's debate, which offers an excellent opportunity to put on record and discuss the actions that we are taking.

The evidence shows that young people enjoy cultural activity. They enjoy dance, drama, sport, art, music, film and the many other forms of cultural expression. If we want their formative years to be as productive as possible, we owe it to all our children and young people to provide them with the widest possible opportunities to sample various cultural forms and develop their interest in, and experience of, as many of those as possible. As well as providing a source of considerable pleasure, the teaching of traditional cultural activities such as dance and music is vital in perpetuating those strong elements of Scotland's heritage for future generations to enjoy. We owe it to our young people to provide them with the best possible range of high-quality cultural experiences. That should be a vital part of their schooling. I shall set out the actions that we are taking and promoting to secure a core position for culture in schools and community education.

There is an important role for education authorities and individual schools in examining the scope for developing the role of cultural tuition in the curriculum. The benefits of that extend well beyond the subjects in question. In recent years, a key challenge for educators has been to recognise and understand those connections. An ever-growing and convincing body of evidence shows us that, when children are brought into contact with cultural activity and when practising artists are brought into schools—which is important—the young people's capability increases in an impressive range of life skills. Their academic ability also benefits.

Tommy Sheridan (Glasgow) (SSP): I am reminded of the response of the actor and director, Peter Mullan, when he was asked about the

artistic influences on him. He said that the most important influence was his art teacher at school. Does the minister agree that we have far too few music, art and drama teachers in schools? Does he agree that the focus of the Executive's action must be to get more staff in schools to encourage our youngsters?

Mike Watson: Peter Mullan's artistic creativity was rightly rewarded at the Venice film festival this year. I warmly congratulate him on that.

The number of teachers is a key factor. One of our aims in introducing cultural co-ordinators in schools—which I shall say a bit more about—is to develop young people's skills in culture in its widest sense. I accept what Tommy Sheridan says and, in the broadest sense, we will continue to review staffing levels throughout the curriculum.

Mr Brian Monteith (Mid Scotland and Fife) (Con): Will the minister give way?

Mike Watson: I would like to make some progress. I shall give way later.

The creativity agenda is another aspect of education that has required a considerable rethink in recent times. It is recognised that a holistic approach to creativity is required across the entire school curriculum, with the aim of striking the right balance between academic success and the education of the whole child. Creativity is not a special attribute belonging to the gifted few, but can be cultivated by everyone, given the right conditions for learning. On the one hand, this is an exciting development; on the other hand, it provides fresh challenges in managing the everyday demands of the classroom.

Michael Russell (South of Scotland) (SNP): I agree entirely with the minister that contact with creativity is essential. Can the minister indicate whether he is going to progress the ambition of the Scottish National Party and of other parties to ensure that music lessons in school are more freely available? Will he also ensure that all young people have contact with music and can learn a musical instrument at some stage in their school careers?

Mike Watson: The SNP does not have sole claim to that aim: it is one that I share. A review is currently being undertaken by the Royal Scottish Academy of Music and Drama and the National Foundation for Youth Music with the Scottish Arts Council. On the basis of that review, we will consider the position of music tuition. We are aware of its benefits.

Children must be taught not simply facts to be recalled, but how to interpret and understand the facts, how to challenge, how to take risks and how to solve problems with confidence and flexibility. There is already much good practice in that area

and growing awareness, as exemplified by one primary school teacher, who remarked that there is no divide between encouraging creativity and the raising of academic standards. She said that

“By promoting creativity, you do raise standards.”

The Executive takes that opinion seriously.

It has been said that the teacher's job is not to help children do better in school, but to help them do better in life. I endorse that philosophy, as does the Executive. An excellent discussion document entitled “Creativity in Education”, which we commissioned from Learning and Teaching Scotland and the international design, technology and enterprise support network was launched by Nicol Stephen last November. It set out the clear and unassailable case for promoting and encouraging creativity and drew attention to current good practice.

Work is now well in hand to spread that good practice and we are working with Learning and Teaching Scotland to refine measures to evaluate the outcomes. I have no doubt that the development of creative thinking techniques will yield knowledge that will enliven the whole curriculum.

As part of the process of implementing the national cultural strategy, I have established a group with representatives from the creative industries. One of their aims is to explore how we can boost the valuable contribution in the further and higher education sectors and the consequent impact on Scotland's economy of the creative industries.

On Monday of this week, I was pleased to announce the launch of “Implementation of the National Cultural Strategy: draft guidance for Scottish local authorities”. Local authorities will play a key role in delivering the national cultural strategy. I have commended that document to all local authorities and I hope it will prove helpful when they undertake their role. I seek the widest possible response before the consultation period ends in the middle of January 2003.

Earlier this year, I launched the pilot programme of cultural co-ordinators in schools at St Joseph's Academy in Kilmarnock. That pilot was established to identify ways to maximise the potential contribution of culture to young people's education, developing their self-confidence, skills and creativity and exploring ways to widen the range of experiences available to children. The Executive extended the pilot to all local authorities in Scotland. I am pleased to say that 31 of 32 authorities are participating in the programme and that 100 co-ordinators will soon be in place throughout Scotland. That represents an input of £1.75 million for the two years until 2004.

In Highland Council area, eight co-ordinators—each with a particular speciality—will work to build partnerships with local arts providers and operate as a team to develop a wide range of participative arts activities for schools. A different model has been chosen in Falkirk, where a cultural co-ordinator will work with clusters of secondary and associated primary schools co-operating with specialist arts teachers to develop good practice and link those opportunities into the curriculum. In Edinburgh, four co-ordinators will work with the education department to develop artists' residencies in schools, bringing in visiting arts companies and establishing the city's arts unit as a one-door provision for arts and education.

The spending review for 2002 was announced by Andy Kerr last week. In addition to the excellent boost that it gave to all levels of school sport, it provides additional money to allow the cultural co-ordinator programme to run for a further two years until 2006.

That represents an important commitment by the Executive to strengthen what we already accept as a key component of a young person's development. The aim will be to extend and develop the good practices developed by the participants in years 1 and 2. I know that that news will be widely welcomed.

The national institutions, other cultural non-departmental public bodies and funded local and national cultural bodies, such as the national companies, are responsible for educational outreach programmes. They are already playing their part in various ways. The Executive expects the co-ordinator pilot to develop innovative approaches, to extend the range of pupils' learning experiences in order to include culture in all its facets, to bring them into contact with professional arts' bodies and to enrich their future opportunities for employment and lifelong learning. I am pleased to note developments such as the decision by the Scottish Arts Council to extend its creative links programme to all Scottish local authorities by 2007. Some of the successes of that programme include the creation of jazz bands, youth theatres and other activities, such as drug awareness programmes.

A wealth of opportunity exists for young people to engage with our country's rich and vibrant culture. Education has a key responsibility to connect the young with the full range of those cultural experiences. Audience development initiatives that are targeted at young people are also helping to raise that awareness. I welcome such initiatives and encourage their wider application. If young people are denied access—for whatever reason—to cultural activity, they will be denied what should be an important part of their education and upbringing.

It is critical that we identify the barriers to participation in and enjoyment of culture by our children. That is why we have asked local authorities that have submitted applications to participate in the cultural co-ordinator pilot to give priority to areas of greatest need, and that is where we have directed the funding.

The Executive debate on the wider question of the future of school education, which was launched earlier this year, opened up that most important issue for an inclusive dialogue on the future strategy for education in Scotland with pupils, parents, teachers, employers and everyone who has an interest. This afternoon, the Parliament has the chance to discuss the special contribution of culture and its important place in the educational development of young people.

I have set out just some of the many ways in which the Executive is demonstrating our commitment to that goal: through investment; by promoting good practice and partnerships; and through new and challenging initiatives. Without a doubt, there is unanimity in the chamber on making the development of our children a top priority. To invest in the future of Scotland's children is to invest in Scotland, and our investment in the cultural dimension of the personal development of children is an essential part of that.

I move,

That the Parliament recognises the value of participation in cultural activities by Scotland's young people; believes that the development of creativity and the expressive arts is essential to Scotland's success in the 21st century, and welcomes the commitment of the Scottish Executive to increase the opportunities for all young people to take action to engage with Scotland's rich and vibrant culture.

The Deputy Presiding Officer (Mr George Reid): Before I call Brian Monteith, I remind members to press their request-to-speak buttons if they want to be called to speak. A number of members who wish to speak have yet to press their buttons.

15:47

Mr Brian Monteith (Mid Scotland and Fife) (Con): I am pleased to lead for the Conservatives in this debate. I am surprised by how anodyne the motion is. I profoundly disagree with the Executive's approach, but I believe that it is doing far more than the motion suggests. Clearly, the minister elaborated further in his speech, but a good deal of work is being done. It is as if the motion had been hurriedly constructed and added to the Executive's business in order to show that the minister still holds the culture portfolio and finds time for his brief, despite ducking and diving—unfortunately, in vain—in his attempts to change the mind of the Minister for Health and

Community Care.

On the many initiatives that are being taken, I do not question the ministers' or the Executive's motives. I am sure that they mean well. They wish children to participate in all the expressive arts and to immerse themselves in, and help to shape, Scottish culture. However, our contention is that, although launching more initiatives from the centre may be rewarding to the politicians that initiate them—and the bureaucrats that manage them—they are not the best way in which to promote involvement in our culture or to let it flourish.

Primarily, Conservatives believe that decisions about access and participation should be taken at the local level and that schools should make those decisions. It is for the head teacher, in partnership with teachers and parents, to determine the particular shape of the school curriculum.

I value the arts, our history, our cuisine and our sport. All are important aspects of our Scottish culture.

Murdo Fraser (Mid Scotland and Fife) (Con): Especially the cuisine.

Mr Monteith: No, not especially the cuisine.

The Deputy Minister for Education and Young People (Nicol Stephen): Interesting priorities.

Mr Monteith: I did not say anything about priorities.

I would like those aspects of our culture to play a more prominent role in the lives of our schools. I do not believe that I, or any minister for education or culture, could direct such an approach from the centre. The education policy that is on display is incoherent, as it says two contradictory things.

On the one hand, we are told that a more liberal approach should be taken to the curriculum and that schools should have more freedom to decide what they teach, how they teach it and what their priorities are. On the other hand, we are told that there must be more culture and more access to culture and so cultural co-ordinators are to be recruited to see that that happens. For that reason, it would have been far more helpful for the debate to take place at the stage that pilot reports are available to us. That way we would be able to see what is happening on the ground.

Those of us who deal with education are aware of its competing demands and priorities. We are told that the curriculum should contain more sport, languages and Scottish history. We are reminded constantly about the importance of literacy and numeracy skills. Questions are raised about priorities and the coherent policies that would allow schools to determine and reflect the best of what is available locally. The answer to those

questions is to give devolved power to schools and to create diversity.

We say that peripatetic teachers are key. When I visit primary schools, staff tell me that they wish that they had more control over funding so that they could use music teachers, PE teachers and art specialists far more often. Music tuition is very patchy and the tuition of piping, in particular, could be improved greatly. The way to solve that problem is not to instil piping in every school in a top-down approach. Schools should instead have greater access to such courses, but should be able to decide on their local priorities.

I have no doubt that our schools would like to do more, but to simply employ more people in regional centres will not put a chanter in a single pupil's hand. Let us dismantle this cultural merry-go-round. Let us ensure that our schools flourish by giving them the ability to reflect local aspirations, traditions and cultures. I trust teachers to deliver. If they are given the freedom and resources, they will do so.

New money is not required, nor is political posturing from politicians who are desperate for good publicity. All that is required is for funds to be reallocated away from the Scottish Arts Council and local authorities into schools.

I move amendment S1M-3401.1 to leave out from "the development" to end and insert:

"more can be done to open up opportunity for learning about and participating in expressive arts, and recognises the importance of schools in this process."

15:52

Michael Russell (South of Scotland) (SNP): As the chamber may have noticed, I did not lodge an amendment to the motion. That may have surprised the Executive parties, but, having listened to Brian Monteith, I am glad that I did not. His amendment is the usual Trojan horse, which allows him to talk about private education and his other obsessions.

Mr Monteith: Will the member give way?

Michael Russell: Not yet, Mr Monteith. The member's voice has only just stopped echoing around the chamber. Let me make a little bit of progress.

The reality of the situation is that, instead of condemning—as ever—the Executive for the vagueness of its motion, we should encourage the Executive to do better. I will treat the debate as one in which the Executive should receive encouragement. I will also ask questions about what is taking place, but I will do so in as supportive a way as I can from my position across the chamber. Elaine Murray is right to laugh at that point, as will become obvious. I repeat that I am

genuine in my attempt to be supportive.

I am pleased to see the minister leading the debate. He is the first minister with responsibility for culture that we have had since Sam Galbraith. I am pleased to see a minister with a portfolio in the Cabinet actively leading a debate on culture in the Scottish Parliament. Culture should be at the heart of Government, politics and education. If having a minister with responsibility for culture means that the Government is moving in that direction, I am happy to keep on giving the Government a little shove.

It is no accident that today I am wearing a small piece of tartan. It is the tartan of the Legislative Assembly of Alberta. I had the pleasure of having dinner last night with the Speaker of the Legislative Assembly of Alberta, who joined us in the public gallery earlier today. It was intriguing to hear that Alberta has not one, but two tartans, which are symbols of Alberta.

Tartan is a Scottish symbol: it is a Scottish fabric, which is woven to Scottish designs. It is a Scottish idea. Even in Alberta, tartan is used as a state symbol. That is done for conscious reasons. If members read the story of this Alberta tartan, they will learn that it contains what its designers thought are the colours of Alberta—its forest, skies and lakes.

How many Scottish children know anything about tartan? How many know where it came from, how it was developed and what its meaning is? Today, a delegation from a Canadian province came to the Scottish Parliament and gave MSPs bits of tartan. That should make us stop and think. We have been given a bit of our own fabric back. Perhaps we should tell our children a great deal more about the importance of their culture.

There is potential in Scotland to deepen our understanding of Scotland and what it has given to the world. How do we do that? I have always been sceptical about the plan for cultural co-ordinators in the national culture strategy. The plan was long delayed, but I accept that it is now going ahead. Let us see what comes of it.

My first concern is about putting all the eggs in one basket. The minister said in his speech that there would be four cultural co-ordinators in Edinburgh. That may or may not be necessary, but there is only one piping tutor in the whole of Edinburgh for all Edinburgh schools. I have no objection to developing culture, even in a scheme that has the potential to ghettoise culture, but let us look at the balance that is being struck. If we have four cultural co-ordinators, but only one person to teach the bagpipes to all schoolchildren in Edinburgh—and for whom there is a huge demand—then perhaps our balance is wrong. Let us see if we can invest a little more.

Mike Watson: I am surprised. I thought that Michael Russell was listening to my speech, but he talked about ghettoising culture. I made the point that the cultural co-ordinators—like them or not—will work throughout the curriculum. They will link with what young people do and will develop general benefits for the learning of young people. There is no question of ghettoising culture—quite the opposite.

Michael Russell: I do not want to catch the minister not listening to me or me not listening to him. I referred to the potential to ghettoise culture. That has been my objection since the beginning. Further down the road, when I am sitting in the minister's present seat and he is sitting in mine, if it turns out that that potential has not been realised, I shall accept that he was right. Let us wait and see what happens.

My second problem comes from something that the deputy minister for tourism, culture and sport, Dr Elaine Murray, said earlier this year. She announced at the recent art of learning conference in Glasgow that the Executive is developing performance measures for creativity. That sends a shiver down my spine. I know that there are performance measures for creativity. They could be plucked out of the air. The Oscars, the Emmys and the Grammys are perhaps performance measures for creativity. I am worried, however, that we will keep reducing everything that we do to tick boxes. Performance measures for creativity are almost impossible to find. Ian Jenkins—

The Deputy Minister for Tourism, Culture and Sport (Dr Elaine Murray) *rose—*

Michael Russell: Just one moment, please. I was talking about Ian Jenkins.

Ian Jenkins spoke some time ago at the Education, Culture and Sport Committee about educating the soul as well as the body. I remember that, because much creativity is about educating the soul. I find it difficult to understand how we can apply performance measures to that. The minister may tell me now.

Dr Murray: Michael Russell's speech is romantic. He surely must agree that unless we have a way of measuring performance we do not know whether we are doing any better. One of the Executive's aims is to improve the educating of creativity and the creativity of pupils. Unless we can measure how successful we are being, how will we know whether we are getting to where we want to be?

Michael Russell: There are many ways of measuring things. For example, applause for artistic performance is a way of measuring, as is growth, satisfaction and the development of understanding. The minister's fallacy is that everything can be measured and written down on

a sheet of paper. Many of the great things, the numinous things in life, cannot be measured in that way. That is what worries me about the performance measures. I am glad that Mr Harper is indicating strong agreement with me.

My third problem with what has been said and written on the matter of culture is the vagueness of many of the Executive's proposals. For example, the document "Scotland's National Cultural Strategy" raises vagueness to an art form. Key priority 3.1 of the document has eight action points, six of which are so vague as to be meaningless. For example, the document uses phrases such as "recognise", "identify" and "ensure that the value". It is continually vague. I am glad that flesh is being put on those bones, but those bones are not new; they are old and they still require a great deal of fleshing out.

We must take culture into the heart of education and make teachers and young people feel alive with creativity. We must open them to all sorts of influences and ensure that education is about releasing the potential of young people, not just to achieve, but to feel, experience and understand.

I did not lodge an amendment because many things are happening that need to be pushed further, faster and with more resources. To that end, I am happy to support the motion. In an even-handed spirit, I shall also support the Tories' amendment, although I am confident that it will fail and that we will end up supporting the Executive motion. I hope that it will honour what it says.

16:00

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I raise my old bones, which are more than adequately fleshed out, to welcome the fact that we are debating this topic, which is of huge importance to everyone who participates in the Scottish education system and our lifelong learning process.

The title of this debate talks of the role of culture in the educational development of young people. When I was a young person, leaving the house on some social occasion, my mother would always say, "Have you got a hankie?" I would say, "Yes," and then she would say, "Remember who you are." That indicates that a sense of self-worth and a recognition of values and standards were expected of members of my family.

When we speak of the role of culture in the educational development of young people in Scotland, we are talking about the establishment of a sense of who we are as a community and a nation. To some extent, our education system is involved in the transmission of culture, as Michael Russell said. That relates to the way in which we use our museums—we spoke last night about the

importance of the museums in Dundee—and the way in which we teach history, music, drama and literature, all of which contribute to our national sense of identity and self-worth.

However, education goes further than that. When we teach a piece of literature such as “Sunset Song”, we do so partly because it is a fine Scottish novel and part of our heritage, but also because it has special things to offer pupils, not only in relation to the use of language, the way of life in the Mearns, the social structure of the time and the effects of the first world war on remote communities but in relation to lessons about life, self-awareness, growing up, domestic violence, the hypocrisy of the church, the dynamics of small communities and so on. The transmission of culture is not about studying a dead thing but about learning as individuals.

The motion is about not the transmission of culture, but participation in culture. I assume that we are not talking about culture in an exclusive, high-art sense. Culture is about playing music, singing, acting, painting, writing and dancing. It is about the development of creativity and enhancing the lives of individuals who take part in such activities. I do not disagree with the motion when it says that the development of creativity is important for

“Scotland’s success in the 21st century”.

However, it is through the personal development of young people as thinking and feeling individuals that the benefits of our work in the expressive arts will prove fruitful. If we provide our youngsters with cultural opportunities, we will help to make them happier, more resourceful, more sensitive, more sociable, more inventive and better able to enjoy the rest of their lives. We will raise their self-confidence, help to make them more articulate and enhance their lives in every way. Culture is about not only who we are, but who we can become. We must give children opportunities that will last for the rest of their lives.

I welcome the Scottish Executive’s commitment to increase the opportunities that are available to our young people to engage in cultural activities. I welcome the establishment of cultural co-ordinators for schools and I urge ministers to support extra-curricular activities such as youth orchestras, theatre groups and jazz groups. I repeat my belief that music tuition should be provided free. I advocate expanded opportunities in summer schools and clubs, and links between our schools and communities, national companies, and the Scottish Arts Council. We are making progress in that area.

School managers must recognise the importance of cultural activities for the well-being of their pupils and they must take cognisance of

that in their timetabling, their staff allocation and their extra-curricular programmes. I hope that our educational debates in and around the Scottish Parliament will result in our acceptance that cultural activities are not add-ons to the real business of schools but are very much at the heart of what education is about.

I support the motion. I agree with the wording of the Conservative amendment, although I agree with very little of what Brian Monteith has said. It is true that more can be done and, in my view, more should be done. We must resource culture and we must do more. We must secure the proper place for such activities in our educational theory and, more important, at the heart of our educational practice.

The Deputy Presiding Officer: We move to the open debate. Members have four minutes and I will allow additional time for interventions. It is likely that two speakers will not be called.

16:05

Rhona Brankin (Midlothian) (Lab): I would like to take some time to talk about the importance of arts and culture to the education of individual children. I will go on to discuss the importance of arts and culture in raising the attainment of schools as a whole, before considering the implementation of the cultural strategy and making further suggestions.

It is now well known that language is the vehicle for children’s learning. If we consider the importance in the early years of music and rhyme in education, we can understand that arts and culture hold a central place in developing young people’s language. If we consider the importance of arts and culture in developing self-confidence and self-esteem, it is clear that arts and culture underpin educational development—it is as central as that. A child without confidence or self-esteem does not learn—it is as simple as that.

I would like to consider the role of culture and the arts in how a school can improve its overall performance. The cumulative effect of young children developing confidence and self-esteem has a knock-on effect on the whole school. If we want to raise the educational performance of the whole school, we must ensure that youngsters have opportunities to participate in arts and culture. When I talk about opportunities to participate, I do not want to concentrate solely on the curriculum that is delivered within the parameters of the school day. We need to consider the wider curriculum, which is commonly called extra-curricular activities. That forms an important part of youngsters’ experiences during the time that they attend school.

Young people have a huge variety of experiences in arts and culture and the wider curriculum has massive implications for social inclusion in schools. Some children are given opportunities to develop skills as a result of instrumental tuition being provided for outwith the school, some children have access to museums and art galleries and some children are taken to the theatre and the cinema. However, many children do not have that wider cultural opportunity. Schools and local authorities have a responsibility to ensure that children have as many opportunities as possible.

I support the development of school cultural co-ordinators. I welcome the fact that local authorities will be encouraged to develop local cultural strategies. It is no use if school cultural co-ordinators have to operate in a vacuum. Local authorities must consider the opportunities in their area to develop arts and culture and consider what experiences young people should have.

I would like to consider the idea of schools having the opportunity to develop specialisms in arts and culture. Although I do not agree with Brian Monteith that all that we have to do is give the money to schools—that is far too simplistic an analysis—I think that schools should be encouraged to develop centres of excellence. That is slightly different to the existing concept of specialist schools. I am talking about local comprehensive schools using a specific area of arts and culture to raise attainment as a whole. For example, a school might choose to use the performing arts, so that every child in the school, at some stage in their school career, has an opportunity to take part in the performing arts. The school might choose to specialise in film or video. I believe passionately that such specialisms would encourage and enable schools to raise their whole performance.

In order to do that, we have to consider initial teacher education. I have worked in initial teacher education and interviewed many young people who wanted to become teachers. I am therefore conscious that, when interviewing people who want to become teachers, we have to be clear that they possess the skills and commitment to be able to deliver the required curriculum. It is also important to consider how we train and professionally develop senior managers of schools. It seems to me that arts and culture must be taken seriously at the school level.

I finish by saying to Mike Russell that I am sorry, but the tartan ghettoisation of culture that he portrayed was fairly characteristic of him. His high-flown and vague contribution to the debate, when he described the cultural strategy as being high-flown and vague, was typical. He had nothing more to offer, as we can tell by the fact that he has

not lodged an amendment. I am glad that there is no SNP amendment and I am delighted to be able to support the Executive's motion today.

16:11

Linda Fabiani (Central Scotland) (SNP): I was going to be terribly nice, but I might change my mind.

It has been a long time since we debated the national cultural strategy in the chamber, and I took part in that debate. Although I expressed disappointment—along with many others—at the lack of substance in that strategy, I welcomed the strategy document's reflection of culture as part of the education portfolio.

Strategic objective 3, which Mike Russell talked about, obviously promoted culture as part of education. Section 5 acknowledged that education and culture are inextricably linked and expressed a wish to extend young people's opportunities to learn musical instruments within and outwith the school setting.

I am not convinced that we have moved much further forward than merely wishing on the issue of instrument tuition. The Executive has now pledged to work with education authorities to maximise opportunities for instrument tuition in schools and make it free for those who are unable to pay. The minister has spoken about the guidance leaflet and about the pilot projects that will include music, I assume.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Will the member take an intervention?

Linda Fabiani: Not yet, thank you.

However, it is still the case that half of our local authorities charge for instrument tuition. The charges vary widely, from £50 a year to £249 a year. The spending proposals included a new commitment to support music tuition for children, to widen access and to improve their quality of life.

Today the minister has spoken about a review and a group that has been set up. Will one of the ministers expand later on whether they are considering funding for free music tuition throughout the schools in our country to complement the work of the cultural co-ordinators? Will the minister also confirm that Scottish traditional music, including voice, dance and storytelling, is being seen as part of the strategy in schools? That cannot be confirmed often enough in my opinion.

When reading today's motion, I was struck by the lack of substance, as I was when I read the national cultural strategy. That is reflected by the fact that the motion was so easily accepted by my knowledgeable and learned colleague on my left,

Mike Russell. I was also struck by the realisation that we have an Executive that seems to have a terrible need for self-validation; we have a Government that needs constant reassurance about its worth.

We have a motion with which it is hard to disagree, but it evokes a sense of disappointment and frustration all the same. No real debate has been invited. Let us take a look at the motion. Education is good. Yes, we all agree with that. Participation in cultural activities is good. We all agree on that. We agree that cultural activities make a valuable contribution to educational attainment. Scotland has a rich and vibrant culture; we all know that. There is lots of agreement, but we need evidence of the Executive's commitment to increasing the opportunities for all young people to take action to engage with Scotland's rich and vibrant culture.

Cathie Craigie: Linda Fabiani asks for evidence. Earlier, she spoke about the involvement of young people in music. As she represents Central Scotland constituency, is she aware of the music tuition in North Lanarkshire Council's area? Hundreds of young people in that area take part in music. In fact, they are so good that they are able to stage concerts with 500 young people at Glasgow Royal Concert Hall. That is evidence that what she asks for is happening on the ground.

Linda Fabiani: I thank Cathie Craigie, because she has moved me on nicely to the next part of my speech.

Evidence exists that participation is wanted. It exists outwith the Government and outwith the Parliament. It is in the area of North Lanarkshire Council, which is doing an excellent job, and it is in South Lanarkshire. It is in the schools and community projects that are already providing cultural education, but with limited resources. It is in the amount of cultural events that take place in our communities. It is in the increasing number of authors who are writing poetry and prose in their traditional languages. Young writers such as Matthew Fitt and Scott Borthwick are joining the ranks of well-established writers who use Scots—for example, Janet Paisley, who has been plugging away for years. Last night, at a Napier University reception, there was a lively conversation about writers' and artists' increased use of their traditional culture. We have to maximise that and promote it.

Although we support Brian Monteith's amendment, I cannot let pass his statement that we should take cultural funding away from local authorities. Cathie Craigie mentioned the good work that some local authorities are doing. I am sure that, given the appropriate funding, local authorities will be glad to employ sufficient people

to take the message forward.

16:16

Robin Harper (Lothians) (Green): I agree with much of what Brian Monteith, Ian Jenkins and Mike Russell said. Mike Russell used the word "numinous", which is a good word. I agree that we need far more peripatetic teachers in primary schools. I suggest that in Scotland we need between 500 and 1,000 more peripatetic teachers of art, music, physical education and other subjects.

I agree with Ian Jenkins's list of the benefits that pupils derive from participation in the arts, for example, sociability, self-confidence, adaptability, initiative, articulateness, empathy, rhythm, colour and spatial awareness. Those are all to be encouraged.

I agree with Mike Russell that culture is numinous. It cannot and should not always be measured. Trying to deliver culture through a curriculum that is already overcrowded and then measuring it is not the best way forward for culture in Scotland.

I say to Rhona Brankin that when the Scottish Arts Council lobbied us today, it asked us not to measure everything, and to allow the arts to stand on their own as an essential part of what happens in our schools and society. Anything else that justifies the inclusion of the arts in the school curriculum is simply peripheral.

Rhona Brankin: Does Robin Harper acknowledge that greater numbers of young people are now opting to study standard grade music and other arts subjects? Does he acknowledge that having the opportunity to study such subjects, and achieving recognition and qualifications in those subjects, is vital to delivering job opportunities for youngsters? To say that we should not measure those subjects is touchingly naive.

Robin Harper: I remain touchingly naive. I will not be deterred from that. I am not for one minute suggesting that we should restrict the opportunities for children and young people to study music and art in schools. However, there are blocks to that, because in far too many secondary schools art and music are in the same column when it comes to choosing subjects, so that children find that they can only do either art or music. That is an artificial and unsupportable restriction on the full development of many of our young people. Many of our jazz bands started in art colleges, not in music colleges. There is a synergy between art and music that we do not fully recognise in the structure of our secondary education.

If I may misquote from the Beatles' "Lucy in the Sky with Diamonds", there are not enough holes in the sky for the rain of culture to percolate through, to irrigate and to let flower the minds of our young people.

Back in the 1980s, in the big fight that teachers had with the Government to get decent pay, the Educational Institute of Scotland withdrew good will. I am afraid that my union withdrew good will. I am not sure whether we have fully recovered from that. It is incumbent on the Executive not simply to give teachers the conditions for which they have fought for so long, but to examine the ways in which schools are managed and to consider how to release teachers' creativity. Teachers should be given less in the way of marking, assessments and form filling and should be allowed more room to do their real job, which is to educate our young people.

Such reductions would leave teachers with the energy to work in a purely voluntary capacity in their lunch hours and after school, as used to happen. There was real culture in our schools 30 years ago. It is dribbling away and is being compressed by the curriculum and the management of our schools.

16:21

Mr Jamie McGrigor (Highlands and Islands) (Con): Yesterday, I attended a briefing by the Highland Council, during which the Inverness-Highland bid to be the European capital of culture in 2008 was discussed. Highland Council is making a pledge to its young people that they will be able to participate in sports and games for at least six hours a week. It has also pledged to provide a programme of free music tuition in schools and free attendance for children and young people at cultural events that visit Inverness and the surrounding area.

The programme is scheduled for 2003 and 2004. It is hoped that, by 2005, the area will have a class of young people who are physically fitter and more culturally aware than was the case previously. The programme represents part of the area's preparation for 2008, but even if the Inverness-Highland bid is not successful, it will have acted as an incentive from which many young people will benefit. I wish the Highland Council every success with its bid and with its attempt to engage young people more fully in sport and culture from an early age, so that they will reap the physical and mental benefits that those extra-curricular activities will undoubtedly bring them in later life.

On Tuesday morning, I attended a meeting on finance in sports at Murrayfield stadium. I learned much about what investors look for—quick profits

and instant success. That is all very well for investors, shareholders and those who aspire to become stars, but it does little to encourage participation by the present generation of young people who, the media tell us, are suffering increasingly from obesity, which is partly the result of inactivity—watching too much television while eating potato chips on their couches.

Doctors tell us that inactivity is one of the greatest killers. Is not it ironic that young people, rather than participating in the beautiful game that is a huge part of Scottish culture, are growing obese from watching football coverage that is interspersed with advertisements to eat and drink unhealthy junk products? My point is that watching is not enough. Participation is the key and it is much more fun, whether in football, music, drama or anything that requires the physical and mental activity that results from individuals mixing with peers in an atmosphere of healthy competition and team effort.

Although we might think of society as benevolent, the reality of society for many young people in Scotland means unhappy homes with long-term unemployed parents who see no hope of betterment. Those young people experience violence, drug taking and other crime. In a society in which the media promote stardom as being everything, such young people might regard supplying drugs and prostitution as a way of funding a better life and, as a result, might do something that could harm themselves and society.

Deprivation occurs in rural areas just as much as it does in the inner cities. That is why culture, or extra-curricular slices of life's cake, are so important. Intellectual culture is an outlet for expressive talent, and the rules of our physical culture allow for positive and controlled emotional outlets for aggression, hate, anger and loneliness—the things that can turn young people's dreams into nightmares.

There will soon be an international conference in Sao Paulo in Brazil on the importance of play for children. Brazilians understand the link between young people's early play and culture. That is how culture develops—the Brazilians do not have a bad football team either, by the way.

Culture should grow from local communities. I therefore urge the Scottish Executive to support community efforts for young people's recreational centres, which can promote culture. There are good examples of that, from Ness in the north of Lewis to Reidvale adventure playground in Dennistoun in Glasgow. I am glad to see that Sandbank community near Dunoon is planning a young people's recreation centre. I wish it every success.

The Deputy Presiding Officer (Mr Murray Tosh): Please wind up.

Mr McGrigor: I am just finishing.

The Sandbank centre is a follow-on from an establishment of the Sandbank youth community council. I have a short letter—

The Deputy Presiding Officer: You do not have time to read out a letter, but you can circulate it to members later.

Mr McGrigor: Thank you, Presiding Officer.

16:25

John Farquhar Munro (Ross, Skye and Inverness West) (LD): It is obvious from the tone of the debate that everybody accepts the importance of culture in the education of our children. We should in no way understate that importance. Sadly, with the increasing emphasis on the ability to pass exams and the continuing obsession with monitoring the educational performance of our young children, many cultural activities in our schools have been marginalised. Scottish dance and tuition in drama and music form only a small proportion of what our children can learn to appreciate during their educational journey, but such things are not readily available.

Maureen Macmillan (Highlands and Islands) (Lab): Does John Farquhar Munro agree that Fèis Rois provides a tremendous cultural experience for primary and secondary school pupils and even for adults? Fèis Rois has close links to the educational establishment in Ross-shire. Things surely cannot be better anywhere else in the country.

John Farquhar Munro: I accept that a lot is happening, but much more could be done. As Robin Harper pointed out, we have a situation in which pupils must choose between music and another cultural subject. To me, that is detrimental to the education and cultural benefit of the individual.

I suggest that, before they leave, pupils should have had an opportunity to discover the delight that is to be found in reading and in listening to and participating in music and the visual arts. It is clear that not everyone will develop a liking for all forms of art, but there will be a few who, once introduced, will find a lifelong interest. It is important that cultural matters in education are not so categorised, because they are undoubtedly linked to our country's proud history and its geography.

Michael Russell: John Farquhar Munro makes an important point. One place in Scotland where I saw that happening is Plockton High School, which John Farquhar Munro knows well. Thanks

to the school's combination of Gaelic and debating—as the member knows, the school won the Gaelic debating contest—and its specialist centre in traditional music, Plockton High School has a general ethos that brings together culture and art. I am sure that John Farquhar Munro and I can celebrate that achievement, but the question is, how do we replicate it?

John Farquhar Munro: I am pleased to accept that Plockton High School is a school of excellence in language, culture and music. As Mike Russell said, we should have more of that throughout the Highlands.

In the Highland context, the Gaelic language is the key to opening the door to Gaelic culture. Without knowing the language, its culture will remain alien to most. That is a great pity. It is encouraging that the proposed new Gaelic-medium school in Inverness will go ahead in the not too distant future. I am proud to say that the proposal will receive substantial support from the Executive.

However, the fact unfortunately remains that the number of Gaelic speakers in Scotland is in decline. That is a sad admission. We need more Gaelic teachers and we need to invest money in their training. Above all, we need to give secure status to the language. What impetus do students have to learn Gaelic without the promise of employment at the end of their degree? Gaelic teachers are dependent on the whim of the local authorities. When the local authorities come to set their annual budgets, they may decide that the services of Gaelic teachers are not required. That provides no encouragement at all and is far from a strategy of recruitment. We may try to blame the local authorities but, at the end of the day, Gaelic is the responsibility of the Parliament.

Education has the responsibility of teaching children to pass exams but, equally, it has the responsibility of teaching them to enjoy life. If we do not teach children language, music and dance during their education, the whole system will be impoverished, to the detriment of our very young people, and we will reduce their ability to develop and appreciate their diverse and rich cultural heritage. I am pleased to support Lord Watson's motion.

16:30

Cathy Peattie (Falkirk East) (Lab): The debate represents the convergence of two important and interdependent strands of Scottish Executive strategy. To improve education, we need for many reasons to give arts and culture a bigger and more pivotal role. Equally, the health of Scottish arts and culture rests on the development and involvement of children and young people. The Education,

Culture and Sport Committee's inquiry and the national debate on education have repeatedly highlighted the importance of developing children's confidence and self-esteem. I am afraid that I share Mike Russell's concern about performance indicators. If there are performance indicators that can measure children's confidence, self-esteem and good feelings about themselves, I will support them.

Rhona Brankin: There are.

Cathy Peattie: I will need to see them.

We must emphasise the important role of the arts in achieving such aims, and the importance of arts and culture in many aspects of children's development. Culture is an underused tool. Too often, it is regarded as an add-on—enjoyable, but peripheral. Arts and culture should be an integral part of education, in the mainstream. The arts are a medium for understanding the world—and not merely as observers. Children—aye, and grown-ups—need to participate in cultural activities.

There is a need for diversity in the arts, but amid that rich tapestry we need to emphasise the cultural heritage of the society in which our children live. Language and oral traditions, passed on through music and stories, are essential to children's understanding of who they are and where they come from. As Ian Jenkins said, knowing who they are is important in children's development. Wider access to the arts and culture in education is important for social inclusion. A lack of familiarity with the arts and culture is a barrier to social cohesion.

The Scottish Executive has committed money for cultural co-ordinators and a number of members have expressed concern about the direction that was being taken. I am pleased to see the applications that have come in from local authorities up and down the country. I look forward to seeing the results of that and I welcome Mike Watson's indication that the initiative will continue for a further two years, because it is really important that such projects get the opportunity to prove what they can do. The posts that are being created are about moving culture higher up the agenda in schools, and about facilitating input from practitioners outside schools. We have seen excellent examples of local authorities bringing in practitioners to schools to give children and young people the opportunity to participate in and understand art.

I would like to say a wee bit about schools of excellence. I spent a weekend with the young people of Plockton High School and was impressed by the confidence and skills that those young folk were gaining. I can testify to the high standards not only of those who work with the children, but of the musicianship, performance,

studio work and the commercial side. However, as Mike Russell said earlier, it is important to acknowledge that the Plockton project is part of a comprehensive school. All the benefits for the school as a whole should be measured. Rhona Brankin has suggested that things are happening, but let us see more of such things.

Other schools that specialise in modern languages, music, traditional music and sport have been established in Fife, Glasgow, Ayrshire and throughout Scotland. I welcome the inclusion of arts in schools. We have to consider how we can encourage participation in arts. An additional £14 million is being invested to support specialised schools for children who have particular talents. It will be interesting to see how that progresses. We need to support high standards in local schools and we need to make room for children and young people to participate informally in the arts—that is vital.

We need also to consider community arts and popular education. Clearly, we need to promote arts in our communities—not just in schools but across the board. I support the motion.

16:34

Fiona McLeod (West of Scotland) (SNP): I must use up a few of my seconds by declaring my registered interest, no longer as an associate of the Library Association, but as a member of the Chartered Institute of Library and Information Professionals. From that, members will not be surprised to learn that I will talk about the role of literature in the cultural education of our young people. I will talk about the joy of reading, the pleasure that it gives each individual, the literacy skills that it teaches each child and the creativity skills with which it endows every child who reads.

Scotland has a long and rich literary tradition of which we should all be proud. I am sure that all members join me in expressing concern at the demise of Cawdor Book Services Ltd, which was the last independent Scottish bookseller providing books to Scottish libraries.

I will talk about the unique role of the literary co-ordinators who are already in our schools. Ninety per cent of our secondary schools have those literary co-ordinators—they are called school librarians. School librarians do not just provide books; they promote literature and reading to all our pupils. They promote it through formal lessons, in their lunch times and through reading circles and literary clubs.

I bring members' attention to the Scottish writers project of 2000, which took Scottish titles into every school library in the country. Those titles were selected by pupils and were accompanied by a British Academy of Film and Television Arts

award-winning CD-ROM that encouraged pupils to explore books and reading. I make a plea that that should not stop at the Scottish writers project 2000, but that we look forward to introducing the Scottish writers project into primary schools which, I understand, would cost £750,000. I suggest that that money could come from the £1.75 million that has been set aside for cultural co-ordinators. The SNP does not like to make promises about money without saying where we would obtain it. Using the £1.75 million, I suggest that we extend the Scottish writers project to primaries, and for the princely sum of £742,140, we could make up the shortfall of 31 school librarians that we need to bring coverage up to 100 per cent of our secondary schools.

Nicol Stephen: Will the member give way?

Fiona McLeod: Do I have time?

The Deputy Presiding Officer: The intervention should be brief.

Nicol Stephen: Will Fiona McLeod confirm that that will be a firm commitment in the SNP's manifesto, and that it will be costed in due course?

The Deputy Presiding Officer: I am not sure whether that intervention was worth the time.

Fiona McLeod: I am asking the minister nicely, because he is the man with the money now, and I want the school librarians now. The literary culture of our country needs those school librarians now, so please, go on—make the commitment.

We should also consider the early years. I recently received a letter from the deputy minister's colleague Cathy Jamieson, who asked me to be a reading champion and to participate in the home reading initiative. Do not worry—I will. I am a champion of reading. However, for the princely sum of £766,080, we could provide three professionals for each local authority, who could provide for pre-five, primary school and special needs. Those professionals would be librarians who could work in those sectors.

I make a plea to the minister, but I also bring it to members' attention that school librarians have a vital role in the promotion of literary culture. The debate has shown that we feel strongly that we want our young people to be part of that rich literary scene.

The Deputy Presiding Officer: I apologise to two members who were on my screen as having asked to speak but whom I do not have time to call. We will go to closing speeches.

16:39

Donald Gorrie (Central Scotland) (LD): Because I was recently in Russia for four days, a strong rumour went round the Liberal Democrat

group that the coalition whips had at last triumphed and I had been sent to Siberia. I did not go as far as that—I was firming up arrangements for Edinburgh Youth Orchestra's tour of four Baltic countries to celebrate its 40th anniversary.

Edinburgh Youth Orchestra is one of the peaks of youthful creative enterprise in Scotland, but peaks need foothills and solid rocks underneath them, so we need good school orchestras, good local authority school orchestras and good musical tuition. We are still seriously lacking those. We debated musical tuition a month or two ago. There is still a problem about providing enough musical tuition and about how it is charged for. The manager of another youth orchestra told me that he finds that almost all the people who qualify for his orchestra have had private tuition, because they do not get enough from their school. There is nothing wrong with hiring private tutors, but we should have a society in which people do not have to do that to get ahead.

We need money to back up our good intentions, and it has to go right to the front, to real people doing real jobs. Somebody teaching the bassoon to a pupil for an hour really achieves something; somebody in an office does not necessarily achieve the same amount. As well as money, we need attitude. There is an attitude in Scottish society that art and culture are an add-on and, regrettably, that attitude prevails in certain staff rooms in certain schools. We must make quite sure that arts are fundamental to our whole way of life.

The debate has concentrated on schools, but I think that we want also to consider communities. There is great scope for developing arts in the community, through encouraging more people to run groups, set up organisations and teach people. The arts, in all forms, can make a great contribution to the development of communities. In many parts of Scotland, gardening is the most creative thing that many adults do. There are majorettes, and small girls find that an excellent outlet. There are pop groups making popular music, and one local authority in my area even—perhaps foolishly—asked me to judge a competition that it had promoted. The value of the community in developing the arts is that it attracts creative young people. Many young people who get into trouble do so because their creativity is stifled and goes into the wrong sort of things; they are quite creative about their minor criminal activities. If we had a really good outlet for them, through drama groups, bands, orchestras, art and literature, they would be better people and would not get involved in the problems.

As other members said, most Scots are woefully ignorant of Scottish history and culture. We need to repair that and to build on the excellent Scottish

cultural traditions we have and on the ethnic immigrant traditions, which have a great deal to contribute. In many places, that is done well, but it could have a lot more support.

I urge the Executive not to go into measuring everything. There are some things that can be measured, but one cannot measure the richness of life or the richness of a culture that is given to young people. Many of the most memorable things that most of us experienced at school or at other times in our lives were not measurable. Let us go for quality; let us recognise that peer-group recognition is worth while. But ticking boxes—for God's sake, no.

The Deputy Presiding Officer: I must apologise to the Labour party business manager for the error that we have made in calling speakers for the closing round. That will be apparent when I call Nicol Stephen to close for the Executive and the Labour party. The whips will explain that.

I call Murdo Fraser to close for the Conservatives.

16:43

Murdo Fraser (Mid Scotland and Fife) (Con): In previous debates, the Conservatives have expressed scepticism about the idea of a national cultural strategy; we do not think that one can plan culture. Surely culture is something that is organic and grows naturally. The last thing that it needs is politicians meddling with it and trying to promote their own ideas. That perhaps explains why we lodged an amendment to today's motion. The amendment seeks to achieve something important, in that it stresses the importance of schools in the process of promoting culture among young people. We must examine the school curriculum. We do not need a top-down approach, but we must provide more opportunities to schools, which can then make decisions at local level about which parts of culture they buy into.

During the debate, a number of different aspects of culture have been referred to and I shall cover as many as I can in the time available. John Farquhar Munro talked about Gaelic-medium education, and I warmly endorse what he said. I would like to see a much greater roll-out of Gaelic-medium education throughout Scotland where there is parental demand, such as there is in Edinburgh, where parents want their own Gaelic-medium school, but are being denied it by the local authority.

We want Scottish traditional music to be encouraged in schools. Michael Russell referred to piping. Many independent schools offer piping tuition and, as a result, have successful pipe bands, which compete internationally. It is much more difficult to get piping tuition in the state

system. I am sure that we would all benefit from improved standards of piping, bearing in mind the standard of some of the pipers on the Royal Mile, who blast out continually outside our office windows.

We should also consider the role of instrument teachers. I remember a debate a few months ago about how the McCrone settlement sought to impose some conditions on instrumental teachers. Some of them felt that that would be to their detriment.

I should also mention Scottish traditional dance. I lodged a motion on that subject some months ago, which members from different parties were kind enough to support. We have a mixed record in dance, with some schools and authorities being very good at including it as part of the physical education curriculum, while others are not so good. Dance is something that we should cherish because, if someone goes to a ceilidh and is asked to do "The Reel of the 51st Division" and does not have a clue what they are doing, it is useful at least to have a background.

Donald Gorrie mentioned Scottish history, which is a particular interest of mine. It is depressing that, even now, some people still think that Culloden was a battle between the Scots and the English. I remember my grandmother telling me that when she was taught Scottish history at school, all she ever learned about was the Highland clearances—my grandmother was born in 1892. At the end of last year I was at a primary school where the pupils were doing a history project. Guess what it was on? The Highland clearances. I do not have a problem with pupils learning about the Highland clearances, but we tend to overemphasise the black periods in our history. We do not want young people growing up with a sense that the Scots are victims all the time. Let us also look at the good things in our history and remember the great role that the Scots have played in developing the United Kingdom and, indeed, the empire.

There is also a role for specialist schools of the arts, drama and music. St Mary's Music School in Edinburgh is extremely successful. What does it do? It selects on the basis of ability. There is a lesson to be learned there.

I think that schools ought to be the prime drivers in promoting culture to our young people, but it is up to the schools themselves, to their heads and to school boards how to prioritise. Some will wish more emphasis to be placed on culture than others do. What we do not need is a prescriptive, top-down approach.

I say to Linda Fabiani that, when we talk about taking money away from local authorities, what we of course mean is that the money should be given

directly to the schools, rather than routed through the education authorities. Let us give freedom to schools, and let us allow the decisions to be taken at the grass roots. That is the best way to promote culture.

16:48

Michael Russell: This has, by and large, been a positive debate.

Nicol Stephen: Go on!

Michael Russell: It is nice to be applauded by the minister before I have properly started. Clearly, he is excited at the prospect of hearing from me. It is very comforting to know that he is in my fan club.

Although it has been a positive debate, there have been one or two difficulties with it. I return to the difficulty with the Tory amendment. I still do not know what the Tories are arguing for. The amendment reads entirely well, and is worthy of support for that reason alone, but I do not quite understand why they are trying to make a difference when they should be trying to support and encourage change. I do not think that the Executive has gone nearly far enough. It is worth pushing it a little to ensure that it keeps moving along the road.

There has been only one exception to this being a positive debate: I am sorry that Rhona Brankin could not resist her visceral hatred of the Scottish National Party. It was unfortunate. It was a tiresome ending to her speech, the first two thirds of which were positive, constructive and contained a useful analysis. If she could overcome that visceral hatred, perhaps she would no longer be an ex-minister. Other contributions to the debate contained strong, positive points. I wish to pick up on two or three of them.

The key question is the assessment or monitoring of cultural activity or progress. The key word—Donald Gorrie used it and I think that he used it properly—is “assessing” the impact of cultural education. It is not about monitoring or evaluating and it is certainly not about tick boxing; it is about assisting young children in building, developing and improving their activities and their lives through education and culture.

The most recent academic survey into the effectiveness of arts in education shows that 10 clear positive outcomes are attributable to arts education. As Cathy Peattie indicated, those outcomes cannot be measured on a scale of one to 10. One such positive outcome is improved creativity and thinking skills. I know that all the members of the Education, Culture and Sport Committee have talked a lot about developing thinking skills in schools. Other positive outcomes

include the enrichment of communication and expressive skills and the general effects that the positive nature of cultural education and culture in education have on the school and community. None of those are matters that we can number one to 10 or for which we can draw up a list of boxes and mark them “pass” or “fail”. Let us assess the impact; let us not go down the road of destructive tick-box government, which ruins so much.

Let us also remember one other matter, which has not been mentioned in the debate and which should have been. The reality is that the arts produce £5 billion for the Scottish economy and provide something like 100,000 jobs. Sometimes those jobs are precarious but there are jobs in the arts. One of the biggest barriers to growing and developing the arts is parents’ feeling that employment in the arts will not be worth while. Introducing culture and arts education at an early stage in schools helps young people to see the potential of the arts as a career and as a future life path. In those circumstances, there are positive benefits to be had from the type of thing that the Executive is talking about.

Many interesting speeches have been made. Jamie McGrigor took us from football to prostitution by way of potato chips. That was an unusual journey.

The one point that will stick in my mind is the fact that there is good will throughout the chamber for ensuring that culture is at the heart of education. That can unite us rather than divide us, but only if strong and positive progress is made. It must be progress that we can feel and understand and not necessarily progress that we can measure in the way that the minister wants to do. We must feel, understand and know that the ultimate effect of what we are talking about is that Scotland will be a better place. That seems to be a modest ambition, but I am sure that it is one to which we could all sign up. I am sorry that Rhona Brankin is still shaking her head and is unable to agree across the chamber in the interests of education and young people in Scotland. She still wants to go back to visceral dislike.

16:52

The Deputy Minister for Education and Young People (Nicol Stephen): I will start with Brian Monteith. He said that he profoundly disagreed with the Executive and then went on to compliment the Executive on a lot of things that are being done. I profoundly disagree with Brian Monteith’s analysis of what we are trying to achieve in education, but I agree that we do not want to impose more top-down initiatives from the centre. I agree that we want action at the local level.

The teachers to whom I speak say that they want more support. They do not want direction from the centre; they want specialist advice. They feel that more support could be given to ordinary classroom teachers to help to develop their skills, knowledge, competence and confidence. A lot of what we are doing in continuing professional development should address that matter. I hope that many developments in CPD will focus on cultural initiatives. I say to Brian Monteith that I believe that the initiatives that we are taking with the cultural co-ordinators are extremely important and are welcomed by classroom teachers throughout Scotland.

Mr Monteith: Does the minister concede that there is a clear difference between peripatetic teachers—who are qualified and able to teach specialisms such as art and music and who can assist the classroom teacher, particularly in primary schools, by encouraging pupils and teaching them—and cultural commissars, as I call them, who advise on the programmes that should be tried and introduced but do not teach?

Nicol Stephen: Brian Monteith misunderstands what we are trying to achieve. Of course, we still want teachers to have specialist expertise. However, many classroom teachers do not feel confident—not only in the cultural aspect of the curriculum, but in areas such as science and modern languages, especially in primary education. It is extremely important that we provide the support on the ground to encourage them to develop their skills.

Cathy Peattie: Does the minister agree that bringing practitioners into classrooms—for example, people who are involved in the traditional arts—to work alongside children, young people and their teachers, would be much more helpful than bringing a specialist along?

Nicol Stephen: I am happy to agree with that. That is important, and we need to encourage more of that.

Unusually, Mike Russell wants to encourage the Executive to do better. I am sure that ministers will welcome his supportive encouragement. He had a flow of consciousness, just as many great movies have. Today, it was about his tartan lapel badge. Then, despite his supportiveness, he went on to be sceptical, concerned and worried. Nevertheless, I am sure that ministers welcome his support for the motion and recognise the spirit in which that support was offered.

Ian Jenkins—remember who you are?—spoke memorably and with passion about who he was. He also spoke memorably about the importance of culture and the need to encourage more young people in art, drama, music, writing, painting and dancing, not only within the strict school

curriculum but out of school. He talked about educating and growing the individual, and about realising the dreams of young people and the nation. That is the way in which we must discuss the issue: we must raise our sights and have vision and ambition for Scotland. That is what the national debate on education should achieve. None of those things should be add-ons; they should be at the heart of our education system.

When I visited one of the new schools in Rosshall, Glasgow, earlier today, I was pleased to see excellent drama, sporting and other facilities. The school has a drama facility of the sort that I would not have dreamed of when I was young. It is reminiscent of a TV studio and creates a focus on drama in the school and a real excitement among the young people there.

Rhona Brankin made a good speech about the central role of schools. It is important to emphasise to Brian Monteith that, although we attach a central importance to our schools, we also recognise the role that local authorities and national initiatives can play. We must be sparking, delivering and achieving at all those levels if we are to do the best for Scotland. That is how we want to operate—with the right support, the right funding and the right action at all levels. Rhona Brankin mentioned the particular importance of initial teacher education, which is vital. We must address the skills and aptitude of teachers.

To Robin Harper, I say that restoring good will and releasing the creativity of our teachers, thereby restoring their drive and energy, are what the McCrone agreement was all about. Those things are what all members, across parties, are trying to achieve.

We have talked a lot about culture, creativity and confidence. It is important that we make our schools more exciting and fun places. To do that, we must deliver on our cultural strategy's many aspects in the work that we undertake in education. We will work best in partnership, with classroom teachers and parents. Fiona McLeod mentioned some of the initiatives that she would like to see. I welcome the accuracy and tightness of the detailed costings that she gave.

Parents also have a central role. We all must pull together to achieve all that we want for our young people, whether during the school day or outside it.

I hope that there will be cross-party support for the final motion. Brian Monteith has moved an amendment to that motion. I hope that, once that amendment is disagreed to, the motion will receive support from all parties. The issue is one on which we can unite. It is crucial for Scotland's future and the future of our young people.

Parliamentary Bureau Motions

The Presiding Officer (Sir David Steel): The next item of business is consideration of four Parliamentary Bureau motions. [*Interruption.*] Order. I ask for members' attention, as the item is quite complicated. Parliamentary Bureau motion S1M-3402, which is in the business bulletin, has been withdrawn. I understand that Euan Robson will explain to us why.

17:01

The Deputy Minister for Parliamentary Business (Euan Robson): I seek leave to move a motion without notice to replace motion S1M-3402 with motion S1M-3411. Instead of four amnesic shellfish poisoning orders, we now have three.

The Presiding Officer: I am sure that that is clear. [*Laughter.*] I am minded to accept the motion. Do members agree?

Members indicated agreement.

Motion moved,

That motion S1M-3411 be taken at this meeting of the Parliament.—[*Euan Robson.*]

Motion agreed to.

Motions moved,

That the Parliament agrees that the following Orders be approved—

The Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (Orkney) (No.3) (Scotland) Order 2002 (SSI 2002/408);

The Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No.6) (Scotland) Order 2002 (SSI 2002/307); and

The Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No.10) (Scotland) Order 2002 (SSI 2002/357)

That the Parliament agrees that the Social Justice Committee be designated as lead committee in consideration of the Homelessness etc. (Scotland) Bill and that the Local Government Committee be a secondary committee.

That the Parliament agrees that the Health and Community Care Committee be designated as lead committee in consideration of the Mental Health (Scotland) Bill and that the Justice 1 Committee, the Justice 2 Committee and the Local Government Committee be secondary committees.

That the Parliament agrees the following—

Rhona Brankin to replace Scott Barrie on the Audit Committee.—[*Euan Robson.*]

Points of Order

17:02

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): On a point of order, Presiding Officer. At question time, I asked the Scottish Executive whether it would hold a public inquiry into the planning application from Aberdeen Football Club to build new stadium facilities at the green-belt site at Kingswells. I got a rather non-committal answer from the Minister for Social Justice, which I expected. However, as soon as question time was finished, I was told that the Scottish Executive had issued a press release, giving the information that the decision would be delayed by 28 days. I want to know why the minister did not give me that information when I asked.

The Presiding Officer (Sir David Steel): I will call the minister in a second. First, I say—as I have said often—that the content of ministerial answers is not a matter for the chair. If I remember rightly, I heard the minister say that the decision would be made shortly—[*Laughter.*] Order. As we all know, “shortly” is an elastic term.

The Minister for Social Justice (Ms Margaret Curran): I reassure members unequivocally that I made no attempt to mislead the Parliament. My deputy Hugh Henry was making the decision. I made that abundantly clear in my answer. Later this afternoon, he made the decision to apply for an extension. I guarantee to members that we have followed the advice of officials and that we have followed the proper procedure.

Fiona Hyslop (Lothians) (SNP): On a point of order, Presiding Officer.

The Presiding Officer: Is it the same point of order?

Fiona Hyslop: Yes. I seek your guidance. My understanding of the standing orders is that the Executive is accountable to the Parliament. If Hugh Henry, the Deputy Minister for Social Justice, was able to issue a press release moments after question time, should not he have been here to answer Mr Rumbles's questions directly?

The Presiding Officer: Another minister answered the question. We cannot argue about the content of ministerial answers in points of order. Margaret Curran explained the situation well. That is that.

Before we come to decision time, I have a ruling to make. I draw members' attention to the standing orders about questions. Rule 13.7.7 says:

“A member asking a question shall, in asking the question, not depart from the terms of the question.”

This afternoon, there were two occasions when members asked supplementary questions that were wide of the main question. It was my fault that I did not pick that up quickly enough. I make that point in passing.

Rule 13.7.8 says:

“A member may ask a supplementary question only on the same subject matter as the original question”—

that is the point that I just made—

“and shall, in asking the question, do so briefly.”

This afternoon, I twice asked members to cease, not because of the length of their question, but because they were adding information to the question that had already been asked. That is the point that I would like members to understand. I am not being critical of members who ask questions, but once a question has been asked, members cannot go on to make statements that support the question, as that is against the standing orders. I want to clarify that point so that everyone is quite happy.

Decision Time

17:05

The Presiding Officer (Sir David Steel): There are eight questions as a result of today's business.

The first question is, that motion S1M-3085, in the name of Jim Wallace, on the general principles of the Debt Arrangement and Attachment (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 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)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)

McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Canavan, Dennis (Falkirk West)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Harper, Robin (Lothians) (Gm)
 Sheridan, Tommy (Glasgow) (SSP)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the decision is: For 80, Against 4, Abstentions 28.

Motion agreed to.

That the Parliament agrees to the general principles of the Debt Arrangement and Attachment (Scotland) Bill.

The Presiding Officer: The second question is, that motion S1M-3102, in the name of Andy Kerr, on the financial resolution in respect of the Debt Arrangement and Attachment (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Debt Arrangement and Attachment (Scotland) Bill, agrees to any increase in expenditure payable out of the Scottish Consolidated Fund in Consequence of the Act.

The Presiding Officer: The third question is, that amendment S1M-3401.1, in the name of Brian Monteith, which seeks to amend Mike Watson's motion on the role of culture in the educational development of young people, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: I heard some dissent, so there will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)

Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 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)
 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)
 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, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)

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

ABSTENTIONS

Harper, Robin (Lothians) (Grn)

The Presiding Officer: The result of the division is: For 46, Against 65, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The fourth question is, that motion S1M-3401, in the name of Mike Watson, on the role of culture in the educational development of young people, be agreed to.

Motion agreed to.

That the Parliament recognises the value of participation in cultural activities by Scotland's young people; believes that the development of creativity and the expressive arts is essential to Scotland's success in the 21st century, and welcomes the commitment of the Scottish Executive to increase the opportunities for all young people to take action to engage with Scotland's rich and vibrant culture.

The Presiding Officer: The fifth question is, that motion S1M-3411, in the name of Patricia Ferguson, on the approval of statutory instruments, be agreed to. I am sorry to niggle at Mr Robson, but he did not tell us for which statutory instruments the Executive seeks approval. They are the first, third and fourth instruments, as set out in motion S1M-3402 in the business bulletin. The second instrument is omitted. Therefore, the question is that those three statutory instruments be approved.

Motion agreed to.

That the Parliament agrees that the following Orders be approved—

The Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (Orkney) (No.3) (Scotland) Order 2002 (SSI 2002/408);

The Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No.6) (Scotland) Order 2002 (SSI 2002/307); and

The Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No.10) (Scotland) Order 2002 (SSI 2002/357)

The Presiding Officer: The sixth question is, that motion S1M-3403, in the name of Patricia Ferguson, on the designation of lead committees, be agreed to.

Motion agreed to.

That the Parliament agrees that the Social Justice Committee be designated as lead committee in consideration of the Homelessness etc. (Scotland) Bill and that the Local Government Committee be a secondary committee.

The Presiding Officer: The seventh question is, that motion S1M-3404, in the name of Patricia Ferguson, on the designation of lead committees, be agreed to.

Motion agreed to.

That the Parliament agrees that the Health and Community Care Committee be designated as lead committee in consideration of the Mental Health (Scotland) Bill and that the Justice 1 Committee, the Justice 2 Committee and the Local Government Committee be secondary committees.

The Presiding Officer: The eighth question is, that motion S1M-3409, in the name of Patricia Ferguson, on committee membership, be agreed to.

Motion agreed to.

That the Parliament agrees the following—

Rhona Brankin to replace Scott Barrie on the Audit Committee.

The Presiding Officer: I thank members for their co-operation. That concludes decision time.

Crofting Support (Highlands and Islands)

The Deputy Presiding Officer (Mr George Reid): The final item is a members' business debate on motion S1M-3352, in the name of Tavish Scott, on support for crofting in the Highlands and Islands.

Motion debated,

That the Parliament notes the importance of crofting to the Highlands and Islands; welcomes the publication of the White Paper on crofting reform and encourages crofters to participate in the consultation now underway; further notes the level of agricultural returns to crofting businesses and supports the agri-environmental focus that the Environmentally Sensitive Area scheme has brought to many crofting counties, and encourages continuing support to crofting through such measures as the Crofting Counties Agricultural Grants scheme.

17:10

Tavish Scott (Shetland) (LD): It is obvious that the debate is not of great importance to all members of the Parliament. Nevertheless, it is an important issue for those of us who represent constituencies in the Highlands and Islands. Crofting is a way of life. It is a state of mind. Perhaps the best definition of crofting is that it is a piece of land surrounded by legislation.

Crofting is the cornerstone of a vast area of Scotland. The Parliament should take the opportunity today to reaffirm its belief in the importance of crofting. We should reaffirm our commitment to retaining and enhancing the opportunities that it brings. Agriculture underpins crofting activity and should be the essential focus for Government, in respect both of legislative change and of grant and investment policy.

I will concentrate on three areas, the first of which is the white paper on crofting reform. I welcome the consultation exercise that ministers have begun to put in place. Recently, I attended a meeting with the crofting assessors in my constituency—I am sure that other members have attended similar meetings. Also, last Monday, I attended a public meeting that was addressed by the Shetland branch of the National Farmers Union of Scotland, the Crofters Commission and a representative of the Scottish Executive environment and rural affairs department.

A number of common themes emerged from those discussions. I will take the opportunity of writing to the Minister for Environment and Rural Affairs during the consultation exercise, but I want to raise a couple of issues in the brief time that is available today. The first issue is the need to be clear about the purpose of the bill, which will be the first on crofting in the young life of the Scottish

Parliament. For that reason, the bill should incorporate the belief that crofting is an important agriculture-based activity. The legislation should be limited to the essential areas of reform that the consultation shows to be important.

Concern has been expressed about issues such as the principle of crofting regulation being devolved to crofters in townships. In my view, the Crofters Commission has a genuine role to play. That is especially the case in the light of the beefed-up proposals that ministers are making on the appeal process. Cases in which it is difficult to come to a judgment may be few, but intense local difficulty would result if cases were determined locally. It is important that ministers reflect on the consultation exercise in that respect.

I hope that the minister will also reflect on the importance of retaining the crofting counties agricultural grants scheme, which is an important vehicle in the provision of infrastructure improvements across the crofting counties. The grants scheme may be small in Scottish budgetary terms, but it is important to the areas that it serves.

My second point relates to the importance of agri-environmental policy to the crofting counties. The environmentally sensitive area system of support, which is in place in many areas of Scotland, has been a considerable success. In my constituency, 849 crofts and farms are signed up under the 10-year ESA programme, which is worth some £2 million to the Shetland economy.

The ESA measures enhance the environment and have notably reduced stocking densities. That has had the result of improving habitats for wildlife—indeed, the corncrake is making a welcome recovery. I cannot believe that it would be good public policy for the ESA tap to be turned off in two years' time, when the first crofts in Shetland that signed up to those measures come to the end of their 10-year period.

I am not persuaded by the minister's arguments that areas such as Shetland will benefit from the rural stewardship scheme. I understand that success in the RSS relates in large part to the employment of consultants. In that respect, I can do no better than to quote from a letter that I received from the Shetland Crofting, Farming and Wildlife Advisory Group. The SCFWAG team wrote:

"No one in Shetland has been accepted into the scheme this year. SCFWAG drew up one RSS plan for a holding with as wide a range of habitats and archaeological sites as we are realistically likely to get in Shetland. The total of 35 points for the plan fell well short of the required 43.5 points. ... we feel that the RSS in its present form still does not meet the requirements for a workable agri-environmental scheme in Shetland."

Therefore, I ask the minister to reconsider his position on that area of policy, which is extremely

important for the future of the islands and the other areas that are covered by the ESA programme.

I noticed in an article in *The Scottish Farmer* of 14 September—I am sure that the minister regularly reads that journal—that a representative of his department said that the change from the ESA scheme to RSS would not be entirely seamless. I am sure that we could all accept that in terms of the current position. I hope that the minister will be able to reflect on that important area of policy.

I also have a suggestion about agri-environmental policy in relation to the organic aid scheme that is used by many crofters. I believe that that measure could be better described as a value-adding one. That makes it consistent with the Executive's "A Forward Strategy for Scottish Agriculture". In that context, would it not be better to bracket the organic aid scheme within the same budget as LEADER II, rather than to decrease the RSS and ESA budgets to pay for the scheme? Organic aid is in many ways a matter of a management decision about adding value to a crofter's output. If it were viewed in those terms, advantages would flow to other areas.

My third point relates to crofting as a business.

Robin Harper (Lothians) (Green): Does Tavish Scott agree that there are huge opportunities for the niche marketing of organic products, particularly from crofting? What is needed from the Executive is an organic action plan, preferably backed up by targets, and the development of local trading networks. What is also needed urgently for many crofts and small farms is the restitution of small rural abattoirs or the provision of mobile abattoirs.

Tavish Scott: I accept much of Robin Harper's analysis, but I believe that the essential point about organic status is that most crofters have been farming organically for many years and arguably since time immemorial. In that regard, crofting is consistent with the niche marketing that Mr Harper described, including local slaughtering and production of meat for local marketplaces and the pursuit of wider policy objectives.

I will finish with two brief points. The first relates to animal welfare and transportation. At next week's agriculture council meeting in Brussels, the Danish presidency will seek to implement tighter regulations on animal welfare. Sheep and cattle are being transported from Shetland and Orkney to the Scottish mainland. It is essential for crofting businesses that there should be no further impediment to that trade. Animal welfare requirements during shipping are precise and demanding. I ask the minister to ensure that there will be no threat to the existing arrangements.

Crofting is an agriculture-based activity. The

sustainability of crofting, particularly in areas such as Shetland, depends on fewer imported inputs, more home-grown produce and local marketing. The debate gives Parliament the opportunity to consider crofting in that context. I look forward to hearing the minister and I hope that he can clarify the Government perspective on those issues.

17:18

Rhoda Grant (Highlands and Islands) (Lab): I congratulate Tavish Scott on securing the debate. I thank the Presiding Officer for calling me early in the debate. I apologise to members because I will not remain for the full debate, but I will certainly read with interest their comments and speeches in the *Official Report*.

There is little doubt of the importance of crofting to the Highlands and Islands. Crofting benefits rural communities by helping them to retain their population. Schools, shops and medical practices remain viable because of crofting and that enables rural communities to survive. That has been proved by past comparisons between communities in the crofting counties and communities outwith those counties. The benefits of crofting should be extended throughout Scotland to safeguard other rural communities.

Crofting also benefits the environment. Many areas covered by crofting are seen as environmentally sensitive. Those areas have been protected by crofting and it is right that that should be recognised and supported. That can be done by ensuring that crofters are given access to the rural stewardship scheme, as Tavish Scott outlined.

The intention of the proposed crofting bill will be to de-couple crofting support from agriculture in order to promote diversification. That will be welcome, but there should also be a recognition of the importance of agriculture in crofting areas and of the fact that crofting practices protect the environment.

Discouraging agriculture in crofting areas would cause environmental damage because the land needs to be managed and protected. The less favoured areas support scheme has the potential to protect this form of agriculture. The scheme should have been targeted at the remote crofting areas. Although I appreciate the work that has been carried out and acknowledge that the scheme has been improved, there are still anomalies, such as the fact that prescribed stocking levels bear no relationship to the croft souming. If a crofter is obliged to stock at a certain density because the land will not sustain a higher density, it is surely wrong that they be penalised for that. Capping could have been used to ensure that there was no over-compensation. More work has to be carried out on the marketing of produce

from crofts, as we have not met the full potential that is offered.

Crofting provides housing in areas where it would not be viable to do so in any other way. However, the crofting counties building grants and loans scheme needs to keep pace with the cost of building a house in rural areas. We are all aware of the cost of connecting services such as electricity, water and sewerage, but crofters face other costs if they want to build houses near trunk roads as they are often required to build a road that links to an existing access.

To retain the social and environmental benefits, we need to support crofting. Although I welcome the moves in the white paper to make crofting more accessible, I believe that it must help to ensure that crofting continues and grows or we will all be poorer.

17:21

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I congratulate Tavish Scott on securing the debate. I understand that Tavish Scott is not a crofter, but he always brings an air of cultivation to these debates and I am pleased to participate in this one.

The meat of the debate is in the white paper and we await with interest the responses that it will bring. It proposes a number of radical reforms that would change crofting substantially. For example, it suggests that the Crofters Commission should become a non-departmental public body. I have received representations from the staff of the Crofters Commission in Inverness, who are concerned about the possible deterioration of their employment rights and the loss of their civil service pension. Many of the workers have earned their pension rights over a long period of working for the Crofters Commission. I hope that the minister will expand on paragraph 2.6 in the white paper, as it is characteristically opaque and unintelligible—at least to me, as a mere lawyer and politician. Will those workers have the benefits of the pension rights that they have built up over the years?

There is a wider argument to do with whether the private sector should meet the whole burden of public sector pensions. A lead should be given to Scotland and the UK about public pension rights as there is so little rhyme or reason in what goes on that it is no wonder that the issue arouses such concern.

New crofts will be created only on the application of a landowner. I know that the National Trust for Scotland created some new crofts recently, for which it is to be congratulated, but the likelihood of private landowning estates creating crofts in Scotland, where the crofters would immediately have the benefits of the right to

buy, is about the same as the likelihood of Lord Watson applying to join a hunt—it ain't going to happen. It is therefore difficult to see why such a proposal should be made. Perhaps, however, the Executive might be willing to take a wider approach after the consultation is over.

I welcome the opportunities that crofters would have to benefit from forestry schemes, but I invite the minister to seek information as to how existing forestry schemes are operating. I am told that the bureaucracy, rules and conditions are extremely tight. I know of several cases where that has caused problems and I would be happy to pass details of one of them to the minister.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Fergus Ewing mentioned forestry, but does he accept that many crofts are completely unsuitable for forestry schemes, particularly crofts in the more marginal western areas?

Fergus Ewing: Yes, I accept that. That is why I have voted for and supported the extension of the community right to buy to include fishings. However, that might not be exercised on a major scale and is a topic of some controversy. In principle, why should crofters be denied the right to benefit from the opportunities that private landowners have enjoyed for centuries? I hope that we all agree that there is no reason for that to be the case.

The proposal that family assignation should be restricted to a reduced circle of relatives is likely to lead to some extremely voluble and controversial responses. There is nothing more vituperative, longstanding and heated as crofting disputes—as I am sure that those of us who represent crofting counties will know. We must await with interest what response that proposal receives.

I commend the solid work that has gone into the white paper. I note that the individuals on the panel are a mixture of the distinguished, the famous and the infamous. They have come up with several novel and innovative proposals. I look forward to reading the responses to the consultation exercise.

17:26

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I declare that I am a poor, innocent Highland crofter, downtrodden with legislation and red tape—I fill out forms constantly and get no practical benefit. However, the proposed crofting reforms offer a welcome opportunity for the creation of new crofts. The principle of croft use will extend beyond agriculture. The implication of that is that the crofter will be allowed to diversify into activities other than agriculture. I do not know how many will

take advantage of that opportunity. In some parts of the Highlands, particularly on the west coast, there is little opportunity for anything other than hard agriculture.

The proposals will also give crofters the right to plant and harvest trees. That is a new and welcome addition to crofting. The white paper also sets out to reduce the red tape that I mentioned. When one deals with the Crofters Commission or the Scottish Executive environment and rural affairs department, one is handed a heap of forms—most people take them home and put them behind the clock—and very little happens.

The creation of new crofts is to be strongly welcomed. However, the planned new crofts are not to be created as equals with existing crofts. Legislative restrictions on the new croft tenants will limit what they can do and acquire. For example, the new tenants will not be allowed to buy their crofts. In effect, that will create a second class of crofter—no one welcomes that. I suggest that, in order to show good will for the new enterprise, the Scottish Executive should—through some of its agencies, such as the Forestry Commission, the local enterprise companies or SEERAD—give over some of its land currently not under crofting tenure for the creation of new croft land.

The white paper aims to modernise the administration procedures in order to remove unnecessary red tape. Greater flexibility is welcome—I am sure that everyone will agree with that. Will the proposals mean that the Crofters Commission has the right to reclaim crofts that have been left fallow or derelict for some time? Clearly, reclaiming unused crofts must be handled sensitively but, if that is done, it could free up many crofts, allowing them to be resettled, which would perhaps build new communities.

At Lochalsh in Wester Ross, which is in my area, the National Trust for Scotland has taken the lead and piloted a scheme to create eight new crofts on what was part of the home farm. That has introduced eight new tenants who are developing the facility and have started to build new houses in the area. That is a welcome step forward, which other agencies could follow.

I ask the minister to ensure that tenants for crofts are of genuine crofting status. The Crofting Commission must ensure that the criteria for croft tenancy are rigidly adhered to. We hear of cases where that does not always happen—in some instances, that has become an embarrassment. We must continue to have a healthy environment and crofting community in the years ahead.

17:30

Mr Jamie McGrigor (Highlands and Islands) (Con): This afternoon, I participated in a debate on the role of culture in Scotland. Crofting is a

culture. Indeed, it has been a main contributor to culture in the Highlands and Islands for a very long time. Traditional crofting has linked urban and rural life in many areas of the Highlands and Islands, especially in places such as Lewis, Harris and Shetland. It provides a rich culture and the expert knowledge that has been enormously helpful to the social network of the Highlands and to preserving the tough rare breeds that are the foundation of Scottish livestock.

No one aspires to make a fortune from crofting. However, the model of people having a job as well as a small module of agriculture is popular in modern Europe. It is the epitome of biodiversity—making the most of what is around one while taking care of the environment for future generations.

Crofting is good for people and good for the Highlands, but it is under threat from two fronts. It is under threat of being swept away by so-called modernisers who see it as anachronistic and as a barrier to social engineering and experiments. I believe that the crofting communities are of primary importance in many rural areas and that their wishes should be listened to with respect when changes are in the air.

Crofting is also under threat from the Executive's position on the less favoured area proposals. I point out that the crofters and farmers in the most disadvantaged areas are the people whom those measures were originally meant to support. However, they have been left in a situation where most will be losers under the Executive's recommendations to Europe on LFA payments.

The big idea was to separate subsidy from agricultural production and to help people such as crofters, who are the stewards and managers of some of Scotland's most beautiful landscapes, which also contain some of its rarest flora and fauna. However, the Executive has followed too far the devices and desires of those who believe that there should be no change in payments to the areas.

In many cases, crofters will be worse off, getting the minimum payment. I urge the Executive to reconsider the levels of payment and to increase the number of stocking and grazing categories from the present four to at least six. There should also be more flexibility in the cattle coefficient bands. Under the forthcoming arrangements, people farming in richer areas, with more cattle, will be more richly rewarded than will the crofters in the areas that truly need help. I am glad that an extra payment of £2 per hectare is being made to islanders, but frankly that is not enough. The fact that there is a difference in subsidies of £8 per hectare between different areas of what is 85 per cent of Scottish farming land is inequitable to those in the areas with the poorest land. I ask the

minister to reconsider that picture and to discuss payment levels with the Scottish Crofting Foundation before anything is set in cement.

17:34

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I have two points to make, both of which are connected to what Rhoda Grant—who is no longer with us—said.

First, I echo what Jamie McGrigor said about the LFA regime. Some weeks ago, I had a meeting in the croft of Iain and Netta Mackenzie in Elphin in west Sutherland. We had practical evidence in front of us that showed that in some of the more marginal and difficult areas, such as Elphin, Stoer and Lochinver, many crofters are losing up to £1,000 per household. That may not seem like much in the scheme of things, but crofting is a marginal occupation. For someone who is trying to run a croft in those areas, it could be the straw that breaks the camel's back and leads them to say, "I'm coming out of crofting. I'm not going to carry on with it."

We do not have many alternatives in places such as Elphin. If members know Elphin, they will know that it is incredibly steep. Trees are not an option and, although many worthy people have suggested raising cattle, cattle simply could not survive in that area, not least because of the simple question of winter feed. How on earth could cattle be reared there? We can only rear sheep. That is the only workable way of life.

In fairness to ministers, I should add that, during the summer, Jim Wallace met crofters' representatives in Dornoch and, on the same day, Ross Finnie met representatives in Golspie. The message has been put over loud and clear to ministers, but we need to return to the issue and not only because—if we are not careful—we will discourage the present crofters. When children grow up, they may consider the situation and decide that they do not want to go into crofting. In the longer term, that could lead to further depopulation.

Jamie McGrigor referred to crofting as a culture, and he is right. Scotland is a kaleidoscope and each facet is important.

Mr McGrigor: Will the member give way?

Mr Stone: I will come back to Jamie McGrigor in a minute.

To hurt or damage the crofting face of the diamond in any way would be deeply unfortunate. I echo the points that were made by Jamie McGrigor and Rhoda Grant.

In the scheme of things, it would not cost an enormous amount of money to tweak the system and put the situation right. There are not that many

crofters, so that would not require a huge amount of money, but for the west of Sutherland and John Farquhar Munro's constituency it would mean an enormous amount.

Rhoda Grant talked about marketing. I bought a leg of lamb in the west of Ireland this summer. I was staggered to find that it was one of the most disgusting bits of lamb that I have ever eaten. However, we all know what a delicious, quality product lamb is when one gets a good piece of lamb that has come off the heather. We could do much more to market the meat that our crofters produce.

Since the Parliament was elected in 1999, I have suggested, with others, that we ought to consider legislation whereby, when a local authority grants a new supermarket planning permission, it will have the power to state that X per cent of the shelf space in the supermarket must be devoted to local produce. Civil servants have kittens when they hear that suggestion and instantly come back with the riposte, "How would you police it?" The fact that a problem is difficult is no reason to run away from it. It could be policed through councils' environmental health departments or planners. If such a scheme could be implemented—which would involve defining "local"—it could make an enormous difference to local producers of meat, vegetables and other products. We are running out of time in this session, but I hope that it will not be long before the Parliament addresses that matter, because such a measure would underpin our crofters and farmers.

17:38

George Lyon (Argyll and Bute) (LD): First, I congratulate Tavish Scott on bringing the issue of crofting before the Parliament. It gives me an opportunity to talk about the plight of the crofters on the island of Tiree, which is in my constituency. Tiree has 272 crofts, 80 of which are active, and four agricultural holdings. It is no overstatement to say that crofting is the economic and social lifeblood of the island. There are precious few other employment opportunities there. The Ministry of Defence has cut staffing levels in recent years and the Met Office has switched to an unmanned operation, which has resulted in five job losses.

Crofting and the production of sheep and cattle are fundamental to the survival of the Tiree community, yet that lifeblood is in danger of being cut off. The island is already facing population decline. The statistics in Argyll and Bute Council's structural plan project that the current population of around 700 will drop by 100 in the coming 10 years. Highlands and Islands Enterprise acknowledges that Tiree is one of the most fragile islands in Scotland. A real fear exists that the

population of Tiree could collapse and that the infrastructure of the island could implode. It would not be overstating the case to say that we could witness a Highland clearance over the next two to three years.

The principal threat to crofting on Tiree is the proposed closure of the market there, because of its poor state of repair. There are two reasons why the market is crucial to the well-being of crofting on Tiree. First, the fact that the market allows crofters to market their stock on the island means that it offers the crofters a much better return. The ability to sell on the island means that the stock looks better and weighs more. Therefore, crofters' returns are higher and they do not incur all the costs of having to leave the island to sell their animals.

The second reason—the transport cost—is fundamental. The collection centre aspect of the market is more important than the marketing element. To get animals off the island individually or in small numbers can cost between £30 and £40 per beast. The market on Tiree means that five or six times a year all the animals can be gathered together into big groups. After being bought, the animals go on to articulated lorries in big numbers and a special Caledonian MacBrayne sailing is commissioned to take them off the island.

Fergus Ewing: Given the huge cost of the transportation of animals from the islands to the mainland, does the member agree that it is disappointing that the Executive has ruled out even a pilot of a road-equivalent tariff scheme, a measure that is popular and is supported by many island communities?

George Lyon: That issue would need to be examined. This debate is too important for me to indulge in political point scoring. I must deal with a serious issue on behalf of my constituents.

Transport costs are the key issue. The ability to gather all the animals together and to get them on to a big wagon is vital. Let us face it—no 40ft wagon on an articulated unit could get access to the crofts. The existence of the market means that the cost of transporting animals off the island drops dramatically to between £12 and £14 per head. That represents a huge saving to the crofters.

The market is in danger of closing. Six years ago, the crofters recognised the threat and began to work up proposals for a new market or collection centre. It is important to remember that the collection centre aspect of the market is the key aspect. The crofters raised about £50,000 to £60,000 of their own money, they employed a consultant to produce a proposal for a new market and they looked to Europe for help in matching the funding that they had raised. They turned to the

processing and marketing grant and the European regional development fund in a bid to obtain funding for the replacement market.

I have convened many meetings on the matter on the island. We brought over officials from SEERAD to see at first hand how important the market is to the survival of crofting on Tìree. Although HIE, Argyll and Bute Council, Argyll and the Islands Enterprise and the Crofters Commission have all backed the bid for funding, the proposals have been rejected three times. The latest rejection came only yesterday.

Having spoken to the local community, I can report to the Parliament that its members are devastated. They are beginning to lose faith in the ability of the public agencies to help them out of their situation. They are questioning the commitment of the public agencies to turning round their prospects. More has been spent on consultants' fees than on any other item. If one added all the consultants' fees together, the sum might pay for a quarter of the ruddy market.

The matter is serious. I ask the minister to step in and to demand answers from his officials about why they refuse to help. The islanders do not want more excuses or platitudes. They want help, action and a collection centre-cum-market. Such a facility is fundamental to their survival and to the survival of crofting on the island.

There is a real threat to the future of Tìree. I do not say that lightly. I ask the minister to give the Tìree islanders a commitment that he will act on the issue and ensure that the public sector delivers for the people of Tìree. If that does not happen, the island could implode and we could end up with another Highland clearance on Tìree.

17:45

The Deputy Minister for Environment and Rural Development (Allan Wilson): I shall try to address all the points as quickly as I can, given the limited time that is at my disposal.

Let me start by emphasising that the Scottish Executive is committed to crofting. That is illustrated by the high priority that we have given to crofting reform. We have introduced measures to allow crofting communities to buy their land in the Land Reform (Scotland) Bill, which is currently going through stage 2. More recently, we published a white paper devoted to reforming crofting tenure. That demonstrates the extent to which the Executive values crofting.

Under the white paper, security of tenure, fair rents and the right to transfer the croft will continue. However, we propose to bring crofting law up to date and to enable crofters to advance in prosperity and control their own future. Included in our key proposals—or radical reforms, as Fergus

Ewing described them—is our intention to revise the constitution of the Crofters Commission. I can inform Fergus Ewing that, whether the proposals are opaque or otherwise, no decisions have been made on pensions for Crofters Commission staff, but when decisions are made, they will be unlikely to be disadvantageous to those staff.

We also want to provide for the creation of new crofts and to enable owner-occupiers to let their croft land without creating a crofting tenancy. However, to answer John Farquhar Munro's question, the provisions on absenteeism will remain. Those provisions allow crofts to be freed for new tenants if the current tenant lives more than 16km away or if the owner of an individual croft does not reside on it.

We also want to modernise conditions of tenure to enable wider use of croft land and greater use of common grazings. We aim to clarify the right of crofters to plant and exploit trees. An important point—which Jamie McGrigor should note—is that we also want to remove the requirement that grants to crofters must be linked to agricultural production.

As Tavish Scott mentioned, we want to allow responsibility for crofting regulation to be devolved to local bodies. We are keen to see crofting communities undertake self-regulation where they are ready for that task, but as Tavish Scott highlighted, such a move cannot be forced on people. We cannot expect them to take that on overnight. We want to allow for different approaches to regulation in different areas and to simplify and reduce the bureaucracy of crofting regulation. We want to enable changes in designation of croft land to be reversible and to minimise the impact of absent and unco-operative landlords.

In addition, we want to make information about crofts better and more accessible. We want to extend new rights to unmarried partners of crofters and to redefine the crofter's family for purposes of succession and assignation. We want to modernise the appeals arrangements to ensure that they comply fully with the European convention on human rights, with an enhanced role for the Scottish Land Court. Last but by no means least, we hope to extend entitlement to appeal against regulatory decisions to cover all the parties affected.

We are nearing the end of the consultation on the white paper, so if members or those whom they represent have not made an input to that, they should do so as quickly as possible.

A total of £7 million is available for the main crofting grant schemes: the crofting counties agricultural grant scheme, the crofters building grants and loans scheme and the livestock

improvement scheme. We have a commitment to crofting and we want to ensure effective use of those resources.

Concentrating those resources solely on projects that enhance agricultural production is no longer the big idea—as Jamie McGrigor called it—or the most effective means of promoting economic rural development in crofting communities. The resources that are provided to promote crofting should be available to support the range of land-based activities undertaken on crofts and common grazings.

If I may respond to the collective wish of the two Jamies—if I may put it that way—the LFA scheme is not all a one-way street. Claimants in Caithness and Sutherland covered by our offices in Lairg and Thurso—it is a pity that Jamie Stone has left the chamber—have improved their overall take.

The Deputy Presiding Officer: For the record, I should say that Jamie Stone has a committee meeting immediately after members' business. He gave his apologies to the chair.

Allan Wilson: That is perfectly understandable. We cannot be in two places at once.

Interestingly enough, claimants in those areas have increased their overall take to 6.6 per cent, compared with the previous figure of 6.3 per cent.

Mr McGrigor: I do not know what those figures represent, but I have my doubts about whether many crofters will have seen any increase from LFA payments. This debate is about crofting.

Allan Wilson: The figures represent £4.2 million out of a total of £63 million for all of Scotland. That is what they represent.

Environmentally sensitive area schemes have operated in the Highlands and Islands since 1987. There are separate schemes for the Shetland Islands, the machair of the Uists, Benbecula, Barra and Vatersay, the Argyll islands and the Cairngorm straths. A total of more than 1,800 crofts and farms are now participating in the ESA schemes in the Highlands and Islands. That is almost 75 per cent of eligible units.

We have record annual expenditure on ESAs of more than £4 million in the Highlands and Islands—and just under £2 million last year in the Shetland Islands alone.

The first ESA 10-year plans will come to an end in mid-2003. I appreciate that there are concerns about what will happen thereafter and whether participants will continue to get support for environmentally friendly agriculture. I can assure Tavish Scott and others that the Executive is aware of the wider socio-economic benefits that the ESA schemes have delivered over the past 10 years. The Executive is currently giving detailed

consideration to the options for ESA participants when their current 10-year agreement expires.

Having mentioned socio-economic benefits, I think that it would be appropriate to respond to George Lyon's point about the Tiree market. I thank him for giving me prior notice of the question. I understand that the market project has not been rejected. That is fortunate, I would assume. It was considered yesterday by the project assessment committee, which decided that it required further information. A decision was therefore deferred. May I therefore assure Mr Lyon, and through him the good people of Tiree, that I am aware, through personal and other constituency experience, of the importance of such decisions to fragile, rural, remote island communities. I will take a personal interest in the outcome of those discussions.

Later this year, we intend to consult on options for the future. We want to have arrangements in place next year for when the first agreements expire. I hope that that will reassure Tavish Scott and others who have expressed concerns.

We have substantially increased the funding that is available for agri-environment schemes. In addition to the £12 million that was allocated in the comprehensive spending review, there will be about £85 million more for the budget for agri-environment schemes from the proceeds from modulation. Taken together, those schemes are now worth around £10 million to the Highlands and Islands area. That represents a substantial financial commitment to crofting and to the environment.

The Executive will continue to encourage maximum participation in agri-environment schemes within the finite resources available. As I have already promised, we will consult—

Mr McGrigor: Will the minister take a quick intervention?

Allan Wilson: Yes.

Mr McGrigor: Does the minister realise how difficult it is for crofters who want to be organic to buy their feed from organic sources?

Allan Wilson: I was just about to come to the point about the organic aid scheme that was raised by Tavish Scott. We will consult on measures to replace ESAs when the existing agreements come to an end in the middle of next year. As with our work on the organic aid scheme, that will be part of a wider consultation to improve the operation of agri-environment schemes. I will announce the outcome of that consultation shortly, but I am not looking to reduce funding.

Meeting closed at 17:54.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, 375 High Street, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Thursday 26 September 2002

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5

Meetings of the Parliament annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

Single copies: £3.75

Special issue price: £5

Annual subscriptions: £150.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at the Document Supply Centre.

Published in Edinburgh by The Stationery Office Limited and available from:

The Stationery Office Bookshop
71 Lothian Road
Edinburgh EH3 9AZ
0131 228 4181 Fax 0131 622 7017

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 020 7242 6393 Fax 020 7242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 0121 236 9696 Fax 0121 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01179 264306 Fax 01179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 0161 834 7201 Fax 0161 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 028 9023 8451 Fax 028 9023 5401
The Stationery Office Oriel Bookshop,
18-19 High Street, Cardiff CF12BZ
Tel 029 2039 5548 Fax 029 2038 4347

The Stationery Office Scottish Parliament Documentation
Helpline may be able to assist with additional information
on publications of or about the Scottish Parliament,
their availability and cost:

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

The Scottish Parliament Shop
George IV Bridge
EH99 1SP
Telephone orders 0131 348 5412

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers