

MEETING OF THE PARLIAMENT

Wednesday 5 March 2003

Session 1

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Scottish Parliament

Wednesday 5 March 2003

[THE PRESIDING OFFICER *opened the meeting at 10:51*]

The Presiding Officer (Sir David Steel): I apologise to everybody for the late start because of a power failure that was in the building, rather than external. The situation has been put right.

Father Boles, who was to have led our time for reflection, has had to go to another engagement, so I am afraid that we will have to do without time for reflection. However, we have had plenty of time to reflect individually during the power cut.

We propose to start with the fishing debate, followed by the ministerial statement, and to postpone the Procedures Committee's debate until the afternoon, when it will follow the debate on the Homelessness etc (Scotland) Bill. I hope that we can still get through most of today's business. It is not thought that the debate on the Homelessness etc (Scotland) Bill will take all the time in the afternoon until 5 o'clock. A revised business motion will be taken at 2.30 this afternoon. Is everybody happy with that?

Members *indicated agreement.*

Subordinate Legislation

Fishing Vessels (Decommissioning) (Scotland) Scheme 2003

Sea Fishing (Transitional Support) (Scotland) (No 2) Scheme 2003

10:52

The Minister for Environment and Rural Development (Ross Finnie): In the short time that the Presiding Officer's announcement gave me, I added a little theological content to my speech, so that members will not feel deprived.

I invite the Parliament to approve the statutory instruments, which will enable the Scottish ministers to launch a decommissioning scheme and a transitional support scheme for the Scottish white-fish sector. Before I deal with the instruments, I will make preliminary remarks on two matters.

First, it is important for members to be informed that progress is being made on negotiating more flexible arrangements than those that are contained in the now infamous annexe XVII of the total allowable catch and quota regulation. Members will recall that when John Farnell of the European Commission gave evidence to the Rural Development Committee, he made it clear that the Commission would propose amendments to the annexe and that it would make proposals—we hope that it will do so later this month—for a more sensible successor regime.

We have worked hard with the Commission and made it clear that greater economic and commercial flexibility is needed. We hope that adjustments to annexe XVII will emerge later this month. We understand from our most recent discussions that they will include some additional flexibilities for which we have asked—particularly on the key issue of vessel safety, which I debated yesterday with Fergus Ewing and about which we have all been most concerned. We also expect to hear about the Commission's thinking on a successor regime at a seminar that it has organised for 11 March.

This morning, there is no point in speculating about the detail of either potential proposal, but they are at least a start and indicate that the Commission understands the need for greater economic and commercial flexibility. That is directly relevant to the debate. Under annexe XVII, the benefits of decommissioning are partly frustrated by the industry's limited ability to acquire additional days at sea from other boats. The signal is that the Commission is beginning to understand

that. There is a real prospect of securing more sensible arrangements.

The policy context for our decommissioning and transitional support schemes might change for the better in the next few months. However, we should not put the negotiating process at risk by failing to follow through on the commitment that further decommissioning is necessary.

My second introductory point is a longer-term observation. Although flexibility is critical to individual businesses, restructuring remains essential and is at the heart of what we are trying to achieve. On one side of the equation, we are trying to introduce sufficient conservation measures to retain sustainable fisheries. With the other measure, we are seeking to support communities so that we have sustainable fishing communities.

We have to be clear that processing businesses, onshore suppliers and all other related businesses are ultimately dependent on healthier fish stocks. There is no way of avoiding that basic fact. Without stock recovery, there can be no prospect of our being able to sustain an industry that proves to be fundamentally unsustainable.

Phil Gallie (South of Scotland) (Con): The minister used the word "restructuring", but is it not the case that we are talking about deconstructing, given the extent of decommissioning that he expects? Is it not the case that, after the decommissioning, the question whether there are fish will not really interest many of the people who currently form the Scottish fleet?

Ross Finnie: That is a highly excitable and, if I might say so, wholly unfounded intervention. We are talking about decommissioning to the extent of 15 per cent of effort for cod. If one ignores the science, one is living in cloud-cuckoo-land. We cannot proceed on the basis that we do not recognise the need to have both elements in the equation.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Will the minister take an intervention?

Ross Finnie: I shall make a little progress and then I shall take another intervention.

I turn to the two instruments for debate, beginning with the Fishing Vessels (Decommissioning) (Scotland) Scheme 2003 and then moving on to the Sea Fishing (Transitional Support) (Scotland) (No 2) Scheme 2003. The approach of the decommissioning scheme is generally the same as that of the scheme that operated successfully in 2001. On the basis of that experience, we seek to decommission vessels that account for 15 to 20 per cent of the Scottish fishing effort on cod. The scheme has deliberately

wide eligibility criteria and the pool of potential applicants exceeds 500 vessels. It is also deliberately permissive, as it allows the Scottish ministers to make informed decisions about the number and balance of vessels to be taken out of the fleet, once applications have been received and decommissioning bids have been evaluated.

Richard Lochhead (North-East Scotland) (SNP): The minister will recall that the last time that a decommissioning scheme went through the Parliament, there was huge concern about the fact that many of the boats' skippers were unable to settle their debts with onshore businesses. There were no built-in measures to ensure support for the crews. Will the minister tell us how he intends to address those two issues this time?

Ross Finnie: I shall come on to the detail of that. In general terms, let us be absolutely clear that, essentially, there has to be a contract between the Executive and the vessel owner. Therefore, it would be irresponsible for the vessel owner to submit a bid if they were not able to discharge existing debts. That is a difficult issue. During the Rural Development Committee's meeting yesterday, Fergus Ewing raised the question of preferential creditors. Last time, it was clear to us that those preferential creditors took action to attach the sums, and the debts were discharged before any payment was made to the owner. I will come back to that issue, as I want to move on.

There has been a lot of speculation over the number of vessels to be removed and the impact on the long-term viability of the white-fish fleet. There is no prescriptive target on numbers of vessels. The numbers will depend entirely on which vessels are involved and from which ports they emerge. It is perfectly possible for the number to be well below 100 but, depending on the mix and class of vessels, the number might be greater and might exceed 500. We will decide on the mix that will best allow us to meet our fishing effort reduction target.

We introduced three novel provisions to reflect discussions with the industry. We have extended eligibility to vessels under 10 years old; we have allowed access to the 20 per cent grant premium for vessels that are subject to the cod recovery measures and which have to reduce their fishing effort by 25 per cent or more; and we have made an allowance for advance payments before decommissioning occurs, subject to surrender of the associated fishing licence.

Although those new provisions are likely to increase the unit cost of decommissioning, they will have other benefits. They will allow us to consider for grant the vessels that do most in relation to cod effort; they will give us more flexibility in the choice of vessels to be

decommissioned; they will give the ports and owners more flexibility; and they will provide a more realistic level of grant for the vessels concerned. Allowing those who receive those moneys to adjust to the flexibilities within the scheme seems to give them more prospect of considering how to discharge any of the debts and obligations that they have.

The transitional aid proposals are entirely novel. I am conscious that they have been introduced in some haste, in response to the December council. I am grateful for the industry's help in scoping the options in such a difficult package.

The transitional support scheme is also largely permissive. Some of the detail of the scheme is not set out in the statutory instrument. The Scottish ministers are deliberately afforded flexibility in relation to the arrangements. That will have the benefit of enabling us to make adjustments in the light of experience and on-going negotiations with the Commission.

Over six months, we will provide some £10 million to those who are worst affected in the crisis. The aim is to offset a proportion of the fixed costs that are borne by vessels that are unable to put to sea for the days on which the days-at-sea restrictions require them to tie up. The aim is to concentrate on those who are worst affected by annexe XVII, rather than to provide more general compensation.

The compensation formula that is set out in the criteria—

Richard Lochhead: The minister talks about transitional aid to get the industry through the difficult period ahead. The signs that we are getting from the European Commission are that the difficult period could last for a long time if the current emergency measures are not lifted on 1 July. How does he intend to support the fleet and the onshore sector in the coming months, given that they might face the possibility of going bankrupt if they do not get help?

Ross Finnie: We must address the question that is before us today. We have introduced a package, we have discussed it and we have allocated funds for it. We are in danger of speculating about the next problem before we have dealt with the current problem. We do not have the facts. The proposed scheme must get under way because, if it does not, we will not be able to pay the money even to those who are most affected.

Mrs Margaret Ewing (Moray) (SNP): Will the minister take an intervention?

Ross Finnie: No. I will make one more point.

It is important that, as set out in SSI 2003/116, the compensation formula will reflect vessels'

historic activity. As I explained to the Rural Development Committee yesterday, we have sought to strip out those whose economic circumstances have been most affected by the white-fish restrictions and those who are most affected by the annexe XVII provisions because of the rig and gear regulations. We have sought to use that combination to arrive at a formula that directs the aid to those who are most affected.

Fergus Ewing: We all understand and agree with the objectives that the minister has described. Does he accept that there is almost unanimous agreement in the industry that the proportion of the total of £50 million that is going to transitional financial support is inadequate? Is not the answer to apply for the £20 million European Union fund that is available specifically for decommissioning? Will the UK Government apply for that funding?

Ross Finnie: The member said that the funding "is available", but that is not accurate, as it has not yet been approved by the Council of Ministers and the European Parliament. As I have indicated before, if such aid becomes available, it would be perfectly proper for Government ministers to make such an application. Ministers in the Department for Environment, Food and Rural Affairs have confirmed that. However, that money is not yet available.

In relation to the balance of the package, I accept that decommissioning is a costly measure. Account must be taken of the fact that the objective is to decommission vessels that account for 15 per cent of effort. In arithmetic terms, it is very difficult to arrive at—

Mrs Margaret Ewing: In relation to the European scheme, what have the Scottish Executive and the Westminster Government done to ensure that support is given to the budget-line application?

Ross Finnie: All I know is that we have indicated that if such a scheme were available, we would be genuinely interested in it. It is for the UK ministers to pursue the matter. The announcement has not even gone to the council as yet. That is how we will have to proceed.

I make it clear that the scheme will have conditions attached for those who receive transitional support to restrict their fishing days and keep within the order concerning days at sea. We will not pay transitional support to those who choose to fish on additional days—for example, in unregulated seas—nor will we pay transitional support to those who diversify into other fisheries. That is an important point. Therefore, if people choose to engage in displacement, they will come under the regulation.

The two schemes that we propose will require state-aid approval—we cannot pay out the money

until that is achieved. I reiterate that we are proposing a package. Both schemes are needed because, as I said at the outset, we need to balance the needs of stocks and the needs of our communities. That is why we are providing the £15 million package. We hope that it will help to promote and assist those who wish to take the opportunity to decommission. We also hope that it injects sufficient liquidity into the sector and that it provides short-term transitional support to enable those affected to adjust their business plans. In conservation and economic terms, both must happen.

Annexe XVII has forced the issue in an unwelcome manner, but the remedies that we propose are sensible in both conservation and economic terms. I invite Parliament to approve both the decommissioning scheme and the transitional scheme.

I move,

That the Parliament agrees that the Fishing Vessels (Decommissioning) (Scotland) Scheme 2003 (SSI 2003/87) be approved.

The Deputy Presiding Officer (Mr Murray Tosh): Amendments S1M-3958.1 and S1M-3959.1 are in the name of Richard Lochhead.

11:06

Richard Lochhead (North-East Scotland) (SNP): This morning's events certainly reinforce the Scottish National Party's view that the Parliament does not have appropriate powers to deliver for Scotland's fishing communities.

I take the opportunity to welcome back to the SNP benches my colleague, Winnie Ewing. *[Applause.]* No doubt, she will make a heartfelt contribution later in the debate.

Within days of the Parliament being elected in May 1999, we debated sea fisheries and Westminster's decision to shift the fishing boundary in England's favour. Here we are, four years later in the final month of the parliamentary session, debating sea fisheries once more.

Today, in May 1999, and in just about every fishing debate in between, there has been a common theme: our fishing communities and, indeed, the Opposition parties have stood united against the policies of the Lib-Lab coalition. Those policies are clearly meant to manage the decline of one of Scotland's most valuable industries. In the face of unprecedented, draconian measures imposed by Brussels, today is the last chance to make Ross Finnie see sense and convert his redundancy package for our fishing communities into a recovery package.

I have had the privilege of speaking to many meetings at ports the length and breadth of

mainland Scotland in recent weeks in connection with the current crisis. The message to the Parliament from each and every person who attended those meetings was loud and clear: "Do not let Ross Finnie and Jack McConnell destroy their own fishing industry. Do not let the Government make the industry pay the price for the Government's failure to negotiate a good deal for Scotland in Brussels. Do not let the Government play into the European Commission's hands or the hands of the other fishing nations that have their eyes on Scotland's rich fishing grounds." Their plea is for an aid package that provides support for our fishing communities to see them through the coming months until the unjust and damaging measures concerning the number of days at sea and the quota cuts are lifted and replaced with a sensible and logical management regime for the North sea.

The message from the catching sector, the service sector and the fish processors is to keep any decommissioning scheme to a minimum and to ensure that the emphasis of any aid package is on recovery, not redundancy.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Is not Richard Lochhead's amendment somewhat disingenuous? I know for a fact that he misrepresents the views of members of the Rural Development Committee. How many other views does he misrepresent when he says that there was overwhelming evidence that the aid package should concentrate on transitional aid rather than decommissioning? The Rural Development Committee said that it strongly backed the Scottish Executive's further consideration of the balance between the support measures. Will he answer that point? He misrepresents the views of the committee; who else does he misrepresent?

The Deputy Presiding Officer: You are repeating yourself, Mr Rumbles.

Richard Lochhead: If that is the best that the member for West Aberdeenshire and Kincardine can come up with, I suggest that he sit on his backside for the rest of the debate.

If we want a fishing industry that continues to employ 44,000 people—mostly in our fragile coastal communities—and which supplies healthy food for our table, we have to help it through the coming months.

Ross Finnie must be the only fishing minister in Europe to contemplate spending 80 per cent of his aid package on destroying his fishing vessels. Other countries are building new fishing vessels; our minister wants to spend £40 million of taxpayers' cash writing off his own fishing fleet.

Rhona Brankin (Midlothian) (Lab): The member said that other countries were building

new vessels. If the SNP were in power, would it subsidise fishermen to do that at this juncture?

Richard Lochhead: One thing that the SNP would not do is destroy the vast bulk of our own fishing fleet.

Over the past three years, the Executive has introduced two aid packages for fishing communities in Scotland: the first was for £27 million, and the second—this one—is for £50 million. In that time, 85 per cent of the aid advanced by the Executive has been devoted to destroying fishing vessels. Our industry does not need enemies when it has friends like Ross Finnie. Once again, ministers simply turn to their favourite policy—consigning the white-fish fleet to the scrap heap.

Ross Finnie: Would it not be more accurate to say that we have actually spent 85 per cent trying to conserve stocks so that there is a sustainable fishing industry?

Richard Lochhead: One does not conserve the fishing industry by destroying it.

The minister says that he needs to scrap vessels in order to secure two of the 15 days a month at sea that the white-fish fleet has, for the next five months. However, he continues to ignore the long-term damage that he will inflict on the industry. There is no real reason on earth why, if he refuses to stand up to the Commission, we cannot deliver a smaller decommissioning scheme and examine other ways of reducing effort.

In an answer to a written parliamentary question a couple of weeks ago, the minister told me about reduced capacity due to the transfer of white-fish licences to other sectors. We know that licences have been transferred to other sectors, but 11 pelagic boats are on the order books in Scotland, and all will require a further aggregation of licences. Has he measured the reduction in white-fish capacity that that has brought about? He has not. He says that that would take “some time and resources”, probably at “disproportionate cost”. He is not willing even to look for alternatives to the destruction of his own fleet.

Further, it is not only the fleet that will suffer but the onshore sector, such as the ship painters, engineering companies and ice factories—the scores of businesses that congregate around harbours and depend on thriving fishing ports for business. Local fish processors who depend on local supplies of white fish will also suffer. The minister should listen to their voices. He has received submissions to his consultation exercise, but has not made them public. However, we know that every organisation in Scotland that has made public comment opposes the minister’s policies. He should listen to the Rural Development Committee, which has called on the minister to rebalance his package.

Mr Rumbles: Disgraceful.

Richard Lochhead: Despite what Mike Rumbles says, it is there in black and white in the committee’s report, which was published last week.

Iain Smith (North-East Fife) (LD): Will Richard Lochhead give way?

Richard Lochhead: I want to continue with my speech.

The SNP’s amendment on the decommissioning scheme would ensure that any such scheme would be sensible. The minister must do all that he can to ensure that it is not just the banks that benefit from decommissioning. We cannot neglect the interests of the crews. That happened last time, and we must address that issue this time. We must ensure that all the debts to the onshore sector are paid—they were not covered last time, either. We should also ensure that any boats that are decommissioned are available for conversion purposes to help to give onshore businesses more business.

We must examine the issue of quota. We must ensure that we protect the birthright of our fishing communities for the sake of the future of the industry. Last month, the minister said in the chamber that he was

“looking carefully at the rules and regulations that govern the transfer of quota”.—[*Official Report*, 19 February 2003; c 18288.]

He should have said today what progress he has made, because that is a crucial issue. In that debate on 19 February, he also told the chamber that

“our view is that decommissioning is a rational economic response.”—[*Official Report*, 19 February 2003; c 18286.]

He then went on to talk about the enhanced opportunities for fishermen who remain in the industry.

Yesterday, the minister told the Rural Development Committee that decommissioning would increase the profitability of the remaining vessels, but he never once—either during the previous debate or at yesterday’s committee meeting—got round to explaining how the vessels that choose to remain in the industry would get to enjoy the quota from the decommissioned vessels. Even if they did get that quota, he cannot explain how they would get more days to allow them to fish that quota. The real fear is that the £40 million earmarked by the minister will take out virtually all the 180 remaining dedicated white-fish vessels. However, the quota will remain with the boat owners and will not benefit the remaining vessels in the industry.

The minister keeps sending out mixed messages. Are we honestly to believe that a crisis

that has arisen out of plans to save the cod will lead him to choose prawn boats for decommissioning, when prawn stocks are healthy?

Ross Finnie: On what basis does the member tell us that the 180 dedicated white-fish vessels amount to only 15 per cent of Scotland's fishing effort on cod?

Richard Lochhead: If the minister dedicates £40 million to decommissioning and gives no alternative to the fleet but bankruptcy, there will be applications for decommissioning. If the money is to target boats that catch cod, it is clear that a large section of the white-fish fleet may be forced into decommissioning—there will be no alternative. He must accept the reality. If he emphasised the provision of short-term aid, that would ease the pressure on prawn stocks, for example, and displacement would become less of a problem.

Of course, we must use the mid-term scientific review that is coming up to ensure that there are more catching opportunities for white-fish stocks for the Scottish fleet. However, the European Commission is already sending out worrying signals that on 1 July, any new regime will be just as painful as the existing regime. That begs a question for the minister: what will happen between 1 July and the end of the year, given that the Commission has the legal powers to keep the current regime in place until then? If he puts all his eggs in one basket, he is saying, in effect, that there will be no cash for short-term aid after the six months is over and the fleet can just go to the wall. If the fleet goes to the wall, the harbours will go to the wall. If the harbours go to the wall, the onshore businesses will go to the wall, local fish processors will close down and the minister will have succeeded in decimating Scotland's fishing industry. There is no doubt that boats will queue up for the decommissioning cash if there is no alternative but bankruptcy, but skippers do not want to do so because they know that that is not in the long-term interests of the industry. We must emphasise transitional and short-term aid.

The SNP calls on members of all parties to give hope for the future and hope to the tens of thousands of families whose incomes are dependent on fishing that the Parliament is on their side. The issue is not about ignoring the science. The current crisis largely arose from political decisions, not from scientific decisions. Those political decisions were based on out-of-date and incomplete science, as even the minister has said. The crisis also follows the United Kingdom minister's failure to stand up for Scotland in Brussels.

Ross Finnie described the measures imposed on Scotland by Brussels and the UK fisheries

minister as

"Inequitable, unfair and even crude"—[*Official Report*, 8 January 2003; c 16679.]

Quite rightly, Ross Finnie did not return from Brussels and say that the proposals were logical and scientifically sound—they were not.

We must ensure that there is light at the end of the tunnel for Scotland's fishing communities, that the necessary support is available and that the industry emerges from the crisis intact, as far as possible. Scotland's fishing communities will not give up without a fight. Too many livelihoods and a way of life are at stake. If the Labour party and the Liberal party, which run this country, are not interested in saving the fishing industry, I have no doubt that the whole of Scotland will be unforgiving on 1 May. Scotland will get behind the SNP, as the SNP will deliver recovery, not redundancy, for our fishing communities.

I move amendment S1M-3959.1, to insert at end:

"but, in doing so, supports the views of the fishing industry, fishing communities and the Rural Development Committee that the overwhelming emphasis of any Scottish Executive aid package should be on transitional aid for the fleet and onshore sectors rather than the decommissioning of vessels, and urges ministers to respond positively to the proposals by industry representatives on how this can be best achieved."

11:18

Mr Jamie McGrigor (Highlands and Islands) (Con): In Ross Finnie's statement on fisheries on 30 October 2002, he stated:

"Let me make it clear from the outset that neither I nor the Scottish Executive has any intention of presiding over the destruction of the Scottish fishing industry. That is why, two weeks ago, I gave an undertaking to the industry, which I reiterate today, that we will work with it to ensure a sustainable Scottish fishing industry."—[*Official Report*, 30 Oct 2002; c 14707.]

On the same day, in the *Daily Record*, there was a picture of Ross Finnie and Franz Fischler apparently sharing a joke. The headline quotes Ross Finnie saying that he would work every hour to save the Scottish fishing industry.

What has happened to Mr Finnie's pledge? It appears that his clock has stopped working, even if he has not. The package that he has presented to us and on which we must vote is nothing less than a poisoned chalice for Scotland's fishing industry. The decommissioning package is wrongly balanced. Although the £50 million would be welcome transitional funding towards compensating for the temporary cessation of fishing—which is perfectly allowable under the financial instrument for fisheries guidance regulation—the fact that £40 million, or four fifths, is dedicated to decommissioning makes it nothing

short of a redundancy package. That is not what fishermen want and is not in the interests of the Scottish economy. It is like giving an army officer a pistol and telling him that one does not want to see him again.

Ross Finnie: Would Jamie McGrigor's analogy not be more accurate if the officer were given a pistol that has no bullets? What he proposes would not conserve the fish in the sea.

Mr McGrigor: There is currently more haddock in the North sea than there has been for 30 years. The fractions of the package are that £10 million will be put towards the industry's future and £40 million will be used to bury the industry's past; £40 million will take far too many boats out of the industry and £10 million is not nearly enough to help with the transitional funding, especially if the new cod recovery plan does not start in July. The package might mean not the decommissioning of some boats in the white-fish fleet, but the decommissioning of almost the whole white-fish fleet.

Mr Finnie says that he is working with the industry to save it. I do not know who he is speaking to, because the members of the fishing industry that I speak to tell me that they want to go on fishing and do not want to be redundant. If Mr Finnie is talking to the industry—I mean fishermen and processors—he will know that what is needed is restructuring; he has just said that he wants restructuring.

The industry employs thousands of people in different sectors. We cannot have a successful industry unless we have modern boats and modern equipment. Modernisation of the processing sector is also required. Decommissioning will not achieve that; the decommissioning of vessels under 10 years old will certainly not achieve that. All that decommissioning does is prohibit fishing and shrink the white-fish industry. I cannot believe that the minister has consulted the industry on the formation of his package. I therefore ask the minister to reverse the package, so that £40 million goes to the future and £10 million goes to the past. That would be a much closer reflection of what the fishing industry needs and wants.

The Scottish white-fish fleet has bent over backwards to accept every conservation rule that has been hurled at it. A hundred vessels have recently been decommissioned; that greatly lowered effort in the North sea. We have had closed areas, bigger mesh sizes, quota cuts and huge decommissioning. Why has time not been allowed for scientists to assess the results of those extra conservation measures and the enormous fall in fishing effort before this new, draconian, unnecessary and inexplicable measure is allowed to ruin Scottish fishing? If one were to ask the

scientists what will be the result of all the conservation measures and the huge drop in effort, they would say that they do not know. Is it wise, if the scientists do not know, to bring in measures that might destroy the Scottish industry before they know the answers? It is not wise; it is thoroughly stupid. It would be better to wait until the scientists know.

Why is the days-at-sea scheme necessary when the quotas have already been halved? The loss of quota is the worst problem that the industry currently faces. If the new round of decommissioning is taken up by 100 vessels, which would have been allowed to fish for only nine days at sea per month, that will equate to 900 fishing days being lost to the Scottish fishing industry. If, as some people predict, 80 boats are left in the white-fish fleet they will gain 160 days. The agreement that Elliot Morley and Ross Finnie achieved in Brussels in December will have the effect of losing 740 fishing days to an industry that is already hanging on by its fingertips.

The situation reminds me of Jack, who sold his family cow for a handful of beans. Messrs Morley and Finnie are selling the Scottish fishing industry for a handful of days, but in this scenario the beanstalk does not grow. However, there is an Austrian giant who stomps around shouting, "Fee, fi, fo, fum, I smell the blood of a Scottish fisherman".

The soul of the Scottish fishing industry is being torn apart. The massive problem is the 50 per cent cut in quota. It does not matter how many days a boat can fish if it is not allowed to catch the fish. It is a double whammy against the Scottish fishing industry. The package, if it remains as it is, might sound the death knell for a way of life that has supported the people in Scotland's fishing communities for hundreds of years. What would the Executive put in its place? There can be only so many call centres in Stornoway, Peterhead and Lerwick. Who will help the processors and all the people they employ? Who will help the fishermen to look after their families in areas that are heavily dependent on fishing? Who will help those who are involved in the nephrops industry when displacement of effort lowers the price of their prawns even more? That sector also faces huge problems. The weighting of the package so heavily in favour of decommissioning shows that the Government has no faith in the future of fishing. That is perhaps the saddest thing of all.

What hope does the Scottish fishing industry have if even the fisheries minister does not believe in its future? What hope does it have when the Austrian bureaucrat who is in charge is obsessed with his cod recovery plan? The kite that that man flew for the total closure of the Scottish fishing waters was always intended to produce a

draconian effort-limitation scheme, which was the only element that the cod recovery plan lacked. He has succeeded and his dream of a single European fishing fleet draws ever nearer. Let us not sacrifice the future of the Scottish fishing industry for a handful of days and a pocketful of broken promises.

11:25

Rhoda Grant (Highlands and Islands) (Lab): On behalf of the Labour party, I, too, welcome Winnie Ewing back to the chamber—it is good to see her here.

It goes without saying that we did not choose the position that we find ourselves in. However, we are where we are and we must protect our fishing industry. I support decommissioning because we must take steps to protect the days at sea that we have secured. The minister stated that he hopes that the £40 million will cover the decommissioning of 15 per cent of our fishing effort on cod. No one is happy with the situation, but we in the Labour party know that we must work to protect the fishing industry and to provide a viable and secure fishery for future generations.

I am disappointed that the decommissioning scheme does not include moneys to be paid directly to crews, but, as the minister explained, such a measure would make the scheme extremely complex and might lead to delays. Yesterday, the minister made it clear to the Rural Development Committee that the only feasible way in which to make payments is through vessel owners, who can then make payments to crews. That system is wholly dependent on the good will of the owners, whom I urge to take the point on board and ensure that crews receive money in lieu of redundancy pay. The money will cushion the blow and, I hope, provide crews with a breathing space in which to find alternative employment or to reskill. As the future of the work force is dependent on those payments, I plead with the vessel owners to make them.

The same situation arises with fishing-dependent onshore businesses. After the previous decommissioning scheme, some businesses were left with unpaid debts, which can lead to businesses becoming unviable and create problems for the communities in which they work because of the loss of jobs and skills. The present decommissioning scheme is different from the previous one—hence the larger amount of money that has been put aside—but I plead with the minister to ensure that, if funding remains from the decommissioning scheme when the desired level is reached, that money is made available in transitional aid, not only for the fishing sector, but for the crews and dependent onshore industries.

The Labour party welcomes the transitional support scheme, which will ensure that fishing vessels that are dependent on cod will receive assistance to tide them over the difficult times. The money is essential for ensuring a viable fishing industry—it will ensure that vessels that do not decommission will have access to Government support. The scheme shows the Executive's commitment to the industry. However, the money will again go to vessels and crews and onshore businesses will be dependent on the good will of the owners for their share of it.

I welcome Elliot Morley's commitment to consider benefits for self-employed crew members. Because of the days-at-sea restrictions, such people's income will fall dramatically, so it is important to find ways of supporting them through the hard times. The same is true of the onshore industries.

Phil Gallie: Given that we will vote on the two statutory instruments, will the member advise me where they mention the people to whom she has referred receiving help?

Rhoda Grant: As I made clear, the Rural Development Committee questioned the minister on that yesterday. He argued that to include payments for onshore businesses and crews would make the schemes extremely complex, but that does not prevent the boat owners from giving money to crews and onshore businesses. Indeed, they have an obligation to do so; they should formulate their bids for funding in a way that ensures that they receive money to enable them to do that. I plead with them to take that point on board.

The Rural Development Committee asked for a rates relief scheme for these businesses. We also need to ensure that the enterprise network is geared to support the businesses, to ensure that they remain viable. They need assistance to diversify and use the skills that they have to attract new types of business; however, they cannot do that alone. The enterprise network has a crucial part to play in all this. We believe in adding value. The communities into which fish are landed should process the catches, adding value locally and keeping the benefit of those catches in the local community. If we lose those businesses, we lose the chance of adding value when stocks recover. We need to help those businesses.

Displacement must also be dealt with. I am pleased that the minister has taken that on board and intends to make transitional aid dependent on there being no displacement. If displacement is allowed, other fisheries will come under stress. The long-term effects could be devastating and lead to every fishery being in the position that the cod fishery is now. Even if stocks could withstand displacement, oversupply would affect the

profitability of the other fisheries and lead to a financial crisis for all our fishing communities. I welcome the minister's announcement and I hope that he will take further steps to ensure that displacement does not happen.

Another issue of concern to me is the attitude of the Commission. It was put to the members of the Rural Development Committee that one of the reasons for the North sea's being targeted with such stringent measures is the fact that we supply data on bycatches, whereas that is not the case in other countries. I am concerned that those who avoid providing the data that are required to make scientific decisions are being rewarded. If the data are not available, the fisheries do not face the same restrictions that we do. I asked John Farnell, the director of conservation policy in the European Commission's Fisheries Directorate-General, about this and he said:

"On bycatches and the question of fishermen being penalised, there is a great deal of knowledge about what happens in the UK fishery and less about what happens in other areas. I can say only that we share the concern that has been expressed about that." [*Official Report, Rural Development Committee*, 18 February 2003; c 4319]

It appears that, by not providing the required data, fisheries can avoid the restrictions. That has huge implications for other fisheries that do provide the data. If we do not have the information, we cannot look scientifically at what is happening in other fisheries. I urge the minister to take up that matter with the Commission.

I press the case for crews and onshore businesses. In asking that crews be supported, we are not speaking just about individuals; the support is crucial to the communities in which they live. Their income is spent locally and supports shops and other businesses. If they have to leave those communities to seek work, that has a knock-on effect on schools, shops and post offices; it can affect the survival of small communities. I make a plea to the vessel owners not to forget their obligations when they receive decommissioning and transitional aid money.

We must also protect the onshore businesses that are partially or wholly dependent on the fishing industry. Those businesses that supply gear, men and boats or that process catches are easily identifiable as they are wholly dependent on fishing. However, many other dependent businesses, such as shops that provide supplies for boats, and accountants who balance the books, are much more difficult to identify. I urge the Executive to ensure that the enterprise network works hard to identify all those businesses and offer them support.

Today, like yesterday, we find the SNP posturing, not saying what it would do and criticising the Executive for the sake of it. Its

amendments, if they were agreed to, would not change anything. In the Rural Development Committee yesterday, Richard Lochhead appeared to urge the minister to put at risk additional days at sea by not introducing this decommissioning package. He then moved a motion against the days-at-sea instrument—a motion that even he could not support. With no decommissioning, the industry would downsize, but the hard way, through bankruptcy. That is not something that I want to see.

The SNP's action is irresponsible. If it succeeds, it will destroy our fishing industry. Again, we see political posturing that puts the livelihoods of our constituents at risk. The SNP does not care about the fishing industry; all that it is interested in is tomorrow's headlines. I will not support the SNP's amendments.

11:34

Stewart Stevenson (Banff and Buchan) (SNP): Today we are required to pass into our legislative system a law from Europe, which is an everyday occurrence for us in the Scottish Parliament. However, let us not pretend that we will do that today with a glad heart. Oh, no, we will not. We should agree with our European Committee's position as described in its convener's report of a meeting with the Secretary of State for Wales, Peter Hain. On the proposed constitutional treaty, the report states:

"It was noted that Article 11(1) of the Treaty proposed that the management of marine biological resources under the CFP should be an exclusive competence of the Union."

The European Committee expressed great reservations about that proposal. The word "competence" simply does not fit with the concept of EU management of fish stocks or fisheries; more fitting words for that management are "incompetence", "mismanagement" and "disaster"—a disaster for fishing communities all round Scotland.

The disaster is not just for communities that are dependent on fishing white fish. Last year our pelagic sector was shafted on the issue of quotas; this year our white-fish industries pay the price of EU incompetence. Our prawn fleet suffers from low prices and might yet suffer from effort diversion. Who is in line for extirpation next year? That will happen only if we roll over and supinely submit. We must move away from the centralised view of the world dictated by Brussels, because that view has failed. Control of marine resources must be repatriated to the communities that will stand or fall by how successfully they manage the resources. Such communities must share responsibility, ad libitum, for marine resources with adjacent communities in other countries.

The Scottish statutory instruments that we consider today simply put lipstick on a pig. That will make the pig feel and look better for a while. However, the lipstick will soon wear away and will need to be reapplied. We should look a little further afield—for example, to the Faeroes, Iceland and Norway. We must listen to the likes of Jón Kristjánsson of Iceland, to whom I spoke on Saturday, who brings a different scientific perspective to the issue of fishing management. His success with controlled and directed fishing in the Faroes fisheries lights a beacon for us and for our fisheries.

The SNP's amendments draw together the importance of people, communities and industries beyond those that have direct investments in the white-fish catching sector. We cannot have an overhang of unsecured bad debt crippling onshore support industries. A package that helps only banks is not worth having. We cannot have crews paid off without redundancy payments and the heart of our communities ripped out because of neglect of their interests.

The minister and his colleagues in the coalition can, by accepting the SNP's amendments, signal to Scotland's diverse coastal communities that they are on their side. If the Executive rejects the amendments, that will indicate that it is ignoring those communities. The minister will do so at his peril. We are here today because the EU has made a pig's ear of fishing management. I apologise to pigs everywhere for that analogy. I urge members to support our amendments at five o'clock.

11:38

Iain Smith (North-East Fife) (LD): I make no apology for starting my speech by drawing attention to the threats to our prawn fishery from the displacement of white-fish boats into that industry. The price of prawns has hit rock bottom and there is a glut of prawns on the market because many boats have diverted—legally and illegally—to prawn fishing. That diversion is causing major problems that will continue. Not only are prawn prices low and the value of the traditional prawn fishermen's catches falling, but the overfishing will threaten both the stocks and this year's quota. The quota will be used up by displaced boats, which could leave our fishermen with nothing to fish later in the year. It is important that the minister takes urgent action to ensure that the displacement ends and that our traditional prawn fishing boats in areas such as Pittenweem are protected during the present crisis.

I would like to draw the Parliament's attention to the Rural Development Committee's balanced report on the fishing crisis. While it does not claim the things that Richard Lochhead says that it does,

it raises important issues. There is clearly a need to ensure that the balance between fishing effort and fishing stocks is brought into line. Even the Scottish Fishermen's Federation accepts that.

Richard Lochhead: About two weeks ago, I spoke at a public meeting in Iain Smith's constituency, which was attended by about 60 of his constituents who work in the local fishing industry. Not one of them supported the minister's policy that is before the Scottish Parliament today. Will the member tell us whether, at decision time, he is going to support his constituents or the minister?

Iain Smith: I always support my constituents and their interests. I will not support the SNP's amendments as they do not support my constituents' interests.

Stewart Stevenson: We know whose side he is on.

Iain Smith: I am absolutely clear about whose side I am on.

We have heard yet another desperate speech from Richard Lochhead this morning. Since last November, we have waited in vain for the SNP's promised recovery plan for the Scottish fishing industry and we are still waiting. Richard Lochhead should recognise that "recovery not redundancy" is a slogan, not a plan. I have read the SNP's document and have found no proposals that tell us how the SNP would save the Scottish fishing fleet. Where are the SNP's proposals to preserve stocks? Without preserving stocks, it is impossible to preserve the Scottish fishing industry. There is no point in having the same number of boats chasing fewer and fewer fish. That is unsustainable and something has to be done to deal with that.

Richard Lochhead says that the minister's plans will result in the fishing sector being destroyed. However, they do not mean that at all. All that is proposed is that 15 per cent of the fleet would be decommissioned—that is what will be funded. That action would be taken to protect the remaining 85 per cent. What steps is Richard Lochhead proposing to protect any of the fishing industry, apart from slogans? Nothing. If we do not do what the minister is proposing, the EU would effect a total closure of our fishing industry. How would that protect jobs in our fishing industry and the onshore sector? It would not. Richard Lochhead has no plan that would result in the EU allowing the Scottish fishing industry to continue to fish, if we do not follow the minister's proposals.

We need sensible and realistic policies in the Scottish Parliament and we have to introduce a sensible set of alternatives for the fishing industry. I agree with the Rural Development Committee that there might be a need to rebalance the

package when the details are worked out. That is sensible. However, the Rural Development Committee does not say that the overwhelming emphasis of any Scottish Executive aid package should be on transitional aid for the fleet. If Richard Lochhead can find that view anywhere in the committee's report, I will withdraw my comment, but I doubt that he will. It is misleading, inaccurate and untruthful for the SNP to claim that the committee says that.

Richard Lochhead's playground language this morning is unhelpful to the debate. He has made no useful contribution to the fishing industry in Scotland.

11:43

Alex Fergusson (South of Scotland) (Con):

Today we are debating—almost certainly for the last time in this Parliament—the second major disaster that has befallen rural Scotland during the past four years. The first was the outbreak of foot-and-mouth disease. While I fully accept that the causes do not bear comparison—although one or two of my colleagues might think of the EU as a form of virus—the differences in approach to the crises certainly do.

The most striking difference is that, before, during and after foot-and-mouth disease, the producers, through the National Farmers Union of Scotland, were involved in the decision-making process to such a degree that some people would claim that they were driving the process. The result of that involvement was that the scientific advice—which was by no means always unanimously agreed by the scientific community—was often tempered and enhanced by the practical aspects that the producers could input.

Compare that to the impending disaster that faces the Scottish white-fish fleet today. The decisions that have led up to it have been made in offices in Brussels and Strasbourg, based only on scientific advice that is cloaked in doubt and is looked on with distrust by those who prosecute the industry, the fishermen themselves.

Members do not have to take my word for that. In an excellent, evidence-taking meeting of the Rural Development Committee in Aberdeen on 11 February, the former head of the marine laboratory, Professor Tony Hawkins, said on behalf of the North Sea Commission Fisheries Partnership, which was set up specifically to deal with the conflict between fishermen and scientists:

"The core problem is that fishermen are not sufficiently involved in management. The European Commission rarely listens to them, and they are in effect excluded from the process of deciding on management measures. In essence, the form of governance that we have in the EU is the authoritarian Commission, which has enormous powers and, above that, the political haggling that occurs every

December. Those strong draconian powers linked to the political haggling that occurs over a short time are an awful combination. The fish stocks in the North sea and the fishermen deserve something better than that."—[*Official Report, Rural Development Committee*, 11 February 2003; c 4258-4259.]

He went on to say in response to a question from Alasdair Morrison:

"The situation is fairly unusual. Few people who are involved in industry find that, every December, a group of scientists has given advice to the European Commission that will determine how those people will operate over the coming year, how much they will earn and the difficulties that they will be in. In a sense, such a system over-rates the ability of scientists, who are just normal human beings, like everybody else. It is a mistake for the Commission to rely so closely only on advice from scientists."—[*Official Report, Rural Development Committee*, 11 February 2003; c 4263.]

On top of that, a briefing paper from the Scottish Fishermen's Federation points out that

"Of the four major crises in cod fisheries in the North Atlantic the only one that has failed to recover is the Grand Banks of Newfoundland",

a fishery that was

"subjected to total closure for three years to permit recovery of the stock."

Ten years on, there is no sign of any such recovery, but total closure is the advisory committee on fisheries management's preferred prescription.

Members should contrast that with the drastic action taken in the three other countries to which Stewart Stevenson referred—Norway, Iceland and the Faeroes. Those are fishing-dependent countries that have, in close conjunction with their fleets, turned to innovative measures and secured apparently sustainable futures for their white-fish fisheries.

Elaine Thomson (Aberdeen North) (Lab): Will Alex Fergusson give way?

Alex Fergusson: I am in my last minute. I am sorry: I cannot give way.

If nothing else comes out of the situation, there must be a new relationship between the EU, the Department for Environment, Food and Rural Affairs, the Scottish Executive environment and rural affairs department, the scientists and, above all, the fishermen themselves.

The answer lies in the Rural Development Committee's report, which was agreed unanimously, and the future role of the regional advisory councils, which should become far more than advisory councils only. They should have decision-making powers over how best to manage the available fish stocks to provide a sustainable industry for Scotland's fleet, which is what we should all be about.

I commend the Rural Development Committee's report to Parliament. I also commend the reasoned amendments that have been moved today, despite Richard Lochhead's somewhat liberal interpretation of the Rural Development Committee's findings.

11:48

Elaine Thomson (Aberdeen North) (Lab): On the way to the Parliament this morning, I spoke to several people who, on hearing that we were debating fishing this morning, all said the same thing: "If there aren't enough fish, we have to cut back on fishing."

The statutory instruments that we are debating are harsh. They are not what we would wish in an ideal world. However, if we want to have a sustainable fishing industry and healthy stocks in the North sea, action to reduce fishing effort must be taken. If the Scottish fishing fleet is to get the opportunity to fish for 15 days a month, rather than the original nine days, fishing effort must be reduced by 15 to 20 per cent. That means decommissioning.

The fishing industry, whether offshore or onshore, is not being abandoned. Substantial resources are going into and have gone into trying to support the industry—the original £27 million package of 18 months ago and the £50 million package that is proposed today. To support the industry to the tune of £77 million, plus the FIFG money, is not the act of a Westminster or Edinburgh Government that does not care about fishing.

Danny Couper, conservation officer for the Scottish Fish Merchants Federation, is right when he says that, although the reduction of fishing effort is necessary, it should have been phased in over the past few years. That has not happened and we are where we are. I hope that when the minister returns to Brussels, he will be able to negotiate more flexibility and a more sophisticated system around the current regulations so that he can introduce such measures as kilowatt days, rather than the current days-at-sea system, along with various other measures. I am pleased to hear that progress is already being made on that.

The SNP is once again arguing in favour of delay and of keeping boats tied up for what might be an indefinite period of time, instead of taking the action that is required. In a recent parliamentary newsletter, Richard Lochhead states that the SNP would

"In Week 1 of an SNP Executive, move immediately to renegotiate the current deal and insist a Scottish Minister lead the UK delegation".

When the UK says no and the European Commission says no, what then? Is the SNP

planning to declare independence immediately and pull out of Europe at the same time, in what would be not so much independence in Europe as independence from Europe? That is not real politics and the fishing industry knows it. The formation of the fishermen's party by some skippers clearly underlines that point.

I would mention to the fishing industry an old socialist slogan, "Unity is strength". The fishing industry—catchers, processors and associated industries—needs to work together. It is clear from yesterday's edition of *The Scotsman* that the newly formed Scottish Fishing Services Association is unhappy with the Scottish Fishermen's Federation's proposals. The Scottish Fish Merchants Federation has publicly distanced itself from the formation of a new political party.

Urgent support must be given to processors who have the particular skills to process North sea fish, so that they and their skills survive and the market for Scottish fish, landed by Scottish fishermen, is retained. I hope that the Minister for Environment and Rural Development will pay close attention to the second stage of the action plan put forward by representatives of the fish processing sector.

The needs of any deck hands who become redundant should be considered. The UK Labour Government has paid out nearly £40 million over the past year or two to the fishermen who used to fish off Iceland who lost out when the Tories came to power. They have waited more than 20 years for redundancy money. I know that many of my constituents in Aberdeen North have now benefited from that. That is an act of a Labour Government that cares about the fishing industry.

I would like to think that we can manage the situation better this time, that everyone in the industry can be supported and that we are continuing to take steps to ensure that a sustainable Scottish fishing industry is maintained for the future.

11:52

Dr Winnie Ewing (Highlands and Islands) (SNP): I begin by recording my genuine thanks to all the members from all parties who wrote to me on the death of my husband. I found great comfort in those letters.

I remind the Minister for Environment and Rural Development that, before he went to Brussels for the fisheries council, he got my genuine good wishes for success in those negotiations. He will agree that that is the case. I am disappointed with the outcome of the negotiations, as I am sure he must be, too.

I am sorry that Henry McLeish has just left the chamber, because this point—although I have

made it often—concerns him. He said a few years ago that, when the Scottish interest dominated, the Scottish minister would lead the delegation. Henry McLeish said that on the record, and I have quoted him quite a few times. Some of the other parties do not seem to think that that matters. If, however, the results of a negotiation are that we are fishing on terms less favourable than those for other EU states, we have to remind the minister that he should seek to lead the UK delegation when fishing is involved, as we have two thirds of the UK fleet.

I support the idea that we should not spend whatever money we have on so many redundancies. They are redundancies, because fishermen do not go to do some other suitable jobs—that is a figment of the imagination. Fishermen are fishermen, and they like to pass on the tradition to their families. Now, links that go back over seven generations are to be broken. Think what that does to the fishing communities that I represented for 24 years in the European Parliament, when I was speaking for Scottish fishing interests pretty well alone.

There were four Brits on the Fisheries Committee at the time that I am thinking of—none were Liberals—and they all voted with Spain, time after time and crisis after crisis. It will not surprise members to know that those four lost their seats, because although not everyone represents fishermen, everyone has an enormous fondness for the courage of the men who go out to get our fish suppers. I found it astonishing that the other members from both the big parties should vote with Spain, and the Liberal group, which the Liberal Democrats subsequently joined, was no better.

People have talked about asking skippers to please be kind to the crew, but that is not quite the same as laying down in law a requirement that the crew be included in the package.

Rhoda Grant: Will the member give way?

Dr Ewing: No. I have a lot to say.

I find it amusing that my party and I should be attacked by Rhoda Grant for not being sincere. I have been in three Parliaments—I am happy and proud to be in this one—and I know that that is not the case. My party is known the length and breadth of fishing ports, from Eyemouth up to Shetland, as being totally committed and sincere. No amount of name-calling can undo that hard fact. Go and talk to any crew member. I have probably met most of them during my life, although I may not know some of the younger ones—if there are any younger ones left.

I want to ask one or two questions about flexibility on days at sea. The minister indicated that some flexibility might be coming, but will we

have flexibility on steaming between ports, on landing at designated ports when there is a nearer port, on steaming for repairs, on steaming for rescue operations and on tidal harbour barriers?

In my long career of trying to help fishermen, I have been faced with horrible disasters. Two of those were definitely due to the days-at-sea restrictions, which meant that people went out in severe storms. I fear that that is what faces us again. Can the days not be rolled over as part of that flexibility?

Does the minister agree that there is a critical mass in the number of boats that go to sea? If the number goes below the critical mass of what is sustainable, everything is affected. All the dependent industries will be affected as well as the boats and crew—who may get nothing from the proposed decommissioning scheme. The minister should answer that question.

On quotas, I agree with what has been said. Under the previous decommissioning scheme, the skippers were allowed to dispose of the quotas by selling or leasing them. That must be changed. In the words of the various fishing organisations, the quotas must go back to the industry.

I hope that the minister will not take offence at what I have said. I am genuinely of the view that, unless we negotiate as Scotland for Scotland, we will be faced with the demise of a wonderful industry.

11:58

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I certainly do not question Winnie Ewing's sincerity. I doubt that anybody in the chamber would question her track record and sincerity in fighting for the interests of Scotland's fishing industry.

However, I must say that Winnie Ewing has been terribly let down by her party's official spokesperson for the fishing industry. If the so-called shadow deputy minister for environment and rural development ever gets to be Minister for Environment and Rural Development and proceeds in the way that he is currently proceeding, we will have something great to fear.

I refer to Richard Lochhead's amendment, which makes an outrageous misrepresentation, to which I object. The amendment states that the Parliament

"supports the views of the fishing industry, fishing communities and the Rural Development Committee that the overwhelming emphasis of any Scottish Executive aid package should be on transitional aid—

that is, a tie-up scheme—

"for the fleet and onshore sectors rather than the decommissioning of vessels".

The amendment is a gross and irresponsible misrepresentation of what the Rural Development Committee said. The committee was unanimous in its view. Members can check what I say by reading the report and by looking at the results of tonight's vote, in which the majority of the committee's members will again vote to dismiss the actions of the SNP spokesperson.

We said:

"the Committee strongly urges the Scottish Executive to consider further the balance of the support package between decommissioning and transitional aid."

In the committee we talked about the £10 million to £12 million bracket.

Mr John Swinney (North Tayside) (SNP): Where does it say that?

Mr Rumbles: In the *Official Report*, if the leader of the SNP reads it.

Mr Swinney: Is it the report that we are talking about?

The Deputy Presiding Officer: Order.

Mr Rumbles: That approach is disreputable, disingenuous, dishonest and ultimately dangerous for Scotland's fishing industry.

I take members' minds back to the decommissioning scheme of two years ago. I was unpopular for being a critic of that decommissioning scheme because it did not contain transitional measures. I voted against the scheme.

Now we have a £10 million tie-up scheme before us. I have heard nothing from the SNP about those proposals. We hear that it is not against the decommissioning scheme, but it will not tell us the details of its proposals.

What is the purpose of the actions of the SNP, led by its fisheries spokesman? Yesterday, in the Rural Development Committee, Richard Lochhead forced a debate on the issue. He allegedly felt so strongly about it that he forced a vote. What did he do? He abstained. That is political posturing at its worst.

I return to some of the evidence that the Rural Development Committee received. John Farnell of the European Commission talked about €32 million of aid. However, when Mr Elliot Morley gave evidence, he did not seem to know anything about that €32 million, and I asked him whether he would pursue that. It is worth putting on the record that Scottish ministers should also pursue that issue with Elliot Morley so that we can get our rightful share of that aid.

I need only a moment to discuss the Conservatives' proposal. They would not have a decommissioning scheme. We heard that from

Jamie McGrigor today and that is a grossly irresponsible way of protecting our fish stocks.

Mr Andrew Welsh (Angus) (SNP): Will the member take an intervention?

The Deputy Presiding Officer: No, the member is in his final minute.

Mr Rumbles: Unfortunately I do not have time.

The fishing industry is so concerned about the SNP's ineffective position that the new fishing party is putting up a candidate in the north-east regional list in order to knock Richard Lochhead out of the list.

Richard Lochhead: Will the member give way?

Mr Rumbles: I would if the Presiding Officer would let me.

The Deputy Presiding Officer: No, I am not having a bidding process for additional time. Members are well aware that Mr Rumbles is in his final minute.

Mr Rumbles: I look forward to the new political party knocking Richard Lochhead out of the list.

The industry cannot rely on the SNP or the Tories. The Scottish Executive—Labour and Liberal Democrats together—is fighting the Scottish fishing industry's corner and has produced an incredibly good financial package, especially when it is compared with what was available two years ago.

12:03

Phil Gallie (South of Scotland) (Con): It is really disappointing to follow Mike Rumbles. He spoke for three minutes and 28 seconds and all he did was criticise Richard Lochhead. This debate is very important to the future of our fishing industry. For a member to spend so much time slagging off another member is ludicrous.

During the previous debate on this issue, Ross Finnie suggested that my speech was rather dated and that it could have been one that I used 10 years ago. He is perceptive, because that is the point that I was trying to make. Over the years, the fishing industry has faced crisis after crisis and stock control has been one of those crises. Ten years ago, the problem was prawns. That problem was rectified. The prawn stock is now healthy, but where did the solution come from? It did not come from listening to the scientists and going along with European diktats. The solution lay in the hands of the fishermen themselves, for example, with the weekend ban in the Clyde estuary, changes in net sizes and different fishing techniques.

The SSIs disappoint me, because we seem to be ignoring the fishing communities' pleas. The

SSIs undermine the fishing industry and sound the death knell for white-fish fishing as we have known it over the centuries, particularly in the north-east. There must be changes. To some extent, the SSIs could be seen as an SOS for the fishing industry—save our stocks. In fact, when what decommissioning means in practice is analysed, they can be understood to be saying, “Sink our ships.”

If we consider the preservation of stocks, the decimation of our fishing fleet and the fact that—whether we like it or not—the Spanish are building new vessels with our taxpayers’ money, we must recognise that something is wrong. We must also recognise that saving our stocks is liable to benefit others in wider Europe rather than us in Scotland or Britain.

I want to offer something constructive. Richard Lochhead’s amendment offers a method of providing a logical way ahead. It offers movement between the decommissioning money that has been laid aside and the money that will be used for transitional purposes.

I shall draw on my own past practical experience in the power industry. At the beginning of the 1990s, that industry was sadly obliged to mothball a major power station. If the situation ever turns, the methods that were used and the preservation steps that were taken to mothball that power station will allow it to come back and its major elements to be put to good use again.

In the same way, transitional payments in the fishing industry could be put to good use by allowing some of our fishing vessels to be laid up and preserved in the longer term. That would have other benefits, as business for the back-up industry would be provided to the men who go to sea. Such a method would have merit and give hope for the future, particularly if we ever recognise that the cod stocks have grown again. We could then take boats out of preservation and put them back to sea.

The money could be better spent. Although £50 million is of value to the industry and it would be hard for any member to vote today against taking that cash, we ask the minister to reconsider the way in which he intends to spend it. Although I do not belong to the same party as Richard Lochhead, I recommend his amendment, which contains constructive proposals.

12:08

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I am delighted to see Winnie Ewing back with us today. That may seem an odd thing to say in a pre-election phase, but like Mike Rumbles I believe that no one can doubt Winnie’s commitment to the fishing industry in Scotland. I

do not know whether Dr Ewing’s speech was the last that she will make in the Parliament—I hope not—but I will miss hearing her speeches. I may not agree with her on many points, such as independence for Scotland, but I know quality when I see it.

Dr Ewing: Perhaps we will agree when we debate the Gaelic (Scotland) Bill tomorrow.

Mr Stone: We shall see.

I am sorry that Tavish Scott, who was due to speak in today’s debate, is not with us today. Because of the vagaries of air transportation and breakdowns, he is stuck in Shetland, so I am replacing him.

This morning I took a telephone call from Mr William Calder, whom Dr Ewing may know. Mr Calder runs a thriving, successful fish business in Scrabster that employs some 20 people; I admire everything that he does. He has again urged that there should be flexibility in the amounts allocated to transitional support and decommissioning—£10 million and £40 million.

I associate myself with the remarks that Iain Smith made about displacement and with Dr Ewing’s argument for buying back Scottish quota, so that it remains Scottish quota. We should consider that.

I will make a slightly personal point about the community of Kinlochbervie in the county of Sutherland. I stress to the minister that a light touch is essential in providing transitional support to different communities, because different communities have different weaknesses and strengths. Kinlochbervie can be contrasted with Lochinver, which does well from the French and Spanish boats, and with Scrabster, which benefits from Faroese landings. As Kinlochbervie relies on the home fleet, it is particularly at risk.

There is not much else in the way of jobs in Kinlochbervie and its school roll is falling. If we are not careful, we could put a community such as Kinlochbervie into fatal decline. I ask the minister to encourage his officials to consider the variety of our communities and to consider different solutions for different communities.

Mr McGrigor: Does the member agree that it is scandalous that some fishermen from Kinlochbervie have been left with 2 per cent of the deep-sea species quota?

Mr Stone: The situation is difficult in Kinlochbervie. My colleague John Thurso MP and I have written to the minister to stress the necessity of addressing Kinlochbervie’s interest, which I have outlined. That community has not much else.

In some communities where fish landings have declined to almost zero, such as Wick, problems

have been dealt with through extra money. I make no apologies for flagging up the community of Helmsdale in my constituency. The harbour there is in a sorry state and the day when it is closed might not be far off. Regardless of whether a tie-up scheme or decommissioning is undertaken, Helmsdale might have almost nothing. I ask the minister, in implementing the transitional support scheme, to work closely with the local enterprise network and with everyone whom he can, including Highland Council, to deal with Helmsdale's problems. In that way, the minister might add to his £10 million.

I repeat what Mr William Calder said to me. I acknowledge the minister's offer of flexibility and I would be grateful if he continued with that line.

12:12

Mrs Margaret Ewing (Moray) (SNP): I join others in welcoming my mother-in-law back to the chamber. As the minister has said, no fishing debate seems complete without Winnie Ewing on her feet. She has a reputation that is second to none for fighting for the fishing industry, for the fisherfolk and for communities not only in the Highlands and Islands, which she has represented, but the length and breadth of Scotland. It is much appreciated that people have recognised that.

Winnie Ewing's speech contrasted severely with some of the rudeness from other members, many of whom have left the chamber. They made personal attacks on our SNP front-bench spokesperson on the fishing industry. I live in a fishing community and I know that rudeness is not part of the psyche of fisherfolk. They want a fair deal.

In the weeks over which the Rural Development Committee has taken evidence—I have been a visiting member on Alex Fergusson's committee—and in all the fishing debates in which I have spoken, we in the official Opposition have emphasised constructive ideas to get us out of the agreement with which the minister returned from Brussels. We have emphasised that we are not against the concept of decommissioning, but the package is wrong. It puts too much emphasis on redundancy. That is why we have published a consultation document called "Recovery, not Redundancy", which is circulating in our fishing communities. That is what we ask the Executive and the Government in Westminster to focus their ideas on.

The minister has consistently said that the 2001 decommissioning scheme was effective and successful. It might well have taken many vessels out of the fleet. I will give the minister some statistics that were produced for me by one of my

skippers from Hopeman in Moray. They are in a document called "Fish on Dummy Vessels" and relate to the quota issue that I have raised several times with the minister. The dummy vessels have more than £7 million worth of white fish because the quotas have not been transferred. It seems that nothing is being done about that. Unless we address the quota issue and ensure that quotas are kept here in Scotland, we will continue to see more "slipper skippers", as they are known. The issue of quotas is vital.

I turn to the money for transitional aid. Like others, I have been visiting my coastal communities regularly, discussing the issue with the chandlers, the bakers, the butchers, the fruit-mongers—the list is endless. There is a concern about whether the network of enterprise companies will be effective enough in distributing any transitional aid available in areas such as my area of Moray, Badenoch and Strathspey. What criteria have been applied to the transitional aid? I am not speaking to people who want to learn how to play with computers; I am learning about people who want to retain their skills and pass them on in their communities. I believe that the criteria must be set out much more firmly to ensure that the skills are retained in our fishing communities.

12:16

Mr John Home Robertson (East Lothian) (Lab): I join other colleagues in their tributes and welcome to Winnie Ewing. I seem to remember that when first I went to the House of Commons in 1978 I heard her speak in a fisheries debate; she is still at it and we are delighted to see her here today. I endorse what she said about the fact that people throughout Scotland have high regard for fishermen and special respect and affection for our fishing communities. My main concern is for my constituents who fish the Firth of Forth and the North sea from Port Seton, Dunbar and Eyemouth. The respect of the people and the concerns that have been expressed in the debate underline the case for the further commitment of £50 million to assist fishermen and to provide for the necessary decommissioning and support for fishing communities at this critical time.

We know that Ross Finnie had a very difficult time at the fisheries council in December, at which he had to negotiate the "least worst" deal for Scotland. I know from experience what a difficult forum the fisheries council can be. I think that Hamish Morrison went so far as to compare Ross Finnie to the archangel Gabriel. I would not necessarily go quite that far, but I think that he had a difficult task to do and that he achieved as much as could be achieved under the circumstances.

I remind members that politics at every level is the art of the possible and that diplomacy can sometimes achieve a little bit more. I am not sure that the members on the nationalist and Conservative benches have really grasped that point: blustering and name-calling, of which we heard quite a bit from Jamie McGrigor and Richard Lochhead, might get a few cheers on the pier head, but do not help to get a better deal for the future.

Stewart Stevenson: Is the member aware that Denmark, a nation that is roughly the size of Scotland and which was successful in the recent negotiations, had 148 officials in Brussels? Would he care to tell us how many represented Scotland?

Mr Home Robertson: I was not there, so I cannot possibly answer that question. My point stands: If we want to succeed in negotiations we have to win friends and influence people, and calling people names does not really help very much. Everybody who has spoken in the debate cares passionately about fishermen and fishing communities and wants to achieve a secure future for the fleet and the processors. Everybody who has spoken has made those points eloquently—I refer in particular to my colleagues Rhoda Grant and Elaine Thomson; I have already referred to Winnie Ewing's comments

There is one inescapable consideration that any fishing minister of any party must face up to—none of us can ignore the clear scientific evidence on the depletion of important fish stocks. It is difficult to think of anything more short sighted than knowingly to permit the irrevocable destruction of valuable fish species.

Phil Gallie: Will the member give way?

Mr Home Robertson: No. I am a little short of time, I am afraid.

The Deputy Presiding Officer: I am still in a position to compensate for interventions.

Phil Gallie: I thank the Presiding Officer and John Home Robertson. Given the scientific evidence that exists, I cannot understand how our European colleagues—to whom we must be nice and with whom we must negotiate—can possibly sustain industrial fishing of the North sea, which takes the feed stock of the cod. If Ross Finnie had had that acknowledged, we would all have a little more respect for the decision that was taken.

Mr Home Robertson: I would not disagree with anything that Phil Gallie said on that point. I cannot comprehend how such an industrial fishery can possibly be sustainable—the Commission must return to that issue.

My key point relates to white fish and cod. Somewhere in Canada, there is a retired

fisherman who killed the last breeding cod on the Grand banks. The purpose of the proposed measures is to ensure that the last cod in the North sea does not end up in a fish box somewhere. That is what we are trying to address.

I pay tribute to Scottish fishermen for their enthusiasm for technical conservation measures, such as square-mesh panels. However, there has been far too much evidence of misreporting and black fish landings in previous years, and far too many fish are still being discarded at sea. We can blame the common fisheries policy, the European Commission, foreigners or even our politicians as much as we like, but the fact is that fish stocks are under pressure because of overfishing by fishermen from a number of countries, including Scotland.

The present round of further decommissioning, reduced total allowable catches and fewer days at sea is painful for the industry, especially for crews and processors. The purpose of the £40 million decommissioning scheme is to buy up the vessels that must come out of the fleet to bring its capacity into line with the fish stocks that are likely to be available for sustainable fishing; Richard Lochhead needs to understand that point. There is no point in talking about boat numbers; the crucial factor in the consideration of fisheries is fish stocks and the availability of fish for harvesting from the sea.

In recent years, there has been a tendency for restructuring to concentrate an even greater proportion of the fleet in the north-east of Scotland. I urge the minister to be careful to ensure that smaller ports on the west coast, on the Firth of Forth and on the islands can keep enough boats to secure a future for the industry in those areas.

The second statutory instrument will provide £10 million for transitional support. That represents an important demonstration of the Executive's commitment to helping the industry to survive and develop a future for sea fishing in Scotland. Sea fishing has great potential and we want to develop it. The transitional support package is a substantial commitment of hard cash to help fishing communities to cope with hard times after a grim fisheries council. We all hope that it will mark the beginning of the end of a long downward spiral for the fishing industry. The statutory instruments we are considering represent a clear demonstration of the Executive's commitment; the Labour party welcomes them. I am delighted that Andy Kerr, the Minister for Finance and Public Services, has been able to make available a £50 million package for fishing communities in Scotland.

The Deputy Presiding Officer: I call Alex Johnstone to close for the Conservatives. You have six minutes, but you do not need to take it all.

12:23

Alex Johnstone (North-East Scotland) (Con):

Six minutes is more than I expected. Thank you very much, Presiding Officer. I mean that with all my heart.

At the outset, it is essential that I associate the Conservative party with the remarks that have been made by members of all parties about the welcome return of Winnie Ewing. It is an appropriate day for her to return, because we might be discussing fisheries issues for the last time in this session of Parliament. Such issues exercised Parliament in its formative days four years ago, and have continued to exercise it throughout the four years of its first session. Winnie Ewing has brought her experience to the debate; it must be a matter of regret to her that she has seen brewing throughout her political career the situation that we are discussing.

It is a matter of enormous regret that we find ourselves in a situation in which the white-fish stocks in the North sea have necessitated a move towards the type of solution that we are considering today. In previous debates, we have often discussed the science that lies behind decisions on fisheries. Although few of us would dispute the science, many of us would dispute the interpretation of that science. However, it is unequivocally and undeniably the case that we must act to deal with the situation that we are in, which is why I must give a reluctant welcome to the fact that the minister has been able to introduce proposals for two schemes that are designed to give transitional support during a difficult period, and to introduce decommissioning to reduce the catching effort all around Scotland, particularly of white fish in the North sea.

The problem that we have with the schemes is their proportionality, one to the other, which makes it difficult for us to give the Executive the support that it wants at decision time tonight. We have heard, from Iain Smith and Rhoda Grant among others, that there is concern throughout the chamber about the balance between the two schemes. To dedicate £40 million to decommissioning and £10 million to the transitional scheme could cause distortion. I welcome the minister's promise that he will include measures to ensure that there will be no movement of effort from white fish to nephrops, but had the scheme been properly balanced in the first place, that would not have been a problem. It is essential that we avoid that displacement, particularly to the small ports about which concern was expressed by people such as John Home Robertson and members from the Highlands and Islands.

Stewart Stevenson introduced an element to the debate that makes us less able to find the

unanimity we need today, when he brought us back once again to the old SNP policy of supporting everything that Europe decides to support except where that relates to the fishing industry. As an aside, Stewart Stevenson mentioned one or two countries that he newly wants to compare Scotland to. He praised the Faeroes, Iceland and Norway for the way in which they handled their fisheries, but I remind him that none of those countries is a member of the European Union. That is why we welcome members on SNP benches who have been converted to our view that it is high time that Scotland's fisheries were Scotland's responsibility.

Richard Lochhead: I would like the member to clarify whether his party's policy is now that control of Scotland's fishing grounds should come to the Scottish Parliament and not to the Westminster Parliament, as was its previous policy until today.

Alex Johnstone: We have not changed our policy. We believe that national and local control over fisheries is essential. We accept that fisheries are a devolved issue, by and large, and that the responsibility to return them to national control lies with the minister who is accountable to the Scottish Parliament.

Mr Lloyd Quinan (West of Scotland) (SNP): Does the member agree that the time has come for the UK Government to seek the same status for the Scottish fishing industry and Scottish fishing waters as Spain negotiated for the Canary Islands?

Alex Johnstone: It would take rather longer than the time that is available to me to compare Scotland's situation to the Canary Islands' situation. However, it is unlikely that we would be able to consider that matter during a debate in which we are discussing relevant statutory instruments. At this point, we can leave that matter for discussion later.

At the end of the day, it is difficult for the Conservatives to vote against measures that will provide the promised £50 million of support. I would like to hear in the minister's closing remarks an explanation of what could be done to satisfy demands from the Conservatives, the Scottish National Party and from many members on his back benches, that more of that £50 million should go into transitional support and less to decommissioning. If our industry is to have a future and if it is to be able to survive on the stocks once they have recovered as a result of the proposed plans, we must have an industry. Too many of us are concerned that the balance of the measures will result in our having no industry. I ask the minister to explain what flexibility he has.

12:29

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): The underlying theme of the debate is whether the documents that are before us amount to a package that is a survival kit or disaster relief. Members who have argued for the survival-kit option do not seem to have predicted confidently that we have before us an option that is likely to secure the survival of the white-fish fleet. There seems to be a lack of confidence that the proposals will achieve that objective, so I want to try to be constructive.

The Rural Development Committee produced a report that has much to commend it. The report urged the Executive to explore all possible means of providing decommissioning funds that would reach crews and unsecured shoreside creditors. It is disappointing that the minister has not taken up that suggestion and although I do not wish to suggest that skippers will not be willing to assist their crews—I am sure that the vast majority will—it is insufficient simply to ask and hope that they be generous.

Rhoda Grant: Will the member give way?

Fergus Ewing: Oh, all right. *[Laughter.]*

Rhoda Grant: That was somewhat reluctant.

Does Fergus Ewing think that skippers, as employers, should have no responsibility for the people whom they employ? Does he think that that should extend to other industries? He should make that perfectly clear.

Fergus Ewing: No 1; I am afraid that skippers are generally not employers because, by and large, crew members are self-employed, so the premise of the first question was wrong. No 2, I have just pointed out that the Rural Development Committee said that crews should get help; I said that the committee asked the minister to explore the means through which they might receive help, and to find those means through legislation. The minister declined to do so and has ruled it out because it is too difficult. He said that yesterday afternoon.

The committee also strongly urged the Executive to consider further the balance between decommissioning and transitional aid in the support package. Mike Rumbles spent his whole speech attacking Mr Lochhead—Mr Rumbles's whole speech seemed to me to be irrelevant. He is not in the chamber now, but I hope that he never appears on the Radio 4 programme, "Just a Minute", because every time he opened his gob he would be ruled out automatically for deviation—*[Interruption.]*—never mind for repetition, as I hear some of my colleagues point out.

Balance is at the roots of the debate. Every single representative body of which I am aware in

the industry has said that the package is not properly balanced. I believe that the SFF has suggested that a 50:50 balance would have been more appropriate, or that £25 million for decommissioning would have been sufficient. I am surprised that the industry's detailed submissions have not resulted in some movement from the Executive. Of course, the instruments do not specify the amounts of aid, so there is hope that there can still be movement from the minister. I do not believe that his responses yesterday to the Rural Development Committee—in which he dismissed the arguments that have been put by the whole industry—cut the mustard. I hope that the representatives who are here today will make further attempts to bring about a change.

Justification for the deal, which the minister himself described as crude, inequitable and unfair, has been given by many members, including Elaine Thomson and John Home Robertson. John Home Robertson referred to the fact that we have what he called "clear scientific evidence". I argue—I am sure that Tavish Scott would have argued the same had he been able to be here today—that there is nothing clear about the science. That is the point.

We should listen to the remarks of Professor Tony Hawkins, the former director of the Government's Fisheries Research Services. He is the man who advised the minister at the beginning of the Parliament, but he no longer occupies that role and is able to speak out. When he spoke out, what did he say? He said that the science about separation of stocks is "poor and uncertain". He did not say that it is clear and unequivocal information that we must automatically accept, act upon and implement in every single circumstance; he said quite the opposite. He said that the science is "poor and uncertain"—it is "poor and uncertain" in relation to the separation of stocks.

The element of the deal that is most objectionable is the fact that the cuts for cod were replicated pro rata on other white-fish species. I want to hear in the minister's summing up what efforts he is making and what input he will make to the April review of evidence. I want to know what efforts he is making, following the SFF representations, to ensure that we decouple the haddock and other white-fish species quota reductions from those for cod. Does the minister accept that there are now more haddock in the North sea than there have been for three decades? Will he go to the Commission and argue for an increase in the quota? I fear that he will not, although I hope to be proved wrong. I ask him to answer those questions.

That brings us back to a point that the minister made, which was that it is intended that the £10 million is to be spent over six months. What will

happen when the six months are over? If quotas are not increased, skippers will not be able to go to sea and will be forced into decommissioning or—if they do not qualify for decommissioning—bankruptcy. There is no guarantee that every skipper who applies for decommissioning will meet the criteria. I hope that the minister will address that issue in his concluding remarks.

There has been much talk about SNP members in the debate and the fishermen's party has been mentioned. The convener of that party has said—in respect of the SNP's role and its good faith—that the SNP has fought harder than any other party for the fishing industry and that it should be congratulated on doing so. It is churlish and unconvincing to suggest that we do not speak for the fishing industry, as some members have suggested. Over many years, all SNP members have tried to do their best.

What we need is simple. We need a Scottish Executive that will fight for Scotland in Europe, build diplomatic alliances and send a sufficient number of civil servants to negotiations, as Denmark does—Stewart Stevenson mentioned that. We need a Scottish Executive that regards fishing representatives as friends and allies and equivalent to advisers and civil servants, and that will use their advice and expertise in negotiations, rather than allow the French to tell our representatives what is going on at negotiations. In short, we need a Scottish minister who is not hampered by Mr Eliot Morley—in whom we have little or no confidence—or by a Prime Minister who does not even know how many jobs there are in the fishing industry. He said that there were 14,000 jobs in the industry, but there are 44,000—perhaps he should take a little time off from dealing with the inevitable war with Iraq and spend more time standing up for the Scottish fishing industry. We need a Scottish minister who will represent our industry; very soon, there will be an excellent opportunity to ensure that that is what the Scottish fishing industry has.

12:37

Ross Finnie: I am glad that the debate has raised some broader issues and issues of genuine concern—in particular, I refer to the issues that Winnie Ewing mentioned. At the previous debate on fisheries, I expressed our sadness at her singular absence in awful circumstances.

Winnie Ewing raised two safety issues and discussed the definition of a day—which relates to harbour and tidal issues—and flexibilities that are required for safety. Fergus Ewing has recently raised those matters with me in the Rural Development Committee and we are trying to address them.

Alex Fergusson, Iain Smith, John Home Robertson and other members raised broader issues, including wider fisheries management issues. We all understand that we can discuss matters relating to the powers of regional advisory committees and whether treaty changes are required to give them powers. We must focus on the way forward and we must be clear about what we are trying to do.

However, we must—regrettably—focus today not on those important broader issues, but on the two instruments that are before us. It is imperative that we secure amendments to annexe XVII as it stands and I have told members about the progress that we hope to make in that regard. To answer Fergus Ewing partially on long-term revision of annexe XVII, I am absolutely determined that we give priority to trying to put proper proposals on the table for long-term revision to be discussed. However, if we are going to succeed in getting proposals on the table in Europe, and if we are going to build new bridges, we must be clear what our negotiating stance is. We must be clear what we are saying to the Commission and to other member states about our attitude, not just to the fishing industry, but to the important matter of conservation. I shall return to that.

First, on decommissioning, I have spoken to many fishermen and organisations in the past few weeks and I understand that if we ask the simple question, “Do you want decommissioning?” the answer is—not entirely surprisingly—“No. Well, maybe a little, but not a lot”. That is an understandable reaction. However, the job of the Government is to do what we have consistently tried to do, which is to consider both sides of the equation. We must take steps that will ensure conservation of our fishing stocks and we must have measures in place for a sustainable fishing industry.

It is difficult to decide to respond positively to the action that is required by the scientific evidence. Of course one does not want excessive decommissioning and I must stress that we are seeking to decommission 15 per cent of the fleet. I do not find it helpful when Phil Gallie talks about different varieties of SOS or when Fergus Ewing says that on the one hand we are talking about a survival kit and on the other the destruction of the fleet. There is no intention to destroy the fleet, but we must face up to the harsh reality, which is a difficult issue for Government. We have to take hard decisions and we have had to take one in relation to decommissioning.

Richard Lochhead: At yesterday's Rural Development Committee, the minister said that decommissioning would increase the profitability of vessels that continue to fish. Will the minister

explain how that can be the case, given that he has no plans to take the quota from the decommissioned boats back into the national pool?

Ross Finnie: The member knows well that trading of quotas was established by the fishing industry. He also knows well that proportions of quotas have been traded. Those quotas will continue to be traded and will become available.

Richard Lochhead: Why?

Ross Finnie: I do not control the market—I am trying to make a proposal on the difficult matter of trying to secure the maintenance of the stocks, which are ultimately the key factor in whether there is a profitable industry.

On transitional aid, it is not just a question of the difficulty of assessing each individual business; transitional aid of this nature must satisfy the tests of state-aid rules. It must do so in direct relation to the impact on the fishing fleet by reference to the fleet's historic record, by reference to its dependence on white fish and by reference to its use of the gear that is specified in annexe XVII. That clear method brings that support within the rules of state aid and makes it more likely that we will be able to give it quickly, effectively and efficiently.

Phil Gallie: I ask the minister, in a constructive way, whether he has considered mothballing or preservation as opposed to decommissioning?

Ross Finnie: The cost of long-term mothballing and the provision of long-term permanent support are a different proposition. The member might wish to expand on whether that is his policy. What we are trying to do is clear: we are giving transitional support to assist people to make decisions. On the stock issue, reducing fishing effort is absolutely imperative.

Mr Welsh: Will the minister take an intervention?

Ross Finnie: No. Let me move on.

On the amounts of money, it is not just about the Executive having made available £50 million in this particular package. The Executive is committed to spending £70 million of FIFG-related funds between 2001 and 2006. It has previously committed to its other assistance package. In other words, the Executive has committed to spending £140 million in total, which is a substantial commitment to the measures.

Members were much concerned about displacement. I can only repeat that, in giving transitional aid, there will have to be the prospect either of not granting aid or of removing aid from people who break certain conditions.

Jamie McGrigor suggested that we should

approach Europe with a 3 per cent decommissioning scheme, but that would be laughed out of court because of the evidence on stocks. If we did that, we would not regain credibility in Europe nor would we be able to progress our argument in any way. Jamie McGrigor must be careful in taking the grandstanding position of saying, "It's dead easy—we won't have any decommissioning and we'll just give all the money to fishermen." Mr McGrigor does not face up to the reality, which is that we must deal with the conservation issues.

Mr McGrigor: There has been no consideration of the fact that 100 vessels were decommissioned last year.

Ross Finnie: Of course there has. The figures take account of the previous decommissioning, although the calculation was regrettable and was not done in the way that I would have liked.

Richard Lochhead: Will the minister consider the impact of the transfer of licences from the white-fish sector to other sectors such as the pelagic sector, and of the likely forthcoming transfers, given the ordering of 11 new pelagic boats for the Scottish fleet? Will the minister measure that impact and not be put off by the so-called disproportionate costs of that measurement?

Ross Finnie: I will take account of that impact and of any disproportionate costs. However, the transfer is not an alternative to our policy, as Mr Lochhead suggested in his earlier remarks; it is an issue that might be taken into account.

Richard Lochhead: It is a different policy.

Ross Finnie: It is not an alternative. The factor must be taken into account as and when it occurs.

Other issues were raised. We have dealt with displacement, which caused trouble. Margaret Ewing mentioned tradability of quotas. As I have said previously, we must accept that the evidence shows that the industry continues to trade quotas. With due respect to Margaret Ewing, the present evidence does not suggest that slipper skippers are impeding movement in that regard.

We are in a difficult position and we have to make difficult decisions—we must decide what to do to respond immediately to the situation that faces us. I put it to members that, given that yesterday we were given the power to implement the days-at-sea regulation, it is absolutely imperative that we demonstrate clearly that we are serious about squaring the circle of conservation effort and providing long-term sustainability for our fishermen.

We should not use silly phrases. Of course the measures will directly affect a huge number of people in the white-fish sector, but we should not

talk down the whole industry. To use the figure of 44,000 people is to envisage the total collapse of the nephrops, pelagic and demersal sectors—we must be careful that we do not talk down the whole industry.

Fergus Ewing struck a positive note to start with, but we must not get into the issue of how many officials were present at the negotiations, when the Danes happened to have the presidency. I suspect that if we had had the presidency, we might have taken more officials. We should not go down to that level, but stick to the high-level issues and try to elevate the debate so that it is about the importance of the fishing industry, of giving a conservation boost and of providing interim support. Those are the issues on which we should focus; we must not get dragged down into peripheral issues that are irrelevant to the debate. We must instead consider seriously what the Executive is doing. We have made a fundamental commitment to the industry, which is backed up by hard cash. I invite the Parliament to support both motions.

Motion S1M-3959 moved,

That the Parliament agrees that the Sea Fishing (Transitional Support) (Scotland) (No.2) Scheme 2003 (SSI 2003/116) be approved.—[*Ross Finnie.*]

Amendment S1M-3959.1 moved, to insert at end:

“but, in doing so, supports the views of the fishing industry, fishing communities and the Rural Development Committee that the overwhelming emphasis of any Scottish Executive aid package should be on transitional aid for the fleet and onshore sectors rather than the decommissioning of vessels, and urges ministers to respond positively to the proposals by industry representatives on how this can be best achieved.”—[*Richard Lochhead.*]

Transport

The Presiding Officer (Sir David Steel): The next item of business is a ministerial statement by Iain Gray on the “Building Better Transport” report.

Phil Gallie (South of Scotland) (Con): On a point of order, Presiding Officer. Before Mr Gray starts, I seek agreement from other members about the temperature and atmosphere in the chamber, which I believe are much improved today. Given the power failure earlier, perhaps the heating has been changed to a different regime. If other members agree, perhaps you will consider the heating arrangements for the chamber.

The Presiding Officer: That is an unusual point of order, but I take the member's point and I will look into the matter. I know that members have complained about the heating in the past.

12:50

The Minister for Enterprise, Transport and Lifelong Learning (Iain Gray): Last year, the transport delivery report focused our effort in transport on three main themes: tackling congestion; improving integration and accessibility, including lifeline links; and providing vital missing links in the transport infrastructure. We promised to report on progress and “Building Better Transport”, which was published today, is that report. “Building Better Transport” describes progress and the way forward in five key areas: economic growth, accessibility, integration, new ways of working and developments for the future.

Transport is vital to us all and underpins every aspect of our lives, but I begin by talking about its importance to economic development. Economic growth is firmly at the top of the Executive's agenda and I am determined that we will stimulate growth in the economy to generate wealth, to create jobs, to reduce unemployment and to give ourselves a competitive edge in the global marketplace. We have listened to business, which says that it needs a first-class transport infrastructure to support economic growth. We are now investing in exactly that alongside our investment in research innovation and the skills of our people.

The announcement of the Scottish budget in September was a defining moment. The decision to allocate record funding to transport has been the biggest single factor in enabling us to move forward. The budget placed transport at the heart of our strategy for economic growth. It was a budget to stimulate growth in our transport systems, to invest in our public transport and to give businesses better opportunities to access their markets.

The transport budget will rise by more than 50 per cent in the next three years and reach almost £1 billion a year by 2006—an unprecedented increase by any standards. That huge uplift in transport spending has given us the assurance that money is available to fund the major infrastructure projects that business and Scotland need. Securing those resources has given us the confidence to plan and budget for the long term.

With a stable macroeconomic environment, low inflation, low interest rates and increased public spending, we have an unprecedented opportunity to invest in our transport infrastructure, to provide the freer movement of people that our economic development strategy demands and to link the work force to the labour market and Scottish business to the world. With the security of the new levels of funding, we can now plan properly for the longer term. We are developing a strategic investment plan that will enable the Executive to make commitments to major capital projects that extend beyond the standard three-year budgeting cycle, adding up to some £3 billion of transport improvements over the next 10 years.

Combined with that longer-term commitment will be a new approach to active management of financial flows over the longer term, with some additional end-year flexibility for the major capital projects. That means that, over the next 10 years, we will be able to use that £3 billion to invest in the biggest package of transport infrastructure investments that we have ever seen. Although resources are not limitless, I am certain that the transformation of Scotland's transport infrastructure will be well under way by the end of the decade.

For example, yesterday I was able to announce that the Executive would guarantee £375 million for Edinburgh's transport infrastructure. That substantial investment will ensure that funding is available for at least the first new tramline in the city. The investment is also irrespective of any decision that might be taken on congestion charging. Edinburgh's tram proposal will be one of the first public transport schemes to benefit from the new, longer-term approach to planning. The same long-term planning horizon was applied when we committed ourselves to funding the strategic elements of the Aberdeen western peripheral route.

Building on significant investments that were made prior to the spending review—such as the completion of the M74, the M77 and the Glasgow southern orbital route—we have given firm commitments to upgrade the A8 and A80 to motorway status, to build the Aberdeen western peripheral route and to reinstate the Airdrie to Bathgate railway line. We are also pressing ahead with rail links to both Glasgow and Edinburgh

airports. We have received the report from the consultants and in the next few weeks I should be in a position to make decisions about both airport rail links. We have invested £1 million in the redevelopment of Waverley station and supported the Waverley railway partnership with more than £2 million to develop the case for the Borders railway line and to secure parliamentary powers. All those projects should benefit from our longer-term approach to budgeting and financial planning.

One of my key priorities is to deliver the new Scottish passenger rail franchise. Good progress is being made in partnership with the Strategic Rail Authority to deliver the next franchise. Later this month, I expect to be able to announce the shortlist of those who will be invited to bid for the franchise. However, we are not prepared to hang around and we are investing in immediate improvements to our rail services. We announced in December our single biggest railway investment to date, which will deliver 22 new trains, more drivers and more reliable journeys on the network. That investment will make a real difference to the transport system and the economy of Scotland.

The delivery of Edinburgh Park station, which is at the heart of Edinburgh's financial services sector, threw up the problem of performance penalties, because creating a new station extends journey times, which carries a financial penalty. Working with the rail regulator and the SRA, I broke that impasse and secured agreements that prevented the financial penalties from being levied. In addition, we agreed to fund fully two additional trains to enable new Edinburgh Park trains to operate without creating delays to other services. We will ensure that those and other lessons are learned so that we can improve the speed of delivery of other rail projects.

Sustainable development is fundamental to our transport vision and thinking and is vital to reducing our use of resources, making better use of our energy and tackling congestion. We have committed to freight facilities grants totalling £47 million and have provided £12 million for the new rail-freight hub at Grangemouth. We have invested £11 million in the Rosyth to Zeebrugge ferry connection, which has helped to stimulate tourism from and trade with Europe. Those grants and investments are a huge boost to the economy and the tourism industry and will get a greater number of heavy lorries off our roads.

Buses, too, play a key role in our economy. They carry more passengers than any other form of public transport does and the number of bus passengers has increased in each of the past three years. Through the bus service operators grant, the Executive pays grants of £50 million a year to the bus industry. In addition, to increase accessibility to transport and to lessen social

exclusion, we introduced free concessionary bus fares, which have enabled more than 1 million older people and people with a disability to enjoy local off-peak bus travel and have easy and free access to amenities.

Safe and reliable transport services are vital, but people also need excellent travel information to make the best use of them. Traveline Scotland was created to meet that need and it now deals with more than 16,000 telephone and online inquiries a week and provides timetable and journey-planning information for all modes of public transport throughout Scotland.

We are investing to make transport more accessible and inclusive. We live in a diverse country where our island and remote rural areas require different transport solutions. We continue to invest heavily in Highlands and Islands Airports Ltd, to support the air network across the country and to use public service obligations for the maintenance of key links to remote areas. The new interim route development fund will help to stimulate new routes from the Highlands and Islands to other parts of the country and between various airports and the continent. Having direct links to Scotland from the continent and further afield is crucial for business and for attracting more visitors here from overseas.

Our support for lifeline ferry links is at record levels, which means new ferries for Orkney and Shetland, investment in new piers and harbours and the tendering of the Clyde and Hebrides ferry services. That support will protect fares and lead to important service enhancements. Those key economic and social lifelines remain high on our agenda. We are making real and significant progress in delivering the key transport projects that Scotland needs.

We are doing all that we can to increase the speed of delivery, but it has to be recognised that a detailed and intricate process is involved in taking the initial idea of a new road to the eventual opening of that road. In the case of railways, the number of players involved is greater, the legislative process is more complex and the experience of building new lines is almost non-existent in Scotland. We must consider new ways of working that will bring about real change and move more quickly from inception to completion. That is likely to involve considering the legislative process for rail enhancements and financial planning processes. However, I am determined that we will do whatever is needed to improve transport in Scotland.

The "Building Better Transport" report is about taking a long-term, strategic view. It is about a £3 billion improvement in transport infrastructure. Above all, it is about delivering better transport for the benefit of everyone in Scotland.

Mr Kenny MacAskill (Lothians) (SNP): An Executive is judged neither on the number of brochures published, on studies promoted nor on a manifesto for a future period of office; it is judged on its record. After three transport ministers and three years and 10 months in office, with three weeks until the dissolution of the Parliament, can the minister tell us how many miles of road the Executive has built and how many miles of track it has laid?

Iain Gray: I am proud to say that the Executive has opened the first new rail line in Scotland for 10 years—the Edinburgh crossrail project.

Mr MacAskill has to understand that the Executive inherited a position in which there was no strategic vision of what was required to improve Scotland's transport infrastructure. We have worked through multimodal studies, such as the central Scotland corridor studies, to identify exactly what is required. We have made plain in our transport delivery report what is required and we have identified the resources to deliver it. We have created the financial planning procedures that will allow us to move forward, the net result of which is a commitment to £3 billion of improvements in our strategic transport infrastructure.

Mr MacAskill should not make the mistake of thinking that that is all that is being done in relation to transport. If he examined the public transport fund, he would see what I suspect he already knows but does not want to mention—that £235 million of public transport improvements have already been funded and that, through our rural transport initiative, more than 400 rural transport initiatives have been put in place. We have made real progress. The report is about strategic infrastructure improvements, which is our most important priority as we look forward to the end of this decade and beyond.

David Mundell (South of Scotland) (Con): I welcome the fact that the Executive has woken up to the fact that the Scottish economy and transport are inextricably linked. That realisation is four years late, but at least it has come.

Will the minister concede that his predecessor, Wendy Alexander, was correct when she said that, in the first spending review, transport had been sold short? Does he agree that the investment that is now being made is simply part of bringing the funding back up to the level at which it should be? As David Begg has identified, funding is £90 million short of what it would have been if it had kept up with levels in England and Wales.

Yesterday, the minister said that Edinburgh's tram system would depend on the council's business case, but not on tolls. However, the business case is dependent on tolls. Will the

minister tell us, once and for all, whether the tram system for Edinburgh is conditional on tolls? Will he also tell us when and from where the money will come for the Waverley project, the most important rail project in Scotland?

Given the minister's commitment to buses, will he tell us why some provisions in the Transport (Scotland) Act 2001, such as the bus user complaints tribunal and the quality partnership and quality contracts schemes, are not yet in operation?

Iain Gray: I remind members that those comments on Edinburgh's transport come from the party whose main contribution to the debate so far has consisted of dressing up Lord James Douglas-Hamilton as a lollipop man.

I simply do not know how much clearer I can be about Edinburgh's trams. The investment of £375 million does not depend on any decision that is taken on congestion charging. If Edinburgh goes ahead with congestion charging, £375 million will be invested; if Edinburgh does not go ahead with congestion charging, £375 million will be invested. I hope that that is clear enough for David Mundell.

Yesterday, the Tories accused me of speaking with a forked tongue. However, their approach has been to take two different business cases and to swap them interchangeably to suit their rather crass argument. It is absolutely the case that the investment will provide the resources for at least the first tramline in Edinburgh and other public transport improvements. Indeed, the council believes that it is enough for a second tramline. I hope that that is the case, as that would be very good. The business case for the tramlines will, of course, have to be made, but that it is not the same as the business case for the whole Transport Initiatives Edinburgh Ltd project.

Every public transport project that we fund, whatever it is part of, has to prove its business case. The TIE plan is part of parallel projects. The funding secures at least the first tramline and other public transport initiatives, potentially including the second tramline. I say yet again that that is irrespective of road user charging in Edinburgh. I sincerely hope that that is clear enough for the Conservatives.

Mr Mundell asked where the funding is for the Waverley line. The Waverley railway partnership is working up its plans and a funding package, which will include an indication of how much public funding will be required for the line. Like every other project, the business case must be made as part of the plans. However, if the question is whether there is a resource to support the Waverley rail link in the transport investment plan, the answer is yes. I hope that that, too, is plain enough.

On buses, of course the powers in the Transport (Scotland) Act 2001 to which Mr Mundell refers are available to local authorities. They choose when and whether to use those powers. The power of quality bus contracts has never been used. I would like to see it used, but that is a matter for the local authorities.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I welcome the minister's statement and I was pleased by the remarks that he made in answer to David Mundell about the place of the Borders rail link in his list of priority projects. Will the minister acknowledge and reaffirm the immense economic, social and environmental value of the project for the people of Edinburgh and Midlothian, as well as for the people of the Borders? Will he join me in welcoming the fact that, this morning, Scottish Borders Council passed draft proposals for the private bill that it will introduce in the next few weeks? I hope that he will agree that the parliamentary system for dealing with the bill can and should be sped up.

Iain Gray: As I have made clear on numerous occasions, it is for the Waverley railway partnership to produce the business case and to introduce the private bill that will be required for the new rail link. However, my statement and the investment plan are all about allowing people to move more readily, particularly from where they live to where they work and make their living. I appreciate the argument on Midlothian and the Borders and the links to Edinburgh in particular. Those links are as important for Edinburgh as they are for the economic situation in Midlothian and the Borders.

I am pleased to hear that progress has been made. The next stage in the process is for the private bill to be introduced, which I hope and expect that the partnership will do very soon. One thing that we have done to support the Waverley railway partnership in recent times is to increase its resources to just over £2 million to speed up the process. I look forward to the introduction of the bill to Parliament.

Rhona Brankin (Midlothian) (Lab): I welcome the minister's statement. Will he assure me that thinking about transport in Edinburgh and the Lothians is integrated? Will he also assure me that the proposed south-east tram system will be able to link into the Waverley line's proposed route?

Iain Gray: There is no doubt that integration is key to our planning. Perhaps one of the great mistakes that was made in transport infrastructure improvement in Scotland in past times is that such integration was an afterthought rather than part of the planning process. Transport Initiatives Edinburgh is focused on the integration of its trams with heavy rail and other public transport

interchanges. It recognises the importance of Waverley and Haymarket stations in that. I would expect the detailed planning on that to take into account the points that Rhona Brankin raises.

Mrs Margaret Ewing (Moray) (SNP): The minister strongly stresses the importance of the strategic transport infrastructure. In that context, I wish to ask him about the Fochabers and Mosstodloch bypass on the A96. The public inquiry on the bypass has been postponed for 10 months, apparently because objectors are saying that they do not have enough time to marshal their arguments. In fact, the campaign has lasted for decades and permission has already been granted for the bypass to go ahead. There is a lot of anger and frustration in the two communities over the slippage.

Iain Gray: I appreciate the points that Mrs Ewing makes. In the journey of a new road from its inception to its construction, 90 per cent is taken up with preparation. By that I do not mean feasibility studies; I am talking about the necessary engineering work. We are already considering how to streamline the process, as I undertook to do. Building roads involves disruption and the compulsory purchase of property and we have an obligation to ensure that any objections that are made by the public are properly considered. I understand that the public inquiry on the case that Mrs Ewing raises will take place later this year. The objectors have to be given the opportunity to make their objections and to have them considered.

Sarah Boyack (Edinburgh Central) (Lab): I welcome today's statement from the Minister for Enterprise, Transport and Lifelong Learning. The new spending regime that he has outlined brings us significantly closer to having a level playing field between long-term road investment and public transport investment, which must be welcomed.

On the allocation of £375 million for trams in Edinburgh, will the minister confirm the procedures for the approval of the schemes involved, with regard to the route and the project's completion dates? I welcome his commitment to integration but I ask him to ensure that an integrated approach to the tram includes car users—in respect of park-and-ride facilities—as well as cyclists and bus users. If that approach is taken, the new trams will truly benefit the whole city and we will have an integrated approach to improving public transport throughout the city.

Iain Gray: Sarah Boyack makes a powerful point about the balance of the investment plan. On the increase that we propose over the three years of the next spending review period, transport expenditure overall is to rise by 50 per cent, while expenditure on public transport is to rise by 70 per

cent. That will produce a shift in expenditure so that, by 2006, 70 per cent of the transport budget will be spent on public transport. I know that the order in which we have been able to make announcements in recent days has sometimes made it look as though there has been more investment in roads than elsewhere, but I point out that yesterday's announcement on transport in Edinburgh and the pending announcements on airport rail links relate, of course, to public transport.

As for the process in Edinburgh, Sarah Boyack knows that private legislation must be introduced for light rail schemes. The City of Edinburgh Council's plans are for the first tramline to be completed by 2009. That will be important for integration with other modes of transport, not just with rail. As I said to David Mundell, the funding allocation will allow at least the first tramline to be put in place, as well as other public transport improvements. Those will include park-and-ride schemes around Edinburgh. The fifth and final round of the public transport fund is already funding park-and-ride improvements in Edinburgh. Those are exactly the up-front public transport improvements that Edinburgh wants and needs.

Mr Murray Tosh (South of Scotland) (Con): I welcome what the minister has said about the mechanism to forward-fund major infrastructure projects beyond the three-year cycle. I want to press him on the slightly different way in which he has handled the Borders railway line compared with how he has handled Edinburgh's tramways. Given his answer to Ian Jenkins, it is clear that the minister knows that the bill relating to the Borders railway line will shortly be with us. In the case of Edinburgh, he has committed an explicit sum in an explicit year, before there is a draft bill, before there is a business case and before there is any clear knowledge of what the funding deficit might be. Will the minister commit an explicit sum in an explicit year to the Borders rail project, or will he do so when the bill is introduced?

Secondly, I urge the minister to address David Mundell's second point, which I took to be about the funding of the Waverley station project rather than about the Waverley railway.

Iain Gray: For a number of good reasons, I will not make an explicit funding announcement with an amount of money attached. One reason for that is that the Waverley rail partnership is still to present to us what it believes to be the funding requirement for the line. I repeat in part the assurance that I gave to Ian Jenkins: there is funding available to develop the Waverley rail line to the Borders.

Why is there a difference in treatment? Anyone who, like me, was born and brought up in Edinburgh and has lived in Edinburgh all their life

knows well that the way in which mass transit and public transport issues have been addressed is the one area in which Edinburgh has not been a success story. It is important that we give guarantees that Edinburgh can move forward on that. Today's announcement is very much about supporting Scotland's economic success. The cities review recognised that our cities must be the drivers for economic success. We need to support Edinburgh's economic success particularly in the area of public transport, where there has previously been some difficulty.

I am sorry if I misinterpreted part of Mr Mundell's question. Waverley station was one of the priorities in the transport delivery report. The situation is that we are supporting the technical studies that are currently being carried out to allow us to develop a proper plan for the redevelopment of Waverley station. The SRA, which chairs the steering group that is taking the matter forward, recently made it clear that it will support the redevelopment of the station. We expect that the SRA will be very much involved. Nonetheless, we have taken cognisance of the key necessity of the redevelopment of Waverley within the envelope of the investment plans that I have outlined today.

Elaine Thomson (Aberdeen North) (Lab): I welcome the minister's statement. I know that the people of Aberdeen, especially my constituents, are delighted with the commitment to build the western peripheral route as part of Aberdeen's integrated modern transport system. That is a real example of delivery by the Executive for the people of Aberdeen.

What progress has been made on accelerating the construction schedule for the western peripheral route, which will include a third bridge over the River Don to tackle the peak-hours congestion that is faced by people who come from the north of the city?

Iain Gray: Since announcing our commitment to the strategic sections of the peripheral route, we have reached agreement with the local authorities in that part of Scotland that they will work to provide the local elements of the road. Intensive discussions have taken place between my officials and council officials. Within a matter of what must be two or three weeks, I expect that we will be able to make announcements on what can be done to accelerate the construction of the road and on the division of the funding responsibilities and the split between local and strategic elements.

Ms Sandra White (Glasgow) (SNP): I want to pick up on two points that the minister mentioned: his announcement of £375 million for Edinburgh and his statement that he will make another announcement next week on the Glasgow airport rail link. The minister will be aware that half of that £375 million would have guaranteed both the

Glasgow airport rail link and a crossrail link for Glasgow, so I want to know why Glasgow has received no money whatever. Will next week's announcement be a positive announcement? Will we be guaranteed moneys for the rail link and for crossrail? Will we be given a time scale that will at least start this year, rather than simply another report?

Iain Gray: I simply cannot begin to comprehend why anyone should think that providing funding for transport improvements to which we are committed in Edinburgh should be connected in any way to funding or otherwise transport improvements to which we are committed in Glasgow. There is no such connection. Time and again we have made it clear that we are committed to rail links to Glasgow airport and to Edinburgh airport.

Why have I not made an announcement? I explained in my statement why I have not made an announcement. It was only last Tuesday that Lewis Macdonald and myself were presented with the consultants' final detailed recommendations. Since then, we have been working hard to use those recommendations to reach a decision about the routes on which the consultants have provided us with significant information. I have said that I will be able to make an announcement about how we go forward in a matter of days rather than weeks.

Will it be a positive announcement? It will be an announcement when I make the announcement. We are committed, and I have repeated that more times than I care to remember.

Bristow Muldoon (Livingston) (Lab): I welcome the minister's statement and agree with Sarah Boyack's earlier comments, welcoming the increased role for public transport in the Executive's transport priorities.

In his statement, the minister referred to Scotland's economic success depending on our major cities. In what way does the minister believe that the transport vision that he has set out and the projects to which the Executive is committed will allow all our major cities—particularly Edinburgh and Glasgow—to continue to grow? In what way will other parts of Scotland share in the fruits of that economic success?

Iain Gray: The improvements contained in the investment plan will link powerfully our Scottish people and their skills with the labour markets where those skills can best be used. That is why, when I became minister, I spent so much time resolving the impasse surrounding Edinburgh Park railway station, for example. Edinburgh Park is the centre of Edinburgh's financial services sector and is the most successful business park anywhere in Scotland. The impasse prevented us from putting

in a railway station that everyone agreed was required and we have worked to solve that problem. Of course, that is about making the job and career opportunities in that part of Scotland available to those who might wish to travel there from the west, Fife or indeed other parts of Edinburgh.

In all the discussions that I have with businessmen, they talk about transport infrastructure improvements and how the key priority is moving the people they need to the places where they are needed so that they can do the work. We are making powerful improvements that will help Scotland's economic development.

Phil Gallie: The minister has been generous with taxpayers' money today—£3 billion plus the Borders rail link.

Is the minister aware of the delay in the Chancellor of the Exchequer's budget announcement? Does he recognise that the chancellor's budget forecasts that growth and tax revenue receipts have fallen well behind? Will he comment on how important it is to the programme that he has announced today that the chancellor meet his commitment to funding such schemes in Scotland through the Barnett formula?

Iain Gray: It is true that our ability to look forward to capital and infrastructure improvements depends on a reasonable assumption of economic stability. If there is one thing that would destroy that stability, it is the long period of constitutional wrangling that separating Scotland from the rest of the United Kingdom would create. I am in no doubt that the Executive's commitments would be jeopardised by such a move.

I have a couple of more detailed points to answer Mr Gallie's question. I did not say that there was a commitment to £3 billion plus Waverley. I said that for capital infrastructure projects over 10 years, we have £3 billion of improvements. Within that envelope, we have the necessary resources to implement the Waverley rail project if and when the business case is proven.

I also said in my statement that, by 2006, the transport budget—excluding capital charges for the trunk road network, which are unavailable for spending—will be £1 billion a year. Therefore, a considerable resource is available for other projects. If Mr Gallie is asking whether those projects would be jeopardised if there is an economic downturn and resources are reduced, the honest answer is yes, if there is enough of a downturn. However, a considerable safety margin is included. That is underpinned by the kind of economic stability from which we benefit at the moment, which would be jeopardised by any move towards independence.

Dennis Canavan (Falkirk West): Will the minister assure me that there will be an early start on the improvement of motorway links at Larbert, so that there is better access to the nearby business parks and the proposed new hospital?

Iain Gray: Having made those commitments, I am concerned to proceed with them as quickly as possible. If the member considers the M80 completion for example, he will find that we have already progressed on the work that must be done on the Auchenkilns roundabout. I assure Mr Canavan that we will do whatever we believe we must do to proceed with all the commitments as quickly as possible.

The only caveat that I put on that is to repeat the point that I made to Mrs Ewing: there is a process whereby those who object must have their objections heard. We must give those people due consideration. That is a matter of common justice. That aside, we will proceed as quickly as possible.

Mrs Margaret Smith (Edinburgh West) (LD): I apologise for missing the beginning of the minister's statement, but I welcome the work that he has done on Edinburgh Park station, which is important. I urge him to encourage, in the fullness of time, the establishment of a stop there on the Glasgow to Edinburgh line, if that is possible.

My question relates to the welcome injection of £375 million into tramlines in Edinburgh. The Executive seems to be suggesting that the money will fund more than the first line. Like me, the City of Edinburgh Council believes strongly that it will also make possible the second line in west Edinburgh.

We have been told that congestion charging is required to cut congestion. Does the minister agree that by providing tramlines in Edinburgh, we will cut congestion? If so, does that undermine the argument for congestion charging?

Iain Gray: Margaret Smith makes an important point—that the purpose of congestion charging as planned by the City of Edinburgh Council is to cut congestion. Whatever happens with congestion charging, there needs to be investment in Edinburgh's public transport system. That is why we have made the decision to which the member refers.

All the research shows that although improvements in public transport will lead to far greater use of public transport, they will not produce a commensurate reduction in congestion. That is not a reason for not investing in public transport. However, the research suggests that if the citizens of Edinburgh want congestion to be cut to the levels that the City of Edinburgh Council plans, it will be necessary to introduce congestion charging. We have made it clear to the council that, before it takes such a step, it must

demonstrate to the Executive that there is public support. The council has decided that it will do so by means of a referendum. At that point, the citizens of Edinburgh will have a choice. That is an entirely fair and appropriate way of going about things.

The Presiding Officer: I said that there were a dozen members on my list, but now four more members have indicated that they would like to ask questions. With the minister's agreement, I will take four short questions together.

Brian Adam (North-East Scotland) (SNP): Welcome as the announcement of funding for the western peripheral route is, that is not the only element of the integrated transport system that the north-east Scotland transport partnership proposes. Will the minister indicate when we are likely to hear proposals for the rest of the modern transport system developments? What progress has been made on the route development fund? In particular, have any proposals been made for routes out of Aberdeen airport?

Robin Harper (Lothians) (Green): I warmly welcome the shift in emphasis from roads to public transport and the minister's commitment to congestion charging in Edinburgh. I will restrict myself to a couple of observations. I would love cycling and walking to be mentioned more in transport policies. Does the minister agree that, along with the priority of connecting our airports to rail, a more important priority is doing everything that we can at this end to speed up rail links between Glasgow, Edinburgh and London, to make a more sustainable form of transport fully competitive with air travel?

Robert Brown (Glasgow) (LD): Does the minister have on the table any outstanding applications from Strathclyde Passenger Transport Authority—the only passenger transport authority in Scotland—for funding of public transport proposals? If not, has he discussed with the SPTA proposals on light rail or park-and-ride facilities? As I have said, some frustration is felt that, despite the SPTA's existence, not too much is happening on the vision for Glasgow's public transport.

John Scott (Ayr) (Con): The minister is aware of the significant increase in the number of people who use Prestwick airport, 30 per cent of whom travel there by rail. Does he have plans to invest further in rail infrastructure between Ayr and Glasgow to accommodate the projected growth in the number of passengers who use Prestwick airport?

The Presiding Officer: The minister will give his final reply.

Iain Gray: I will try not to forget anyone. We are aware that work on the western peripheral route is only one part of addressing Aberdeen's

congestion. We expect to discuss soon further plans for the modern transport system. We have borne that in mind in developing the investment plan. We are in negotiations—which I will not go into, for reasons that I hope members understand—with several airlines on routes that the route development fund could support. I assure Mr Adam that Aberdeen airport is considered as part of the work on the route development scheme.

I take Robin Harper's point about cycling and walking. It is fair to say that they tend to be overlooked in infrastructure improvements. However, only two or three months ago, we made the largest-ever grant—£1.4 million—to Sustrans to complete the national cycling network, so it has not been forgotten, even if it was not mentioned in the statement, for which I apologise. I agree that it is important to improve rail services, in addition to providing links to airports. That is why we are investing in new rolling stock for the Glasgow route. That will not make a significant difference to the travelling time between Edinburgh and Glasgow, but it will increase reliability and cut overcrowding on trains. We continue to work with my colleague in the Department for Transport on cross-border links with England.

Robert Brown asked about light rail in Glasgow and whether Strathclyde Passenger Transport has made any transport improvement proposals to us. We discuss constantly with SPT improvements and enhancements to the public transport networks for which it is responsible. No proposals on light rail are on the table. A couple of possibilities are being discussed, but they are at an early stage. We are interested in the development of light rail anywhere. In Edinburgh, plans are at an advanced stage.

Mr Scott asked an interesting question about Prestwick. Perhaps I will return to it in the next couple of weeks.

The Presiding Officer: That concludes questions on the statement. As announced, the Procedures Committee's debate has been delayed until after the debate on the Homelessness etc (Scotland) Bill this afternoon.

13:34

Meeting suspended until 14:30.

14:30

On resuming—

Parliamentary Bureau Motions

The Deputy Presiding Officer (Mr George Reid): Good afternoon. The first item of business this afternoon is consideration of two Parliamentary Bureau motions. I ask Euan Robson to move motions S1M-3983 and S1M-3984, on the designation of lead committees. The questions on the motions will be put at decision time.

Motions moved,

That the Parliament agrees that the Justice 1 Committee be designated as lead committee in consideration of the draft Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003.

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the Sheriff Court Fees Amendment Order 2003 (SSI 2003/97).—[*Euan Robson.*]

Business Motions

The Deputy Presiding Officer (Mr George Reid): The next item of business is consideration of business motions, starting with S1M-3985, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a timetable for this afternoon's stage 3 consideration of the Homelessness etc (Scotland) Bill.

Motion moved,

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

Groups 1 to 4 – no later than 1 hour

Groups 5 to 9 – no later than 2 hours

Motion to pass the Bill – no later than 2 hours 30 minutes.—[*Euan Robson.*]

Motion agreed to.

The Deputy Presiding Officer: The next business motion is S1M-3991, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a revised business programme.

14:31

The Deputy Minister for Parliamentary Business (Euan Robson): Before I move the motion, I remind the chamber that its purpose is simply to move the timing of today's Procedures Committee debate to after the conclusion of the debate on the Homelessness etc (Scotland) Bill, as the Presiding Officer indicated this morning.

I move,

That the Parliament agrees as a revision to the programme of business agreed on 26 February 2003—

Wednesday 5 March 2003

after—

"followed by Stage 3 of Homelessness etc. (Scotland) Bill"

insert—

"followed by Procedures Committee motion on its 1st Report 2003: Report on Changes to Standing Orders Concerning Legislative Matters, Motions and Lodging Written Questions, on its 2nd Report 2003: Report on Changes to Standing Orders Concerning Elections to the Scottish Parliamentary Corporate Body and on Changes to Standing Orders Concerning the remit of the

European Committee contained in its 4th Report 2002.”

Motion agreed to.

Homelessness etc (Scotland) Bill: Stage 3

14:32

The Deputy Presiding Officer (Mr George Reid): The next item of business is stage 3 proceedings on the Homelessness etc (Scotland) Bill. Members should have in front of them the bill as amended at stage 2, the marshalled list, which contains all the amendments that have been selected for debate, and the groupings of amendments. As is now usual, I will allow an extended voting period of two minutes for the first division following the debate on the first group of amendments. Thereafter, I will allow one minute for the first division after debates on subsequent groups. All other divisions will last 30 seconds.

Section 1—Amendment of section 25 of the 1987 Act

The Deputy Presiding Officer: Group 1 is on criteria for priority need. Amendment 7 stands in a group on its own.

Linda Fabiani (Central Scotland) (SNP): The purpose of amendment 7 is to broaden the definition of a young person and to replace the upper age limit of 20 with 24. Almost 40 per cent of homelessness applications come from people aged between 16 and 24, despite that age group making up less than 15 per cent of the adult population of Scotland. Those people are much more likely to become homeless than people in other age groups are.

Under-25s are already treated differently by the law, as demonstrated by the single-room rent, which limits the amount of housing benefit that is payable. Mainstream benefits such as income support also discriminate against under-25s. That group is therefore more vulnerable to financial hardship.

Many young people aged between 21 and 24 continue to be very vulnerable, and amendment 7 proposes that care leavers or those who are vulnerable for the reasons covered by the bill should be regarded as being in priority need. That should not be restricted to young people aged between 18 and 20.

I move amendment 7.

The Deputy Minister for Social Justice (Des McNulty): I am pleased to see that Linda Fabiani is here today to move the amendment—a similar amendment was not moved during stage 2.

In taking forward the homelessness task force's recommendations on groups of people considered

to be vulnerable and in moving from the code of guidance to proposed legislation, we needed to examine closely the appropriate legal definitions. Inevitably, some flexibility is lost in doing that—that is part of the difference between legislation and guidance.

We identified 20 as the appropriate upper age for young people to ensure consistency with the Homeless Persons (Priority Need) (Scotland) Order 1997, which covered young people who were formerly looked after by local authorities. The primary purpose behind the way in which the bill was drafted was to consolidate that order into primary legislation. Increasing the age limit for such formerly looked-after young people and extending it to other potentially vulnerable young people up to the age of 24 would move us well beyond the task force's recommendation.

We also want to keep the bill in line with the Executive's commitment that the first phase of the expansion of priority need should be cost-neutral to local authorities. As far as possible, the bill should not to be associated with the development of new policies with a much broader application. We need to ensure that the expansion of priority need is manageable. We must ensure that we consult fully on any move only after we have considered all the implications and costs as well as which other categories of people might be affected.

That is not to say that I do not understand the concern to include other potentially vulnerable young people. We all want to see assistance targeted on those who need it most. I emphasise that, within the framework of the bill, local authorities can continue to find someone vulnerable under the provision on "other special reason". The code of guidance will be updated during the course of this year and, as part of that process, I am sure that further consideration will be given to what the provision on "other special reason" might cover.

I urge members to resist amendment 7. Agreeing to the amendment would undermine the commitment that was given throughout the development of the bill that the first-phase expansion of priority need should be cost-neutral. Amendment 7 would add an uncostered burden on local authorities and would pre-empt proper consultation on which categories of people might be considered in the context of the next phase of expansion.

Linda Fabiani: I remind members that the Scottish Council for Single Homeless estimates that 42 per cent of rough sleepers initiative clients are under 25. Young people are much less likely to be in paid work and their wages are lower, so they are very much disadvantaged within a housing system that is dominated by home

ownership. Within the under-25 age group, problems can potentially arise when there is disruption to education, training and employment. There is also the potential for damage to health due to varying social factors. Such problems can create serious long-term exclusion with a lifetime of costs for both the individual and society.

I am not convinced that a code of guidance would take care of the matter. We should show a real commitment to our young people by ensuring that those who are in what is obviously a vulnerable age group receive the protection of the law. That protection should be enshrined in the legislation. I press amendment 7.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Grn)
 Hyslop, Fiona (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Matheson, Michael (Central Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)

Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 19, Against 62, Abstentions 0.

Amendment 7 disagreed to.

Section 2—Abolition of priority need test

The Deputy Presiding Officer: Amendment 8 is grouped with amendment 9.

Linda Fabiani: Amendment 8 seeks to ensure that progress in abolishing the priority need test does not move at the speed of the slowest local authority or that it is not held up entirely by the most recalcitrant local authority. I am worried that the date for the abolition of the priority need test might end up depending on the local authority that is making the least progress towards that goal.

Although I understand that it would be unfair to place a legal obligation on a local authority that it cannot fulfil, it would be equally unreasonable for one local authority to stand in the way of the abolition of the priority need test. The minister must be in control of the process, as amendment 8 would allow. The amendment would also allow protection to be extended to those who are in need as quickly as possible, where possible.

I will not speak to amendment 9 because I suspect that my colleague, Kenny Gibson, is well able to do that for himself.

I move amendment 8.

Mr Kenneth Gibson (Glasgow) (SNP): The Scottish National Party welcomes the eventual removal of the priority need test. The reason behind amendment 9 is that pursuing the measures to remove the priority need test might have unforeseen consequences for the available supply of social housing.

There are widespread concerns about the adequate supply of affordable social rented housing of good quality. The minister will recall the concerns raised by the Finance Committee and the Social Justice Committee. There are also worries about the possible impact on non-homeless households who are on waiting lists and might find it more difficult to access social rented housing if there is a significant increase in the number of homeless households eligible for housing but no corresponding increase in availability.

Without such an increase, local authorities might of necessity place homeless households into areas of low-demand housing. Any statement on progress towards abolishing the priority need test should reasonably be expected to provide estimates of additional housing requirements generated as a result of changes to priority need.

Unfortunately, there is no clear commitment in the bill to monitor the impact of the changes to priority need that will be introduced by section 1, or proposals for future changes made possible by section 2(1). Amendment 9 seeks to secure that commitment, by seeking to ensure that the Scottish ministers' statement on the abolition of the priority need test, as set out in section 3, assesses the impact of changes to priority need on housing availability, the number of homes required and the type of housing used to accommodate homeless people.

Mr Tom McCabe (Hamilton South) (Lab): Projections in my local authority have given rise to concerns over the impact of the bill on mainstream housing applicants. I would appreciate an assurance from the minister that the assessments of housing need and supply will provide the fundamental basis for removing the priority need test. I would also appreciate a further assurance that an adequate supply of affordable housing will be of paramount consideration in avoiding any disadvantage to mainstream applicants.

Robert Brown (Glasgow) (LD): It is probably not appropriate to agree to amendments 8 and 9 today, although I have some sympathy with where they are coming from.

The issues raised in amendment 9 are dealt with under section 3(5), which requires the Scottish ministers to have regard to the

“local housing strategies prepared by local authorities”.

That appears to be the broader context.

The bill amends a lot of other bills. We must remember that we passed the Housing (Scotland) Act 2001, which set out a broader housing framework. We must also remember that, in dealing with homelessness, we have to balance the urgent requirements of people who have become homeless—many of whom are ordinary people who have fallen on hard times—with the need to reinforce communities and not add to the fracturing problems that come about through unsuitable allocations. That seems to be what lies behind amendments 8 and 9 and behind Tom McCabe’s contribution.

The bill’s framework provides for that balance, which must be dealt with through the guidance that the Scottish ministers will have power to put in place under the bill. Rather than dot every i and cross every t in the bill, that is a far better way to proceed.

14:45

Johann Lamont (Glasgow Pollok) (Lab): I should like to make a brief point about something that Linda Fabiani said. I think that she used the word “recalcitrant” to describe the work of local authorities. If we go into this process, I would be concerned if we were to work on the assumption that we must beat a stick over the backs of local authorities. The process will work if it is done in partnership. If local authorities have problems, we must listen seriously to what they tell us. We must listen equally seriously to those who may have problems getting support from local authorities.

Recalcitrance implies reluctance, and the use of such a term is inappropriate to describe the delivery of such an important local service. That service will work only if there is a genuine partnership with and commitment to local authorities; it will not work in the hostile environment suggested by a word such as “recalcitrant”.

Des McNulty: I agree with Johann Lamont’s comments. It must be emphasised in the way in which we look at the bill and its subsequent implementation that, clearly, we can achieve, in practical terms, what we set out to do only with the co-operation of local government. Local government is central to that partnership, and we must emphasise its importance.

On amendment 8, we have always been clear that the phasing out of priority need should not proceed on an authority-by-authority basis. That

does not mean that we move at the slowest pace; we must be ready to address any issues and problems that hold up the process and which are identified through local authorities’ homelessness and housing strategies.

As members know, we are also taking powers under the bill to suspend local connection. If we were to phase out priority need in one area but not another, normal application trends could be distorted. Someone might well decide that permanent accommodation in one authority is preferable to temporary accommodation in a neighbouring authority. Therefore, an imbalance would be created in the system.

If we were to take the power proposed in amendment 8, we would send the wrong signal and an inconsistent message to authorities about how we intend to proceed. Priority need will be phased out over the next decade. That will be a challenge for all authorities; it is not a race to see who can get there first. We want all authorities to deal properly and consistently with the issues that we must tackle, in a way that can be achieved through partnership. We must plan a sensible, achievable and realistic process that will benefit all homeless people.

Amendment 9, in the name of Kenny Gibson, is unnecessary and undesirable. It is unnecessary—as I think Robert Brown pointed out—because the bill already requires that the statement on the abolition of the priority need test must set out measures that have been taken, are under way or are planned for the future. If that has been done, local authorities can carry out their homelessness duties without having to distinguish between priority and non-priority households.

I reassure Tom McCabe that the bill requires ministers to consult on and to make a statement about abolition of priority need. That statement must have regard to homelessness strategies and local housing strategies. I assure the member that those strategies will be balanced and that account will be kept of them.

In the past we have made it clear that in solving one problem—homelessness—we do not intend to cause a new set of difficulties. Of course the needs of mainstream applicants are important. However, we must stop thinking of homeless people as an entirely separate category of people. The circumstances of mainstream applicants and homeless people may be different, but they often require the same housing or accommodation support.

Homelessness strategies will provide local assessments of need, whereas housing strategies will identify how those needs will be met by accommodation provision, taking full account of the needs of all those who are seeking housing.

Amendment 9 tries to ensure that assessments of the impact of the wider availability of social housing are made before priority need is abolished. It is an integral part of the process to strike a balance between those two issues. However, that needs to be done at a local level, through the homelessness and housing strategies.

I have said before that we will work in an open and transparent way, making clear the basis for change and ensuring that stakeholders are fully involved in the process. The homelessness monitoring group, local authorities and other registered social landlords will continue to have a role. However, assessments should not be written into legislation in a rigid way that causes local authorities unnecessary work and does not reflect the fact that our intention is to initiate a process that will take place over an extended period.

Linda Fabiani: Like everyone else in the chamber, I wish that all housing providers and all public service providers were wonderful, but we live in the real world, and they are not, have not been and are unlikely to become perfect. However, that is not always because of circumstances that are within the providers' control; it can be caused by events outwith their control. During the stage 1 debate and again today, Tom McCabe talked about the need to balance the need for and supply of housing. A lack of that balance could force a local authority into recalcitrance.

The Executive should push to ensure that all local authorities become progressive on such matters, because it should be the Government's instinct to drive the agenda forward. Amendment 8 would help to achieve that. The homelessness task force suggested that the mechanism for managing the expansion of priority need at a pace that matches improvements in the supply and quality of housing should be made more explicit. That would help with achievement of the objective. I press amendment 8.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Campbell, Colin (West of Scotland) (SNP)
Canavan, Dennis (Falkirk West)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Gibson, Mr Kenneth (Glasgow) (SNP)
Grahame, Christine (South of Scotland) (SNP)
Harper, Robin (Lothians) (Grn)
Hyslop, Fiona (Lothians) (SNP)
Lochhead, Richard (North-East Scotland) (SNP)

MacDonald, Margo (Lothians) (Ind)
Matheson, Michael (Central Scotland) (SNP)
McLeod, Fiona (West of Scotland) (SNP)
Neil, Alex (Central Scotland) (SNP)
Paterson, Mr Gil (Central Scotland) (SNP)
Robison, Shona (North-East Scotland) (SNP)
Sheridan, Tommy (Glasgow) (SSP)
Stevenson, Stewart (Banff and Buchan) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Baillie, Jackie (Dumbarton) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Douglas-Hamilton, Lord James (Lothians) (Con)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Finnie, Ross (West of Scotland) (LD)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gillon, Karen (Clydesdale) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Harding, Mr Keith (Mid Scotland and Fife) (Con)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
Johnstone, Alex (North-East Scotland) (Con)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lyon, George (Argyll and Bute) (LD)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
MacKay, Angus (Edinburgh South) (Lab)
Maclean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McAllion, Mr John (Dundee East) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McIntosh, Mrs Lyndsay (Central Scotland) (Con)
McLeish, Henry (Central Fife) (Lab)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
Murray, Dr Elaine (Dumfries) (Lab)
Oldfather, Irene (Cunninghame South) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Radcliffe, Nora (Gordon) (LD)
Raffan, Mr Keith (Mid Scotland and Fife) (LD)

Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 23, Against 68, Abstentions 0.

Amendment 8 disagreed to.

Section 3—Statement on abolition of priority need test

Amendment 9 moved—[Mr Kenneth Gibson].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fabiani, Linda (Central Scotland) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Grn)
 Hyslop, Fiona (Lothians) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Baillie, Jackie (Dumbarton) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)

Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 32, Against 59, Abstentions 0.

Amendment 9 disagreed to.

After section 3

The Deputy Presiding Officer: Group 3 is on the assessment of need for housing or other support services. Amendment 5 is grouped with amendments 11, 13 and 14.

Mrs Lyndsay McIntosh (Central Scotland)

(Con): Amendment 5 would introduce a requirement for local authorities to consider a household's support needs as well as its accommodation needs when undertaking a homelessness assessment.

The experience of many local authorities is that tenancies break down quickly if support is not in place. If that happens, it wastes local authority time and resources and damages a homeless person's future prospects.

Support can be a key feature in sustaining a tenancy. My amendment 5 would better identify those who need help. Local authorities are best placed to identify problems because of their role in securing accommodation. I suspect that the minister will say that housing officials are not best placed to offer support. I am not suggesting that they should: their duty would be to secure such support, not to provide it.

If the minister is unwilling to accept the reasoning behind my amendment 5, the very least that she could do would be to promise to try to give an undertaking to review the process at an early stage. That would ensure that the same applicants are not coming round and round again, with monotonous regularity, like suitcases on a carousel.

I move amendment 5.

Robert Brown: From the point of view of many members of the Social Justice Committee, support needs are central to the effectiveness of the bill. All of us, in common with housing professionals, have experience of the revolving-door syndrome. People are housed, experience problems of one sort or another, and, as Lyndsay McIntosh rightly said, are unable to sustain their tenancy and lose it or get put out. They then come back into the system as intentionally homeless, with all the problems that that definition causes, and go back round the system, or they disappear into the woodwork to appear again at a later stage.

It is vital to the achievement of the Executive's objectives in abolishing priority need that support needs are dealt with properly and that support is put in place. The Social Justice Committee accepted that it is not possible to put a price on the bill or to know what support or mechanism is required until we have seen the homelessness and local housing strategies and know in detail where we stand on local requirements and about the facilities that are in place at the moment. Nevertheless, it does not follow from that that we cannot deal with support needs to a degree.

Amendments 11, 13 and 14 involve a mechanism that uses the trigger of a person's becoming homeless to identify not only the person's homelessness status, which local

authorities have to do anyway, but whether the person requires additional support if they are to sustain a tenancy.

My suggestion involves a legislative route that links into the statement that ministers propose to make in 2005, as set out in section 3. I readily accept that what I suggest can be done in many other ways, in particular by administrative fiat. If I am to be satisfied on the matter, I want to hear quite a strong statement from the minister on what ministers intend to do about support as we move towards 2005.

Will ministers take on board the importance of the trigger point that the homelessness assessment provides? Will they look towards putting in place the resources that local authorities will need? Are they prepared to work in partnership with local authorities and, if necessary, to crack the whip at local authorities that are not moving forward as they should?

The matter is one of partnership, which must be matched right across the board for the objective, which is central to the success of the bill, to be achieved. If it is not dealt with satisfactorily, we will have problems. On that basis, I ask the minister to give careful consideration to support needs and how provision fits into the later stages of the procedure.

Mr Gibson: The SNP supports Lyndsay McIntosh's amendment 5, as we did a similar amendment at stage 2. We also support Robert Brown's amendments 11 and 13, which are similar. We oppose amendment 14, which in our view would delay the implementation of inquiries into intentionality until a progress and intent statement has been prepared. Our view is that there can be no justification for waiting for such a statement before rights are given to those most in need.

15:00

The Minister for Social Justice (Ms Margaret Curran): I make it absolutely clear at the outset that the Executive fully accepts that the provision of support plays an extremely significant part in preventing and resolving homelessness. We take on board the points that have been made in the debate so far.

I certainly understand the motives of members who want effective support services to be established. I listened to Lyndsay McIntosh's comments this afternoon, and know that Robert Brown has mentioned the revolving-door syndrome often. Of course, we must take action to address that issue. As a result, I think that I am able to give the required reassurances about ministerial determination to resolve the problems that we face.

However, there are some problems with this group of amendments. Amendment 5 would require the local authority to assess the support that is required to enable a priority need unintentionally homeless applicant to sustain the permanent accommodation that the authority is obliged to provide and then make reasonable efforts to provide that support.

Amendments 11, 13 and 14 take a different approach and require the local authority to assess the need for housing support services for all households that are either assessed as homeless or threatened with homelessness. Although the applicant must be notified of the outcomes of the assessment, the amendments do not go so far as to impose a duty to meet the identified needs.

Concern was expressed at earlier stages of the bill's passage and by the committee about the resource implications of the proposals. We have given assurances that resources are in place to ensure the delivery of the bill's provisions on the expansion of priority need. However, the amendments would mean that local authorities would be faced with a further, uncostered duty that was not recommended in the homelessness task force report and which has not been consulted on.

As I said at the beginning, I have no doubt about the importance of support.

Mr McCabe: On the minister's assurance that resources are in place, will she also assure us that there will be full consultation with housing providers to ensure that they are satisfied that there are adequate resources to provide this much-needed support?

Ms Curran: Yes. All our comments this afternoon will make it clear that we will not rush into the bill's implementation. It serves no one's interests to implement amendments and not have in place the provision and resources for local authorities and local communities. We will engage in full consultation. Indeed, I can assure the member that we will consult the Convention of Scottish Local Authorities and all key stakeholder interests to ensure that the provision is in place.

Everyone who is involved in the debate recognises the importance of support. However, I do not think that the best way of delivering it is by imposing a blanket legislative duty that covers all homeless applicants. After all, we have recognised the importance of support through the homelessness strategies, which already require councils to consider carefully the support needs of homeless people.

In what I hope is a direct response to Robert Brown, we are determined to ensure that resources are in place and that we have strategies and services that meet the various complex needs, although I might not use the phrase "crack the whip" in relation to local authorities.

Johann Lamont: I am sure that the minister is aware that many homeless people do not require any support at all; they simply need decent houses to live in. However, many people who find themselves homeless have support needs that go beyond housing. How will the minister work with local authorities to ensure that the support offered to vulnerable people and families is not all driven through their housing needs and by a housing approach when, in fact, a much broader approach that includes education and social work is required?

Ms Curran: One of the successes of the homelessness task force and, indeed, of all the housing legislation that the Parliament has passed so far and which, I hope, we will pass this afternoon is the recognition that the problem of homelessness is not addressed simply through the provision of housing, important though that is.

Johann Lamont is right to flag up the importance of housing supply, and the fact that other services play a significant role in tackling the causes of homelessness and sustaining some of the solutions that we have put in place. Our work with local authorities has been constructive in that respect. For example, social work in Glasgow has made its contribution and Greater Glasgow NHS Board has played a significant part. Such an approach has demonstrated the step change that there has been in delivering a solution to the profound problems of homelessness in Scotland. Johann Lamont is right to pay tribute to local authorities, and we want to work with them within such a culture. We do not want to underestimate the challenges that authorities face in providing such support; nonetheless, we are committed to resolving homelessness in Scotland and will be robust in our discussions to ensure that we deliver on that basis.

Robert Brown: The two points at which the issue will become prominent are when the Executive makes its statement on the abolition of priority need and the interim objectives and when it considers revising homelessness guidance. Will the minister assure me that support will be prominent in those aspects?

Ms Curran: I am happy to give the assurance that support will be prominent, although other issues might also arise. On behalf of the Scottish Executive, I give the assurance that whoever is minister at the time will be required to ensure that support exists. We genuinely understand that support is part of the answer. We will not get what we want if we do not understand that.

The way that things are moving will help us in that because, through transitional housing benefit, there has been and continues to be a significant increase in the support services provided to address the needs of homeless people. Now is an opportune time for us to discuss such issues.

In Glasgow alone, we are aware that service provision has increased by some £10 million through transitional housing benefit. That will increase again by an equivalent amount when the projects identified through the pipeline process are taken into account.

Although we are not yet in a position to assess the extent of provision throughout Scotland, local authorities are already increasing existing services and making them available to those people in greatest need through the supporting people initiatives. Through that kind of investment infrastructure, we can make progress.

I am sorry that we cannot accept the amendments, but we do so for the proper reasons—we do not think that the amendments take us forward in answering the questions. However, we understand the motives, and we believe that what we propose answers those motives, if not perhaps the direct legislative point that has been put today.

Dr Richard Simpson (Ochil) (Lab): The point that Johann Lamont made was important. It is not a question of housing alone; it is a question of many other disciplines. The minister mentioned the health boards, and their involvement is important. In relation to drug problems, the homeless addiction team is also important.

I say to Robert Brown and to others who might support amendment 5 that if we broaden the approach too far at this stage, we will lose much of the current impetus. It is important that we stay focused. Amendment 5 would make the approach far too broad. We need to get the groups working together effectively. Only in that way will we solve what we know to be a complex problem, which is not about housing alone.

Mrs McIntosh: I have heard everything that has been said. I say to Johann Lamont that it was not my intention that support would only ever come through local authority housing departments. There is a crucial role for health and education. It was never my intention to sideline the amendment down one track.

Homelessness is one of the most extreme forms of social exclusion and it can be difficult for some people to maintain a tenancy. The minister's figures show that, between 1 January and 30 September 2002, 2,030 households applied more than once for help from their local authority, and 189 of them applied for help more than three times. It is well recognised that the problem is not only about securing accommodation; the current homelessness legislation does not provide for assistance and support to maintain that accommodation. The minister mentioned that there would be a cost implication, but the short-term cost implication would have long-term benefits. For that reason, I press amendment 5.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fabiani, Linda (Central Scotland) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Grn)
 Hyslop, Fiona (Lothians) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Baillie, Jackie (Dumbarton) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)

Macintosh, Mr Kenneth (Eastwood) (Lab)
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 McMahon, Michael (Hamilton North and Bellshill) (Lab)
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 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 33, Against 61, Abstentions 0.

Amendment 5 disagreed to.

Section 4—Inquiries as to intentional homelessness

The Deputy Presiding Officer: Group 4 concerns guidance on inquiries as to priority need. Amendment 10 is grouped with amendment 12.

Mr Gibson: Proposed changes to intentionality aim to enable local authorities to provide support to households that are deemed to require it. That we welcome. However, consistency and fairness are important. There is no guidance on how local authorities are expected to exercise discretion. Guidance would allow consistency, yet would also allow for local circumstances to influence local policy and would ensure that indirect discrimination is avoided.

Guidance could cover when it is appropriate to investigate intentionality; the need for a council to have a written and published policy on applying section 4(1)(b); the requirement to maintain a record of how the section has been used to assist in policy reviews; and an equality-checking procedure. Section 4(1)(b) gives local authorities discretion in deciding whether to implement the

test of intentionality for a household presenting as homeless.

Together, amendments 10 and 12 would give the Scottish ministers clear powers to issue guidance on how local authorities should use their discretion in deciding whether to apply the intentionality test, and would make it clear that local authorities must take cognisance of the guidance when using their discretion.

I move amendment 10.

Ms Curran: With all due respect, we regard this amendment as totally unnecessary. The Scottish ministers already have powers under section 37 of the Housing (Scotland) Act 1987 to issue guidance to which local authorities must have regard. The forthcoming code of guidance update is the process through which we will take the matter forward. I ask members to resist amendments 10 and 12, which do nothing more than insert into section 28 of the 1987 act a power that already exists in section 37 of that act.

Mr Gibson: Despite the minister's response, we take the view that, while what amendments 10 and 12 propose is technically feasible, existing provisions do not provide the clear and specific guidance that we believe is required if consistency is to be achieved across Scotland. Therefore, we would still like the amendments to be made, and I shall press both of them.

The Deputy Presiding Officer: The question is, that amendment 10 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fabiani, Linda (Central Scotland) (SNP)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)

Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Baillie, Jackie (Dumbarton) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
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 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 29, Against 59, Abstentions 0.

Amendment 10 disagreed to.

Amendment 11 not moved.

Amendment 12 moved—[Mr Kenneth Gibson.]

The Deputy Presiding Officer: The question is, that amendment 12 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fabiani, Linda (Central Scotland) (SNP)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
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 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
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 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
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 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)

Lyon, George (Argyll and Bute) (LD)
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 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)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
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 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
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 Smith, Mrs Margaret (Edinburgh West) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 31, Against 59, Abstentions 0.

Amendment 12 disagreed to.

Amendments 13 and 14 not moved.

Section 6A

15:15

The Deputy Presiding Officer: Amendment 1 is grouped with amendment 2.

Des McNulty: Amendments 1 and 2 form the Executive's response to amendment 32, which was lodged by Robert Brown at stage 2 and which the committee accepted. Robert Brown argued that a person who is housed by the national asylum support service is not in a position to choose the area in which they live. Therefore, they should not be considered to have established a local connection with that area.

The real issue that underlies the matter is a cross-border issue and the bill cannot provide a solution whereby an English council determines a local connection differently from a Scottish authority. However, I understand that, on Friday, the Court of Appeal ruled in the case of two families dispersed to Glasgow by NASS that

residence in Glasgow was not the applicants' choice and did not establish a local connection in Glasgow. The court ruled that the families were entitled to apply for accommodation in a London authority area.

Members know that the local connection will be suspended in due course. I hope that that will remove the problem altogether in Scotland for the period of that suspension. For that reason, there was a question about whether the amendment that was agreed to was wholly necessary

We accept that the committee wished to highlight what it thought was a particular injustice. Executive amendment 2 leaves the policy intention in place, but alters the wording

"accommodation provided by the National Asylum Support Service,"

which has no legal basis, to refer instead to the legislative power under which such accommodation is offered.

Amendment 1 removes the reference to seeking employment, which was also introduced at stage 2 through Robert Brown's amendment. No compelling argument was made then for its inclusion in primary legislation. Subsequently, we found that subordinate powers exist through which the current list of factors resulting in a residence being considered to be not of the applicant's choice can be added to. If there is a real case for adding further categories, it should be argued in the context of a review of the existing provisions. If necessary, such a review would sensibly take place when we consider the operation of the proposals to suspend local connection altogether.

I move amendment 1.

Linda Fabiani: My colleague Kenny Gibson and I were pleased to support Robert Brown's amendment 32 at stage 2. I am a bit concerned about amendment 1, which removes the reference to employment, as we have a big enough unemployment problem without militating against people's ability to find work easily by moving.

On amendment 2, all of us must face up to responsibilities in helping people from other areas of the world who flee to our country or are sent to our country from down south. I am glad that the Executive is taking the issue on board and that, at stage 2, it said that it would consider the matter and suggest an appropriate form of words—the Executive is to be commended for and congratulated on that. I hope that the work that people in Scotland are trying to do on asylum and immigration issues will spread and be listened to by the minister's colleagues at the Home Office.

Robert Brown: I thank the minister for his response. As he rightly said, the refugee issue ought to be a small issue, taking into account the number of people who are affected, and there are

cross-border implications that we cannot deal with. Nevertheless, a useful signal will be sent about the approach that we take to such matters and our inclusive attitude towards asylum seekers and refugees.

There may or may not be an issue relating to employment. I accept that the matter can be dealt with in other ways. With the assistance of the homelessness organisations, I was unable to come up with particular cases that are causing concern, so I am prepared to leave the matter for the moment.

An element of frustration underlies the refugee issue. I have no particular difficulty with the fact that the issue of refugees who come to this country is reserved to Westminster, but a number of us are beginning to feel that the social consequences—how people relate to local communities, the housing issues with which we are dealing here and so on—would be more satisfactorily dealt with within the context of the Scottish Parliament's rights.

Des McNulty: The arguments have been spelled out. The Executive has responded to the substantive issue that Robert Brown raised and has tried to put it in the appropriate legislative context. Robert Brown has recognised that what his amendment at stage 2 intended to achieve in respect of employment concerns cannot be substantiated and that the matter can be dealt with through other powers. I encourage members to support amendments 1 and 2.

The Deputy Presiding Officer: The question is that amendment 1 be agreed to. Are we agreed?

Members: No.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)

Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 71, Against 22, Abstentions 0.

Amendment 1 agreed to.

Amendment 2 moved—[Des McNulty]—and agreed to.

After section 6A

The Deputy Presiding Officer: Amendment 15 is grouped with amendment 17.

Linda Fabiani: Amendment 15 would ensure that there is a clear right of appeal against a decision made in a homelessness assessment. The current legal argument is that it is possible to ask for a review of the duty owed, but that that is not enshrined in legislation. The question has to be asked: how many people who present as homeless will be au fait with the finer points of the legal argument? If the right to an appeal were enshrined in law, there would be no legal argument to prevent the appeal from proceeding and sufficient advice would be available to applicants from sources such as citizens advice bureaux.

Amendment 17 would allow the right to take the appeal to the sheriff court. That is in line with the European convention on human rights principle that there must be the right to a fair and independent hearing. The case in England of *Adan v Newham London Borough Council* resulted in a ruling that not to have recourse to a court was a breach of article 6 of the ECHR. We must be sure that we do all within our power to protect and enhance human rights in Scotland of Scots and people who live here. The amendment would help to do that.

I move amendment 15.

Robert Brown: I advise the chamber that amendment 17 follows a discussion that we had during the debate on the Housing (Scotland) Act 2001, when I put forward a similar proposal. The background is that there is the power to go to the Court of Session for judicial review of some decisions, but not to go to the sheriff court. What we did in the Housing (Scotland) Act 2001—after considerable discussion in the committee and with the then ministers—was to insert the more administrative right of review contained in section 4 of that act.

Although in principle I am sympathetic to amendment 17, it would be wrong, having legislated a year ago, to provide a new procedure, before the measure has had the chance to come into effect and before we have had time to see whether it works. We must find out what level of interest there is in the current process, and try to move it on a degree. I think that we might have to return to the matter, but I do not think that this is the right time to do so.

Des McNulty: Amendment 15 seeks to clarify the extent of the right to request a review of a homelessness decision. The legislative right to request a review was included in the Housing (Scotland) Act 1987 through changes introduced by the 2001 act.

New section 35A of the 1987 act provides, among other things, that an applicant may request a review of

“any decision as to what duty (if any) is owed to the applicant under section 31 or 32”.

The wording is deliberately wide enough to catch all the considerations relating to section 28 of the 1987 act. If someone were found not to be homeless, the local authority would decide that it owed no duty under sections 31 or 32 of the 1987 act and the applicant could request a review. If the applicant were considered neither to be in priority need nor intentionally homeless, the decision would affect the duty owed under sections 31 or 32 and would equally be caught by the right to a review.

In that context, amendment 15 is unnecessary, but I undertake to ensure that the updated code of guidance sets out clearly that the original homelessness decisions under section 28 of the 1987 act are caught by the right-to-review procedures. I hope that that helps Linda Fabiani.

On amendment 17, as Robert Brown said, the right of appeal to the sheriff court was discussed during the passage of the Housing (Scotland) Act 2001. When a similar amendment was lodged at stage 2, Linda Fabiani indicated that it was based on concerns arising from a judgment in the English case of *Adan v Newham London Borough Council*. The judgment in that case raised concerns that an internal review of a homelessness decision might be incompatible with article 6.1 of the ECHR, but it might be helpful to members if I update them on the latest legal position.

A later House of Lords decision in the case of *Begum v Tower Hamlets London Borough Council* departed considerably from the *Adan* decision. The facts in the two cases were almost identical: both involved an internal review of a homelessness decision under the equivalent English housing legislation. The *Begum* case clearly established that the requirements of article 6 of the ECHR can be satisfied by an internal review, where the subject matter of a decision involves the application of judgment and discretion rather than primarily a question of fact. A decision on homelessness clearly involves an exercise of administrative discretion notwithstanding that it also involves a preliminary finding of fact. On that basis, an appeal to the county court on a point of law was deemed sufficient to satisfy ECHR requirements and no appeal to determine fact and

law was necessary. In Scotland, there is no equivalent statutory appeal for homelessness decisions, although it was accepted that a statutory appeal on a point of law to the county court is equivalent to a judicial review, which is the equivalent remedy in Scotland for homelessness cases.

In the light of the decisions in the Begum case and in earlier case law, amendment 17 is unnecessary to satisfy ECHR requirements and should be rejected on that basis alone.

Legal questions aside, I remain firmly of the view that adding a right of appeal to the sheriff court would tack on to the existing review procedures a further procedural layer that would only build costs and delays into the system. The review process must be fair and transparent, but it also needs to be prompt. As Robert Brown said, the new procedure has been in force for less than 12 months and we have no reports or feedback to suggest that it is causing difficulties. If further guidance is needed on any part of the procedure, including building in an independent element of review, we will provide it. In the meantime, and in the light of my reassurance on the ECHR position, I ask Linda Fabiani not to press amendment 17.

Linda Fabiani: I thank the minister for his reassurances in relation to amendment 15, which I accept—I intend to withdraw the amendment.

On amendment 17, the case that the minister mentioned—whatever its name was—obviously came after the one that I mentioned. In the light of the minister's comments, which were extremely interesting, and his assurances about judicial review, I will not move amendment 17.

Amendment 15, by agreement, withdrawn.

Section 7—Power to modify section 33 of the 1987 Act

The Deputy Presiding Officer: Group 7 is on parliamentary procedure relating to orders to modify section 33 of the 1987 act. Amendment 3 is in a group on its own.

Ms Curran: Amendment 3 is a technical amendment and will provide a choice of parliamentary procedure—either negative or affirmative—when an order is made that affects the application of the local connection provisions in the 1987 act. The amendment reflects the flexible way in which the provisions may be applied, depending on circumstances. In some cases, the exercise of the power will have an important and significant effect, for instance when local connection is suspended in relation to every authority or specific individual authorities for a significant period. However, on other occasions, the effect will be temporary and localised. For example, it might be considered appropriate for

the exercise of local connection to be suspended in relation to one local authority for a limited period of six months. Amendment 3 will ensure that full parliamentary scrutiny will be given when required, but not when it is unnecessary.

I move amendment 3.

15:30

Mr Gibson: We have concerns about amendment 3. In our view, if amendment 3 is agreed to, ministers will have the right to impose secondary legislation in an important area of public policy rather than having it approved by Parliament. In the stage 2 debate, Des McNulty made the point that the Subordinate Legislation Committee had recommended an affirmative statutory instrument rather than a negative one. Mr McNulty said:

"The Subordinate Legislation Committee's recommendations at stage 1 form the basis for the provisions of amendment 17. That committee expressed concerns that the appropriate subordinate power should be used."—[*Official Report, Social Justice Committee*, 15 January 2003; c 3357.]

Amendment 17 was the amendment that brought in the use of the statutory instrument. It was an Executive amendment following the recommendations of the Subordinate Legislation Committee. Having used the committee recommendation as a bolster to get that amendment agreed to at stage 2, the Executive now wants to run counter to the arguments of the committee in forcing through this amendment. I therefore ask all colleagues to oppose it.

Ms Curran: I hear what Kenny Gibson has said and I am aware of the discussions that took place at stage 2. I assure the Parliament that the affirmative procedure will be used for the major issues. The negative procedure is for only the very technical issues. We have been advised carefully that that is the appropriate procedure in this context. We must have some degree of common sense in applying the power. It would not be appropriate for minor, technical issues to undergo major consideration. I guarantee to the Parliament that all major changes will be made through the affirmative procedure.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)

Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Grn)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West)(LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

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

Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 67, Against 25, Abstentions 0.

Amendment 3 agreed to.

Section 8—Suitability of accommodation for homeless persons

The Deputy Presiding Officer: Amendment 6 is grouped with amendment 16.

Karen Whitefield (Airdrie and Shotts) (Lab): Amendments 6 and 16 remove the original amendment that was lodged by Jackie Baillie at stage 2 and replace it with an extension to the duty that a local authority has to applicants in the period prior to its discharging its ultimate duty to provide final accommodation. I am well aware of Jackie Baillie's commitment in this area, especially to homeless families. Although I appreciate her concern and agree with her that local authorities should not use bed-and-breakfast accommodation regularly to accommodate homeless families, I suggest that there can be circumstances in which such accommodation is appropriate for homeless families. It should, therefore, be possible for local authorities to use that type of accommodation.

The Housing (Scotland) Act 2001 already ensures that any such accommodation must be reasonable for the applicant to occupy and that local authorities must have regard to the best interests of the children in securing that accommodation. The power that amendment 6 creates is capable of preventing the inappropriate use of bed-and-breakfast accommodation for families with children, but it allows exceptions when the use of such accommodation may be in the best interests of the family.

In addition, amendment 6 gives ministers the power to describe accommodation that cannot be used as interim accommodation. It is a very wide power, which enables any such description to be subject to "conditions or exceptions". That means that the power could be exercised in such a way

as to describe the relevant accommodation; to describe the conditions in which the use of such accommodation is not appropriate; and to state exceptions to the general position.

It should be noted that the power would be capable both of preventing the inappropriate use of bed-and-breakfast accommodation for families with children and of making exceptions when bed-and-breakfast accommodation might be in the best interests of a family, but the power would not be restricted to that. The power could be used to disbar the use of any form of accommodation for any household type or in any circumstances and to state exemptions to that.

I believe that everyone in the chamber would agree that, wherever possible, bed-and-breakfast accommodation should not be used for families. However, I know from constituency experience that the use of such accommodation is sometimes the right solution, especially when families have school and family ties in communities and it is preferable that they remain within such communities. On that basis, I ask members to support amendments 6 and 16.

I move amendment 6.

Mr Gibson: The SNP opposes amendments 6 and 16. As Jackie Baillie said eloquently at stage 2, there is an acute need to end the use of bed-and-breakfast accommodation for families. The homelessness task force recommended that it be ended. Indeed, I was pleased to move Jackie Baillie's amendment at a Social Justice Committee meeting at which the amendment was agreed to.

One would sympathise with the case that Karen Whitefield put if regulations arising from the Housing (Scotland) Act 2001 setting out minimum rights for hostel dwellers and people in bed-and-breakfast accommodation had been published. However, after almost two years, those regulations have not been published. As the bill stands, the use of bed-and-breakfast accommodation for families will end, except in an emergency. Of course, figures for the use of such accommodation under the coalition are at an all-time high.

Bed-and-breakfast accommodation for homeless people is, of course, not like the accommodation in grannie's Heilan hame. Local authorities might try their best, but families in bed-and-breakfast accommodation often have no facilities for washing and drying clothes and the establishments might be damp, in poor repair, inadequately furnished and lacking basic cleanliness. Privacy and play opportunities are lacking because of overcrowded living space, and cooking and toilet facilities might have to be shared with strangers, some of whom might have alcohol, drug or psychiatric problems. Violence and theft can occasionally be associated with that

situation, which can create feelings of fear and insecurity in families.

In the 21st century, the use of bed-and-breakfast accommodation for homeless families should be consigned to the history books. An announcement has been made in England of the United Kingdom Government's intention to abolish such use of bed-and-breakfast accommodation, except in emergency circumstances. Consultation on the abolition has begun. If the bill that we are debating is to be the most progressive legislation in Europe for homeless people—as it is touted as being—we must oppose amendments 6 and 16.

Jackie Baillie (Dumbarton) (Lab): I support amendment 6. As the member who introduced the amendment at stage 2 to which Kenny Gibson referred, I believe that the Social Justice Committee was clear about the need to prohibit the inappropriate use of bed-and-breakfast accommodation for families. We know the detrimental effect that such accommodation has on children. Whole families often share a room and there is a lack of privacy. Support mechanisms tend to break down and families can be in bed-and-breakfast accommodation for several months. It is not necessary to rehearse all the reasons why bed-and-breakfast accommodation is detrimental for families, because we know the potential impact of such accommodation.

I do not hesitate to support amendment 6, which reflects discussions in England on the issue, but I will make several points. First, I ask that the regulations that the Executive will introduce have the effect that amendment 6 intends, which is that the principle to end the post-assessment use of bed-and-breakfast accommodation for families remains intact. I would be grateful if the minister would confirm that that will be the case. I think that amendment 6 accepts that principle, but it also allows for flexibility that could take account not just of local circumstances such as rurality but of the particular individual circumstances of a homeless family. That is a sensible approach, particularly when it is reinforced by the other part of the amendment, which will allow for regulations to be produced that will specify accommodation that is suitable, unsuitable or of an insufficient standard.

I also ask the Executive to clarify when it intends to introduce the regulations. Delays should be avoided, where possible, so that we can move swiftly to a position where housing children in bed-and-breakfast accommodation is the exception rather than the norm.

Mrs McIntosh: I was part of the group of members who voted with Kenny Gibson to support Jackie Baillie's amendment at stage 2. I was moved and impressed by the comments that were made then, which were particularly appropriate as

it was around Christmas time, which is when people think about families who are in poor circumstances.

Karen Whitefield's argument about bed-and-breakfast accommodation being a last resort is important. We cannot allow families to continue to be corralled into one room with little privacy and little opportunity to do the normal things that we might all take for granted. We support the amendment, provided that bed-and-breakfast accommodation is used only as a last resort.

Linda Fabiani: When this matter was dealt with at stage 2, I felt that our outlawing of the use of bed-and-breakfast accommodation for homeless families represented a major step forward in relation to homelessness and I cannot see why the position should change now.

Will the minister make a commitment that the regulations that are likely to be passed today will amount to the outlawing of the use of bed-and-breakfast accommodation for homeless families and that the regulations will come into play within weeks and will not be delayed?

Given that the Minister for Social Justice came to the committee and admitted that the number of families in bed-and-breakfast accommodation has not been falling and that it was a lack of resources that prevented the ending of a situation in which families had to live in such inappropriate circumstances, I cannot see why we cannot pass legislation today that states that no more families will be made to live in bed-and-breakfast accommodation except in dire and unavoidable emergencies. The situation is simple and we must commit the necessary resources.

I urge members to vote against the changes to what was agreed at stage 2 and force the Executive to commit the resources to end this abomination.

Johann Lamont: I have spoken to some housing officials in rural areas who regarded the amendment that was passed at stage 2 as extremely urban focused.

There is an issue to do with the quality of bed-and-breakfast accommodation. We know that far too many people in some of our cities have awful experiences of being placed in entirely inappropriate circumstances, but I have also been told of families, particularly in rural areas, choosing to stay in bed-and-breakfast accommodation in the village or area in which they live rather than having to go elsewhere. I would imagine that the appropriate test would relate to what is best for individual families rather than to a prescription that comes out of a particular experience in urban areas. Nobody in the chamber wants to corral anybody into inappropriate bed-and-breakfast accommodation and I do not know any housing official who wants to do so either.

There is an underlying assumption that there are people who work in housing in our local authorities who do not share our concern for the needs of families and what will happen to young people at school and in the rest of their lives. We need to support legislation that allows flexibility and puts faith in local authorities to act in the best interests of the vulnerable families whom they are dealing with. There is no monopoly of concern on this matter. We have to have rigorous regulations that allow people to work to the best standards.

The way in which Linda Fabiani, in particular, has attempted to characterise this debate is unhelpful. The existence of the bill alone speaks volumes about our commitment to supporting vulnerable families.

Mr Murray Tosh (South of Scotland) (Con): My direct knowledge of councils' work in relation to homeless people is somewhat rusty as I have been away from local government for almost seven years. However, when I first became a councillor, I encountered a steady stream of homeless presentations to the local authority from Troon, which was the town that I represented. Unfortunately, the policies of Kyle and Carrick District Council meant that there was no suitable accommodation whatever for homeless families in Troon.

Over time, I was involved—indeed, in some respects, I was instrumental—in securing funding for a homeless hostel to provide temporary accommodation and in cutting housing stock from mainstream provision to provide temporary accommodation for people undergoing assessment and for those in the period between their acceptance as homeless and the allocation of a house. Throughout that time, however, there were always people who wanted to be housed in Troon and did not want to be shipped to Ayr, where there was a better standard of bed-and-breakfast accommodation.

15:45

The local authority engaged in work with local providers to try to bring property up to the necessary standards and to provide management rules that would provide decent accommodation for those who chose to stay in the area in which they had lived, where they expected to be housed, where their doctors and support systems were and where their kids went to school.

My local authority was keen to eliminate the use of bed-and-breakfast accommodation and moved very fast towards that. I agree that, for families with children in particular, such accommodation is not appropriate and is certainly far from ideal. That we should do everything that we can to eliminate its use is appropriate. However, what does a local

authority do that does not have access to accommodation in every area in which it would wish to have it and finds itself facing not dire emergencies, but sudden surges in demand when it has more presentations that empty units to allocate temporarily? The sensible way is to proceed gradually—but clear in our objective of abolishing the use of bed-and-breakfast establishments for temporary accommodation—and to provide minimum standards for such facilities as must be used. Amendment 6 meets those objectives and brings us towards a humane way of dealing with what is undoubtedly a scourge on our society.

Des McNulty: I am not sure how I will follow Murray Tosh's speech on amendment 6, because I was going to say the same. I will make the core commitment, which is central and unifies the Parliament. We want to eliminate the use of bed-and-breakfast accommodation. However, we want to leave ourselves some flexibility at the margins where it might be in the best interests of a family to use bed-and-breakfast accommodation for a short period of time. That would happen within the framework of the principle that bed-and-breakfast accommodation is not in the best interests of families.

We have been trying to find better, more extensive, different forms of temporary accommodation for all homeless people. The amount of investment that has gone into that is substantial. Murray Tosh is right that the route forward is a strategic approach that gets the provision in place and pushes local authorities as quickly as possible towards the fullest possible range of provision to meet current need.

We made clear in the Housing (Scotland) Act 2001 our intention that local authorities should have regard to children's best interests when considering solutions to homelessness and the bill reiterates that. We are also updating the code of guidance on homelessness during the course of the year to reflect those concerns. However, we need to ensure that what is in legislation is deliverable and takes account of the need to respond flexibly to the full range of circumstances that might arise. I reiterate that we want all homeless people to be housed properly and we recognise the devastating effects that homelessness can have on children, particularly if there is an inadequate response, as there used to be.

We need an approach that allows some flexibility and that ensures that local authorities and other providers take account of the need for change, are fully signed up to it and are able to deliver what is best for homeless families and children. That is crucial. Amendment 6 offers us a sensible way forward. It offers us a flexible power

that can be used to define as unsuitable not only bed-and-breakfast accommodation but other types of accommodation as necessary. It also allows exceptions to be defined, as well as the circumstances in which those exceptions should apply. It allows proper consultation to be undertaken to ensure that everything that is enshrined in legislation is effective and deliverable. I assure members that consultation will take place. I say to Linda Fabiani that it is not realistic to expect full implementation within weeks of everything that we want to do or can do, but we will proceed as early as possible with consultation on the matter and try to put the arrangements in place.

The point that Karen Whitefield made about standards is crucial. Kenny Gibson mentioned the unacceptable standards of the past, when people were put in entirely unsuitable bed-and-breakfast accommodation. The proposals in amendment 6 give us the capacity to deal with that situation and ensure that that does not happen.

What we have arrived at is a flexible structure framed in the principle of attempting to end the use of bed-and-breakfast accommodation while recognising that we always need to offer what is best within that framework for families, and particularly for families with children.

Karen Whitefield: We have had a good debate and I urge members to support amendment 6. If I thought for one minute that the amendment would create a situation that would force families into bed and breakfasts of the type that Kenny Gibson described, I would not be supporting it. However, amendment 6 addresses any such problems, because it will ensure standards in bed and breakfasts.

The amendment will also address the concerns of constituents who came to see me recently. Their home had been affected by a fire and they needed temporary accommodation. The local authority wanted to move the family to temporary accommodation in a nearby town. The family did not want to go there, however. They wanted to stay in the village where they had grown up, where the children went to school and where they had jobs. It was right that they were allowed to stay there. It is right that local authorities should have the flexibility to respond to the needs of families such as that one.

If we do not agree to amendment 6, we will be giving local authorities no flexibility and we will most certainly not be putting the interests of families and children first.

The Deputy Presiding Officer: The question is, that amendment 6 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Grn)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)

Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 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)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 76, Against 25, Abstentions 0.

Amendment 6 agreed to.

Amendment 16 moved—[Karen Whitefield].

The Deputy Presiding Officer: The question is, that amendment 16 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Godman, Trish (West Renfrewshire) (Lab)

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

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 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)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 77, Against 25, Abstentions 0.

Amendment 16 agreed to.

Section 9—Persons at risk of domestic abuse

The Deputy Presiding Officer: Group 9 is on persons at risk of domestic abuse. Amendment 4 is in a group on its own.

Ms Curran: At stage 2, the Executive accepted in principle Linda Fabiani's helpful amendment 22—I hope that Linda does not die of shock at that—and gave a commitment that we would return to the matter. As was explained at stage 2, Linda Fabiani's amendment had correctly identified another reference to "violence" in the Housing (Scotland) Act 1987, which we wished to update in order to refer to "abuse". However, Linda Fabiani's stage 2 amendment added "abuse" to the term "violence" rather than replacing it, I think unintentionally. It is unnecessary to have references to both, as violence and threatening conduct fall under the definition of abuse contained in the Housing (Scotland) Act 2001. We have therefore reflected that in amendment 4.

I move amendment 4.

Linda Fabiani: I thank the minister for that.

Amendment 4 agreed to.

After section 9

Amendment 17 moved—[Linda Fabiani].

The Deputy Presiding Officer: The question is, that amendment 17 be agreed to. Are we agreed?

Mrs McIntosh: Presiding Officer, my understanding is that Ms Fabiani said during the debate that she would not move amendment 17.

Linda Fabiani: My colleague Lyndsay McIntosh is absolutely right. I said earlier that I did not intend to move amendment 17 and I did not intend to move it. I am terribly sorry for the confusion.

Amendment 17, by agreement, withdrawn.

Homelessness etc (Scotland) Bill

The Deputy Presiding Officer (Mr George Reid): The next item of business is a debate on motion S1M-3778, in the name of Margaret Curran, that the Homelessness etc (Scotland) Bill be passed. [*Interruption.*] Order. There is too much chattering. If members want to chatter, they should please do so outside. I call the minister to speak to and move the motion.

15:56

The Minister for Social Justice (Ms Margaret Curran): This is an historic day for housing in Scotland. Not only have we a bill before us that, in the words of Shelter, represents the most progressive piece of homelessness legislation in western Europe, but earlier this morning the First Minister gave his approval for the transfer of housing stock from Glasgow City Council to the Glasgow Housing Association. That is the delivery of the most radical package of investment in tenant control ever proposed for housing in Scotland. The package will deliver for Glasgow tenants a £4 billion programme of investment over 30 years. It will lift £900 million of housing debts off the shoulders of Glasgow's tenants. It is a comprehensive programme of tenant influence and control.

I believe that our work in housing will go down as among the most significant achievements of the first session of Parliament. Prioritising those most in need has been the hallmark of the Executive's approach to housing and is reflected in our profound commitment to social justice. That is evident not only in our commitment to stock transfer or in the £47 million that we have committed to the decommissioning of the Glasgow hostels that deal with the most vulnerable of our citizens, but in the bill before us this afternoon.

Mr Brian Monteith (Mid Scotland and Fife) (Con): I agree with the minister that the housing stock transfer is a radical and welcome step. However, can she tell me why Glasgow's council leaders refused to meet ministers and accept such an opportunity when the same measure was offered to them in the early 1990s?

Ms Curran: I am grateful for the opportunity to demonstrate the clear blue water that exists between the Executive and the Conservative party. The Conservatives never offered to lift Glasgow's housing debt. That is why the transfer is such a radical move for Scottish housing.

The bill is the final component of a significant package of rights and resources for homeless people in Scotland. In commending the bill to the Parliament, it is proper that I recognise that we have reached this point due to the efforts of many

people and many organisations. I would like to pay tribute to those organisations and thank them for their work. If members will bear with me, I will name each organisation in turn: the Big Issue in Scotland Limited; the Scottish Council for Single Homeless; the Glasgow homelessness network; the Convention of Scottish Local Authorities; Shelter Scotland; the University of Glasgow; Greater Glasgow NHS Board; the Scottish Federation of Housing Associations; Communities Scotland; and the Association of Directors of Social Work. I also thank the officials from my department, who have worked so hard and so effectively. I pay personal tribute to Lindsay Manson and her team.

We should be proud of how far we have come since 1997. At that point, it was beginning to be recognised that homelessness was about more than simply housing. However, we had little information about the full extent of the problem and no strategic approach was in place to tackle it. No one can deny that things have moved on significantly since then. The Executive has funded a network of accommodation and support services to meet the complex needs of rough sleepers—we continue to provide funding to maintain those services. We have also moved forward on a range of other fronts, not least of which is the collection of appropriate statistics. Perhaps most important, local authorities are now required to develop and deliver homelessness strategies that are based on local assessments, which are to be regulated by Communities Scotland. Now at last we have a strategic framework in place, which is vital if we are to address the complex problems in a co-ordinated way.

Just as the Housing (Scotland) Act 2001 raised the minimum rights for homeless people so that all were entitled to at least temporary accommodation and advice and assistance, the bill progresses further the rights of people who find themselves homeless. The three hurdles over which applicants had to jump have been changed. Priority need is extended, with a commitment that it should be phased out over the next decade. A local authority can choose, at its discretion, to investigate intentionality in cases that it thinks warrant that, but its responsibility for an intentionally homeless person is increased. Local connection will be suspended for all applicants across Scotland and the emphasis will be put on sustainable choices instead of limited and unsustainable options.

Those changes will not be rushed or undertaken lightly and they will happen with full consultation over the coming months and years. If the changes are to succeed, partnership working with local authorities and other landlords will be essential. However, the changes will enable a shift of emphasis away from the barriers between a

homeless person and a home and towards facilitating solutions.

Inevitably, consultation and scrutiny of the legislative proposals highlighted areas of concern and areas where improvements could be made. I pay tribute to the work that the Social Justice Committee put into the bill. The committee's report emphasised two areas: resources to support the bill and the general housing supply, and the need to balance rights and responsibilities.

On the latter point, we lodged stage 2 amendments making it clear that the small minority of people who have a proven history of anti-social behaviour will not have an automatic right to access a short Scottish secure tenancy with support. Instead, they will be able to access only non-tenancy accommodation as a matter of course. The bill as amended strikes a proper balance between the rights of homeless applicants to access housing and the responsibilities that go with a public sector tenancy.

No one underestimates the fact that a significant commitment of resources will be required. We are making record funding available. Over the period of the spending review, £127 million is specifically allocated to prevent and tackle homelessness. Separate funding for the supply of social housing has also been made available with an average of £350 million a year over the next three years through the Communities Scotland development programme and through support to enable local authorities to transfer their houses to the not-for-profit social rented sector, which will lever in extra investment. That is a significant amount of money—17 per cent up on the current year—which will enable us to address the priorities of improving and replacing existing stock while meeting the needs of homeless people and others who have been squeezed out of housing markets.

I hope we will be able to look back with pride at the work of the Parliament and the commitment that it has given to considering some of the most significant and challenging social issues of our time. We cannot easily wipe away every social ill, but our determination—in partnership with local authorities, key service providers and the voluntary organisations that represent the interests of homeless people—has allowed us to tackle the fundamental causes of homelessness, to recognise and address the complexities of the issue, to engage all those who are required to be part of the solution and to put in place at last the necessary resources to tackle the problem. The bill has allowed the Executive to put Scotland at the front of the queue as one of the leading European nations in tackling homelessness.

I move,

That the Parliament agrees that the Homelessness etc. (Scotland) Bill be passed.

16:03

Mr Kenneth Gibson (Glasgow) (SNP): On behalf of the Scottish National Party group, I thank the clerking staff, the convener of the Social Justice Committee and all those who gave evidence to help to produce this important piece of legislation. Although we are disappointed that amendments 6 and 16 were agreed to, we genuinely welcome the bill.

The bill covers important issues, including homelessness tests, priority need, anti-social behaviour, local connection and the support that homeless and vulnerable people will be able to obtain. All those issues were thoroughly discussed and debated in committee. The paucity of amendments reflects the genuine consensus among all parties on homelessness.

The number of homelessness applications has been at a record level. The key to delivery for Scotland's homeless people and those who might become homeless is resources, by which I mean money, adequately trained and deployed staff and new homes being built the length and breadth of the country. I know that those issues are exercising the private sector and the Executive.

The committee discussed hidden homelessness. There are concerns that there might be an upsurge in the number of homelessness applications as people benefit from the legislation. However, that is obviously a suck-it-and-see issue for the Executive. There are also concerns that the level of resources that will be required has not yet been assessed. We look forward to that happening.

The minister touched on housing stock transfer, which I did not think was part of the issue that we are discussing. However, I am happy to mention it. Now that stock transfer has been approved, I hope that there will be genuine community ownership. I hope that we do not see a situation in which big, national housing associations effectively take over what should be community-run housing associations. Those community-run associations genuinely deliver to people—small is beautiful, as my colleague Linda Fabiani has said. The SNP certainly wants secondary transfers at the earliest feasible opportunity.

The minister is right in saying that we cannot rush into implementing legislation. However, in our view, there have been delays in implementing some important aspects of the Housing (Scotland) Act 2001, as I mentioned in our discussions on the amendments. Although we do not want legislation, guidelines or implementation to be rushed, we do not want procrastination either. It is important to introduce the measures as soon as possible.

Despite the minister's comments about the Executive's work in tackling housing issues and

homelessness, we should remember that in the dark days of Mrs Thatcher housing investment was three times what it is in Scotland today. However, it will help that the Executive has accepted a number of SNP policies, such as the abolition of the 75 per cent clawback rule and the introduction of prudential borrowing and a Scottish housing standard.

In conclusion, I believe that the bill is excellent. We must all ensure that it works for the most vulnerable in our society.

16:06

Mrs Lyndsay McIntosh (Central Scotland) (Con): I take this opportunity to thank the clerks of the Social Justice Committee for all their hard work on the Homelessness etc (Scotland) Bill—as ever, they have been invaluable. I also thank all the organisations and individuals who took the time to aid us in our scrutiny of the bill.

It has been two and a half months since the stage 1 debate on the bill. During that debate, my Conservative colleagues and I indicated that we would support the bill at stage 1, albeit with grave reservations because of the Executive's failure to provide a proper cost analysis. We asked the Executive to provide at stage 2 a financial analysis of the costs associated with the bill's proposals, but we were disappointed. I ask members to note that we cannot vote for the bill to become law, although I do not say that we do not support the bill's intent, because we do. We support the proposals that endeavour to improve the system for dealing with homelessness. After all, it was the Conservatives who introduced the rough sleepers initiative in 1996.

Karen Whitefield (Airdrie and Shotts) (Lab): Is the member telling us that Scottish Conservative members intend to vote against the bill tonight?

Mrs McIntosh: We will not vote against it.

Karen Whitefield: But Conservative members will not vote for it.

Mrs McIntosh: I have answered that question.

Johann Lamont (Glasgow Pollok) (Lab): Will the member say whether Scottish Conservative members intend to vote for the bill?

Mrs McIntosh: I said that we would not vote for the bill. However, we will not vote against it either—we intend to abstain. If we have indicated that we intend neither to vote for nor to vote against the bill, the conclusion must be that we intend to abstain on it.

Jackie Baillie (Dumbarton) (Lab): Will the member give way?

Mrs McIntosh: Not on that issue. I want to make progress. I will get to Jackie Baillie in a minute.

We do not want to be party to an empty promise in which the Executive has failed to make an identified funding commitment. That would not be true blue.

The legislative changes proposed in the bill will result in increased demand for social housing. Some local authorities will have neither the stock nor the funds to cope with that demand. The extension of priority need and the fact that from 31 December 2012 the definition will include everyone who is classed as homeless are bound to result in more households applying to local authorities for accommodation.

The accompanying suspension of the local connection criteria—which will remove the ability of a local authority to refer an applicant to another authority to which the applicant has a connection—is bound to result in an influx of applicants to certain areas that may outstrip the supply of social housing that is available there. That was pointed out in evidence to the Social Justice Committee, when concerns were expressed about the amount of available housing in our less populated areas and in rural areas particularly. Highland Council said that the quality of life in the Highlands can be attractive to many, but that just one or two families can deplete the council's housing stock. Major cities fear an unsustainable increase in the number of people applying for social housing, especially youngsters who might now go to the cities to seek fame or fortune. Local authorities need extra funding from the Executive to provide the solutions that the bill promises. I accept that the Executive has that in mind.

The bill has been welcomed by organisations and individuals who work with and for homeless people in our society and whom we hold in high regard. Homelessness is a major problem in Scotland. In 2001-02, 46,500 households applied to local authorities as homeless, which represents a rise of 13 per cent on the figure when Labour took power in 1997. The real figure is estimated to be higher. Many more people who sleep rough do not appear in the official statistics. For them, establishing a tenancy would be like the answer to a prayer.

Labour promised to remove the need for anyone to sleep rough by 2003, but its policies have led to many youngsters going through the system on a revolving-door basis and moving from one form of temporary accommodation to another. Placing homeless people in temporary accommodation must be a temporary solution. Most people aspire to have their own home as a sanctuary.

The number of households that live in temporary accommodation has risen by almost 25 per cent since 1997 under Labour. Even more shocking are the figures on households—especially those with

children—that live in bed-and-breakfast accommodation. The number of households in such accommodation has risen by a staggering 99 per cent since 1997 and the number of households with dependent children in such accommodation has risen by almost 45 per cent in the past year.

I was moved by what Jackie Baillie said at stage 2 about her amendment 35 on temporary accommodation, which prohibited the use of bed-and-breakfast accommodation for families with dependent children, except in emergencies. The key word is “emergency”. Such accommodation is a last resort. Murray Tosh said it all in his remarks.

People need support if they are to make a smooth transition from homelessness to tenancy. Short-term support, help with furniture—because we are material girls and boys, after all—and long-term advice are required if we are to end the misery of homelessness. We must ensure that access to health advice, money advice and other community support is in place. I regret that the minister did not accept the argument behind my amendment 5 as a first step towards ensuring that support is available for the most vulnerable in our society. That would have been a big step forward.

Ms Curran: Will the member explain my confusion?

Mrs McIntosh: I cannot account for that.

Ms Curran: The member says that the Conservatives cannot vote for the bill because of costs and some issues that cannot be resolved, but we rejected the one amendment that the Conservatives lodged because its effect was uncoded and because it would have added costs. The member’s position is somewhat contradictory.

The Deputy Presiding Officer: I ask the member to answer and wind up, please.

Mrs McIntosh: As I said, I appreciate that the proposed measure would have meant a bigger cost in the short term, but it would have created a long-term benefit.

I support the bill’s aims but, without the proper financial backing, local authorities will not meet the high expectations of the bill. That is a bit like free personal care—we have the high expectation and then all the dither and delay about whether the policy will be achieved, yet the issue still remains a problem for some people.

The Deputy Presiding Officer: I hope that members will keep to their allocated times from now.

16:14

Robert Brown (Glasgow) (LD): I confess that I listened with perplexity to what I can only describe

as a rather schizophrenic speech from Lyndsay McIntosh. I am bewildered by the Conservative party’s position on homelessness and its solutions to the difficulties. Having sat through the Social Justice Committee’s consideration of the bill with Lyndsay McIntosh, I thought that she was broadly sympathetic to what we were trying to do. I do not know where we stand now.

I think that there are only three survivors from the original members of what is now the Social Justice Committee, but Cathie Craigie can confirm that. Those of us who have served all that time feel that the passage of the Homelessness etc (Scotland) Bill today means that three significant pieces of housing legislation will have been placed on the statute book. That will fulfil one of the pledges that I gave on behalf of the Liberal Democrats at the election—it was also made by Jim Wallace—that housing would be higher up the agenda than had recently been the case.

The legislative progress has been matched by the groundbreaking central heating investment scheme, the linked warm deal and the somewhat thorny but vital progress that has been made towards community empowerment and regeneration and long-term investment planning, which culminated in Margaret Curran’s welcome announcement today that the Glasgow housing stock transfer project has been approved. I say to the critics of the Scottish Parliament that that housing agenda alone would justify the existence of the Parliament even if the Parliament had done nothing else.

The Homelessness etc (Scotland) Bill is primarily framework legislation, as in many respects was the Housing (Scotland) Act 2001. It sets the framework for tackling the tragic curse of homelessness in Scotland. I hope that members will forgive me for mentioning that the bill builds on the pioneering work that was done at the time of the Housing (Homeless Persons) Act 1977, which was introduced by my Liberal Democrat colleague Stephen Ross MP and given Government support under the Lib-Lab pact of the time. Times move on and the demands of homelessness have got worse, not least as a result of some of the activities of Lyndsay McIntosh’s party when it was in government. The time has come to widen the strategy in the way that the bill does.

It is important that the homelessness strategy should fit into the general fabric of housing provision in such a way as to strengthen the stability of local communities and not to undermine them. Most homeless people lack a house as a result of marital or relationship break-ups, natural disasters such as fires or flood or inability to pay the mortgage. Although those people need a house and a bit of time, the majority do not need formal support of any kind. However, a minority of

people are too young or immature to sustain tenancies. They may have annoyed the neighbours or have alcohol, drug or mental health problems and some of them need support beyond the provision of a house.

I entirely accept the ethos behind the measures to set in place a programme to assess need through local homelessness strategies, to widen the categories of need and to eliminate the concept of priority need over a period of time. Central to the success of the strategy, however, is the need greatly to improve support facilities, to put in resources and to encourage best practice in the identification and assessment of those with support needs. I am thinking of the provision that has been set up successfully at the Hamish Allen Centre in Glasgow.

I am glad that the minister gave such a helpful response to my amendments on support needs. I am also glad that the Parliament will be able to look at the issue again once local strategies are in place and reviewed. By then, we will know the scale of the requirement rather more precisely than we do at present.

I rather think that the Parliament will need to legislate again at that point. Members will recall the dissatisfaction with the advisory nature of the earlier homelessness guidance and the constant calls to make the guidance statutory. All the bureaucracies—whether the Department for Work and Pensions, social work services or the council—struggle to deliver speedy, good-quality and personal responses to need and to recognise individual rights in the process. Although I entirely accept the need to work in partnership with local authorities, sometimes a statutory framework is necessary to stimulate the process and to encourage councils through it.

During the passage of the Housing (Scotland) Act 2001, I was struck by the fact that we were able to include a reference to the needs of children, which found its way into the relevant subordinate legislation. I want to thank the clerks—

The Deputy Presiding Officer: Briefly, please.

Robert Brown: I want to thank the minister, Margaret Curran, in particular, as she has played a significant part in developing the homelessness agenda. I also thank my colleagues on the Social Justice Committee for their input.

In conclusion, I do not know whether the bill will become known in American style as the Curran-McNulty Bill, but it marks a significant advance for homeless people. I am very glad to have played my part in its passage.

The Deputy Presiding Officer: We can take three speeches from the floor if they are each of three minutes maximum.

16:19

Cathie Craigie (Cumbernauld and Kilsyth)

(Lab): Like other speakers this afternoon, I would like to place on record my thanks to all those who have been involved in the bill. It has truly been a team effort that has involved many individuals and groups that represent the wide interests of homeless people and the local authorities that are to deliver the implementation of the legislation.

During the 1980s and 1990s, I campaigned to raise the profile of housing by highlighting the chronic underinvestment in our housing stock and the plight of the homeless. I share the view held by many that there was an ever-increasing need to place housing higher on the political agenda. At that time, we recognised that having a warm, secure and affordable home, together with a package of rights and responsibilities, was a key element in progress towards a more just society.

It has taken a long time for the issue to receive the attention that it deserves. During the years when the Tories were in power, it was hard to watch Scotland's housing stock decline through a lack of investment and homelessness increase, with people being blamed for bringing their homelessness on themselves. There was a lack of political direction in addressing the issue. As we have seen this afternoon, the Tories have not learned anything—they still do not have the political direction to take the issue forward.

However, as Robert Brown mentioned earlier, housing has now firmly taken its rightful place on the agenda. I am proud that, under a Labour-led Executive in the first session of the Parliament, we have placed housing at the heart of the political agenda with the enactment of legislation that makes, and will continue to make, a real difference to tenants and to people who do not have a home.

The Scottish Labour party is committed to tackling social exclusion and poverty in all its forms. Indeed, the Housing (Scotland) Act 2001 has already demonstrated that Labour is tackling the problems of homelessness head on. The Homelessness etc (Scotland) Bill represents an addition to the important measures that have already been put in place.

We recognise that dealing with homelessness is not just about providing a roof over the head of an individual or a family. As we have heard, the vast majority of people who find themselves homeless are ordinary people like us. Thankfully, they will have to deal with that situation only once in their lives. The bill seeks to introduce measures to deal with people who find themselves in a less fortunate position and who are caught in that revolving-door situation that members have already mentioned.

Through this legislation, action will be taken to ensure that people's needs are met, that they are not just given the keys of a house without the proper resources and back-up and that they are not turned away after one interview with the claim that no one can help them. The bill will help people who have serious problems as well as those who experience temporary difficulties in their lives.

Everyone involved in the wide-ranging debate on homelessness has recognised that the problem will not be eliminated overnight and that a sensible and achievable time frame has been put in place. It is also recognised that considerable resources will be required if we are to deliver the improvements that are intended by the legislation. I know that the Executive has taken seriously the points that the Social Justice Committee and the Finance Committee made about resources, and that it will work with COSLA and everyone involved to ensure that we work towards eradicating homelessness.

16:22

Robin Harper (Lothians) (Green): I simply want to add my congratulations to the Executive, the Social Justice Committee and all the partners who helped to prepare the bill and to put it before the Parliament. Indeed, I hope that the Parliament will pass it very soon.

I was absolutely astonished by the Conservatives' response. They could have made their criticisms of the legislation and either left themselves unwhipped to respond as they saw fit or—much better—supported what is, after all, a real piece of legislation that addresses a real problem that affects far too many people in Scotland. The bill will make a difference and is fit for purpose.

I hope that, in the weeks to come, this piece of legislation will number among the many acts of the Parliament that will inspire the people of Scotland to become reconnected with local and national politics.

16:23

Mr Murray Tosh (South of Scotland) (Con): I am grateful to Mr Harper for leaving me some additional time, Presiding Officer. [*Interruption.*] It is all right—I am joking.

I came to the Parliament with a considerable background of action in the housing field and to progress issues that were important to me and to the people that I represented. I congratulate the minister on her bill and on the progress of her agenda.

However, the point about the level of resources, which the minister raised in her speech, concerns me. Clearly, resources for building are an

important part of the strategy of providing supply to deal with homelessness.

I am concerned that, over and above what Kenny Gibson said about the strategic level of resource available to support new housing for social rent, my experience of a housing association is that resources taper downwards in much of Scotland, even where there is substantial demand.

I am also concerned that there appears to be a genuine problem with land supply in many parts of the south of Scotland. There are deficiencies in planning guidance, but guidance is necessary to encourage local authorities to find mechanisms to release the land to cater for the resources that I hope will become available.

I am concerned that the resource level assumed in the minister's thinking, in the speeches she makes and in the research that comes through her department means that the Executive is aiming its building programme at meeting the needs of emergent households. I am also concerned that there is no realisation of the need to cater for and to meet the needs of significant suppressed demand.

Lots of people in our communities do not feature as homeless, such as adults who live with their parents and people in temporary accommodation or shared tenancies. The quantification of housing need that I have seen does not adequately reflect those circumstances. There is considerable unmet need in Scotland and I hope that the bill will lead to the introduction of more resources to deal with it.

In politics, we must do what the Parliament did about free personal care: we resolved to pursue free personal care and we asserted the principle that the resources should follow the policy. The resources have followed that policy and the debate continues about whether the resources are sufficient. In the context of the bill, the policy should be asserted that there shall be enough resources to provide that every family in this country of ours will be adequately and decently housed by 2012. If the bill is passed, the consequence will be that the Executive must provide the resources. I hope that that will happen. The responsible thing to do is to support the bill and to demand that the resources will follow.

In politics, there is nothing without honour. I cannot agree to abstain from the vote on the bill or to oppose it because that would damn everything that I believe in and that I have worked for in public life for a decade and a half. I will support the bill this evening.

16:27

The Deputy Minister for Social Justice (Des McNulty): Murray Tosh has provided a more comprehensive indictment of the Conservative position than I could provide, so I will say no more about Lyndsay McIntosh's contribution.

The Homelessness etc (Scotland) Bill sets the legislative framework for delivering ambitious targets for accommodation for all homeless people by 2012. That is an acceptable, moral and praiseworthy goal towards which we should all set ourselves.

In practical terms, the bill streamlines the current system. It confers additional rights for homeless people, it creates additional obligations for local authorities and it puts homeless people on an equal footing with others, which was not always the case in the past. Above all, the bill provides more effective solutions for those most in need of assistance.

The bill allows a phased approach to full implementation that takes account of the need to proceed on the basis of sound evidence, at a pace that is not only achievable but sustainable.

Following the spending review, the necessary resources have been set aside to implement the first phase over the next three years. The bill comes as a legislative culmination of a long process of improved responses to homelessness, but in many ways it is truly the beginning of the delivery phase of a policy that has been developed carefully in a consultative and inclusive way.

I will not repeat the list of the organisations that Margaret Curran read out, but many organisations and individuals have played significant roles in the development of the bill. I pay particular tribute to the roles of the Social Justice Committee and the Finance Committee, which asked searching questions that helped us to improve various aspects of the bill.

Legislation is an important part of that improved response, but it is only one part. It provides the foundation on which service delivery will be based. Local authorities are currently finalising their homelessness strategies, which will provide the framework for tackling homelessness in the future. Those strategies will respond to the legislative changes in the bill, but they will also look beyond it to focus on what is required locally to prevent homelessness where possible and to find effective solutions where homelessness occurs.

The first step is to carry out a comprehensive assessment of the causes and nature of homelessness in the area. The second is to plan and develop policies and services that will address the problem. The final step is to ensure the delivery of quality services to address

homelessness throughout Scotland. That is our goal, and we believe that it can be delivered.

The strategies will incorporate the wider recommendations of the homelessness task force. For example, in developing those strategies, councils should consider concentrated support programmes for people facing eviction. They should review their arrears management and anti-social behaviour policies to ensure that those policies do not contribute to homelessness and should establish crisis-response systems to deal with the immediate aftermath of a household becoming homeless. The strategies will also incorporate health and homelessness action plans, developed jointly with health boards, and will include specific outcome agreements to continue the immense effort that has been made locally to tackle the very serious problems faced by people who sleep rough.

Implementation of the local authority strategies will require the participation and genuine commitment of a wide range of partners—that is a crucial point. Voluntary organisations, health boards, employers, private landlords, the Benefits Agency and homeless people are some of the local partners with whom authorities will need to work co-operatively. The commitment shown by organisations to date demonstrates that the system we propose is workable. We expect councils to act in a co-ordinated and coherent manner and to work in partnership from a sound evidence base. We will monitor the situation closely to make sure that that happens.

It is the Executive's intention to ensure that the bill's implementation will be based on objective evidence of homelessness numbers, resource requirements and availability and local authorities' ability to meet the demands of the bill. Flexibility is important, which is why we have ensured a phased implementation of the requirements. Communities Scotland's regulatory function will also provide an important monitor of our progress.

This Executive and the partnership parties are committed to working in partnership with key stakeholders to ensure that we have real agreement on the way forward and that progress will be sustainable. We will consult on and publish statements on the phasing out of priority need and on the modified operation of local connection.

I believe that this is a landmark bill for the Scottish Parliament. It shows that our parliamentary processes can deliver on the expectations of the Scottish people, that devolution is working and that we are listening and acting on the concerns of people in Scotland.

I look forward to the task that lies ahead for everyone in making sure that the bill does what it says on the tin.

Standing Orders (Changes)

The Deputy Presiding Officer (Mr George Reid): The next item of business is consideration of motion S1M-3971 on behalf of the Procedures Committee, which seeks specified changes to standing orders.

16:32

Mr Murray Tosh (South of Scotland) (Con): I begin by expressing my thanks to the Parliamentary Bureau for allocating to the Procedures Committee time that had previously been allocated to the Executive, in order to allow a small piece of additional committee business to be debated, which has given me the opportunity to explain the proposed changes to standing orders.

The Parliament has already approved the Procedures Committee's fourth report of 2002, on a range of standing order changes, with the exception of one recommendation, which covers the remit of the European Committee. The reason for seeking to extend the committee's remit is to ensure that a committee—the European Committee seemed to be the most sensible one to select—has responsibility for scrutinising the external relations policies of the Executive. Over the past four years, the Executive has developed its own areas of activity, so it is necessary that we extend committee scrutiny to cover that. Because the European Committee is a mandatory committee, its remit is spelled out in standing orders, so a change to its remit requires changes to standing orders, which the committee recommends to Parliament today.

Our first report of 2003 proposes a number of minor technical and non-controversial changes to legislative matters. It also covers some matters relating to the dissolution of Parliament and provides for outstanding motions, questions and amendments, which will fall at the end of this session of Parliament. It also provides that written questions will cease 14 days before the expected dissolution. Those are largely matters of common sense; the most significant point of the agreement is that which the Executive has given, which is that written questions may be lodged immediately after the election, as soon as new members of the Parliament have taken the oath or have affirmed. I also commend those standing order changes to the Parliament.

Our second report of 2003 aims to streamline elections to the Scottish Parliamentary Corporate Body. When we looked at the procedures for that, we found that those that were used in 1999 were, in general, reasonably robust so, by and large, we have not recommended changes, although we do recommend some.

Specifically, we propose that it should be possible to use a single vote to elect four people to fill four vacancies, should the Parliament find itself in that position. If there are more than four candidates for four vacancies, we propose that the Parliament be allowed to reduce the field to four and then to elect the four remaining candidates on a single vote, which would save a considerable amount of time. If a vote is required on the four candidates because agreement cannot be reached on a block vote, the new procedures will allow for a fairly speedy yes, no or abstain option on each candidate in a single round of voting. There is confidence that the posts can be filled efficiently and more quickly than was the case on the previous occasion.

In recommending to the Parliament the changes to the standing orders, I thank the directorate of clerking and reporting, which produced most of the reports, and the Procedures Committee's clerking team, which worked hard to produce the reports. It did so at fairly short notice in a couple of cases. I also extend my sincere thanks to members who have served on the Procedures Committee. The committee has been an excellent committee over four years. There have been several different faces on it and all members have contributed well; I have valued their contributions.

I commend to Parliament the motion and the proposed changes to the standing orders.

I move,

That the Parliament approves the recommendations for amendments to the Standing Orders of the Parliament (a) concerning the remit of the European Committee contained in the Procedures Committee's 4th Report 2002, *Changes to Standing Orders concerning the Scottish Parliamentary Standards Commissioner, European Committee remit, Private Legislation, Temporary Conveners and the Journal of the Scottish Parliament* (SP Paper 665), (b) contained in the Procedures Committee's 1st Report 2003, *Changes to Standing Orders concerning Legislative Matters, Motions and Lodging Written Questions* (SP Paper 783) and (c) contained in the Procedures Committee's 2nd Report 2003, *Changes to Standing Orders Concerning Elections to the Scottish Parliamentary Corporate Body* (SP Paper 787) and agrees that these amendments to the Standing Orders should come into force on Thursday 6 March 2003.

16:36

The Deputy Minister for Parliamentary Business (Euan Robson): The Executive welcomes and endorses the recommended changes to the standing orders that are outlined in the Procedures Committee's first and second reports of 2003. The suggested changes, some of which will assist in the period immediately before dissolution—others are more long term—will help in the management of business in the Parliament.

The Executive is happy to commend the sensible and practical changes for elections to the

SPCB that Murray Tosh outlined. The Executive sees the proposed extension of the remit of the European Committee as an opportunity, provided that the committee is able to focus its efforts meaningfully, which will be possible only if scrutiny of sectoral European Union business is mainstreamed in the work of relevant sectoral committees. That would free up the European Committee to focus on scrutiny of the Executive's handling of strategic EU issues that affect Scotland, and its external relations activities beyond the EU.

I do not have much more to say. On behalf of the Executive, I acknowledge the Procedures Committee's careful consideration of all the issues that are being discussed today and I thank its convener, members and staff for all their work.

16:37

Mr Gil Paterson (Central Scotland) (SNP): Murray Tosh outlined exactly where we are with the reports and the recommendations. There is not much more that I can say, other than to repeat what he said. As a committee member, I recommend to Parliament that we accept the reports and the recommended changes to the standing orders. The SNP also recommends doing so.

I thank Murray Tosh for the way in which he has used his stewardship skills in the Procedures Committee. The committee is sometimes a dry committee, but Murray Tosh has handled things commendably. I am sure that I speak on behalf of MSPs who are no longer on the committee—they would say what I am saying if they had the opportunity. I ask members to support the proposed changes.

The Presiding Officer (Sir David Steel): The committee might be a dry committee, but only committee members have asked to speak in the debate.

16:39

Mr Kenneth Macintosh (Eastwood) (Lab): The recommendations are not controversial and have been fully debated by the committee, so I will keep my remarks brief.

I want to comment only on elections to the SPCB. We all remember that the process was cumbersome on the previous occasion; there were four separate elections for four uncontested posts. I hope that our report will make the procedure more understandable and speedier.

I thank the current and past members of the SPCB, which is an important body that has legal responsibility for the Parliament and deals with the most controversial to the most mundane issues. I

know how upset we all get when the machinery of Parliament does not work to our liking. I appeal to the SPCB to take a less Edinburgh-centric and a more constituency-based approach next time round, particularly to reflect the views of members such as myself who do our work from constituency offices.

I thank the convener, Murray Tosh, for all his work and I thank all the clerks to the Procedures Committee. It has been an efficient and non-partisan committee.

16:40

Donald Gorrie (Central Scotland) (LD): I take the opportunity to put in an advertisement for the committee's main report on the consultative steering group principles, because we have worked so hard on it. The Parliament will not have the opportunity to debate it during this session, but members will get copies of it. I hope that those of us who are lucky enough to survive the election will take a lot of its recommendations seriously.

The reports today are much more minor and everyone agrees that they are acceptable. As Ken Macintosh said, we propose a more sensible way to elect the corporate body. I join the thanks to the other members of the committee and in particular to Murray Tosh. He is an excellent committee convener. I do not know whether I am allowed to say that I hope that he continues in the post, but I hope that he does.

16:41

Susan Deacon (Edinburgh East and Musselburgh) (Lab): Members will not be surprised to learn that I am pleased to support the motion and to commend the changes to Parliament.

I will introduce a note of party-political controversy by taking issue with Gil Paterson's assertion that the Procedures Committee is dry. I think that there have been some amusing and interesting exchanges; there certainly have been in the past year when I have had the joy of experiencing them. It should be reassuring to our colleagues that we have delved into the technical details of standing orders on issues such as those in the reports that are before Parliament today.

Although the changes might be technical, it is important to acknowledge that we have in this Parliament dealt with a great number of firsts, of which dissolution is one. In the Procedures Committee, we have been aware of the need to take stock of how different procedures have worked to date and to look for improvements where possible. The reports in front of members today are examples of that; I cite the report on the changes to the SPCB elections.

I endorse Donald Gorrie's comments about the wider work that we have done in the CSG principles inquiry. I hope that that work will also provide a sound basis for the next Parliament. We must consider how procedures can be developed and improved, because they make a difference to the overall effectiveness of the institution. I am pleased to support the motion.

Motion without Notice

16:43

The Deputy Minister for Parliamentary Business (Euan Robson): I seek leave to move a motion without notice to bring forward decision time.

The Presiding Officer (Sir David Steel): Is it agreed that we take such a motion?

Members *indicated agreement.*

Motion moved,

That the Parliament agrees under rule 11.2.4 of Standing Orders that Decision Time on Wednesday 5 March 2003 be taken at 4.43 pm.—[*Euan Robson.*]

Motion agreed to.

Decision Time

16:43

The Presiding Officer (Sir David Steel): The first question is, that amendment S1M-3958.1, in the name of Richard Lochhead, which seeks to amend motion S1M-3958, in the name of Ross Finnie, on the Fishing Vessels (Decommissioning) (Scotland) Scheme 2003 (SSI 2003/87), be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 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)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)

Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Grn)

The Presiding Officer: The result of the division is: For 44, Against 62, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The second question is, that motion S1M-3958, in the name of Ross Finnie, on the Fishing Vessels (Decommissioning) (Scotland) Scheme 2003 (SSI 2003/87), be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harper, Robin (Lothians) (Grn)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Dr Winnie (Highlands and Islands) (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)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 64, Against 44, Abstentions 1.

Motion agreed to.

That the Parliament agrees that the Fishing Vessels (Decommissioning) (Scotland) Scheme 2003 (SSI 2003/87) be approved.

The Presiding Officer: The third question is, that amendment S1M-3959.1, in the name of Richard Lochhead, which seeks to amend motion S1M-3959, in the name of Ross Finnie, on the Sea Fishing (Transitional Support) (Scotland) (No 2) Scheme 2003 (SSI 2003/116), be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Dr Winnie (Highlands and Islands) (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)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)

Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 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 45, Against 62, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The fourth question is, that motion S1M-3959, in the name of Ross Finnie, on the Sea Fishing (Transitional Support) (Scotland) (No 2) Scheme 2003 (SSI 2003/116), be agreed to.

Motion agreed to.

That the Parliament agrees that the Sea Fishing (Transitional Support) (Scotland) (No.2) Scheme 2003 (SSI 2003/116) be approved.

The Presiding Officer: The fifth question is, that motion S1M-3983, in the name of Patricia Ferguson, on the designation of a lead committee, be agreed to.

Motion agreed to.

That the Parliament agrees that the Justice 1 Committee be designated as lead committee in consideration of the draft Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003.

The Presiding Officer: The sixth question is, that motion S1M-3984, in the name of Patricia Ferguson, on the designation of a lead committee, be agreed to.

Motion agreed to.

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the Sheriff Court Fees Amendment Order 2003 (SSI 2003/97).

The Presiding Officer: The seventh question is, that motion S1M-3778, in the name of Ms Margaret Curran, that the Homelessness etc (Scotland) Bill be passed, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Grn)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)

Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scott, John (Ayr) (Con)

The Presiding Officer: The result of the division is: For 98, Against 0, Abstentions 10.

Motion agreed to.

That the Parliament agrees that the Homelessness etc. (Scotland) Bill be passed.

The Presiding Officer: The eighth question is, that motion S1M-3971, in the name of Murray Tosh, on changes to standing orders, be agreed to.

Motion agreed to.

That the Parliament approves the recommendations for amendments to the Standing Orders of the Parliament (a) concerning the remit of the European Committee contained in the Procedures Committee's 4th Report 2002, *Changes to Standing Orders concerning the Scottish Parliamentary Standards Commissioner, European Committee remit, Private Legislation, Temporary Conveners and the Journal of the Scottish Parliament* (SP Paper 665), (b) contained in the Procedures Committee's 1st Report 2003, *Changes to Standing Orders concerning Legislative Matters, Motions and Lodging Written Questions* (SP Paper 783) and (c) contained in the Procedures Committee's 2nd Report 2003, *Changes to Standing Orders Concerning Elections to the Scottish Parliamentary Corporate Body* (SP Paper 787) and agrees that these amendments to the Standing Orders should come into force on Thursday 6 March 2003.

Point of Order

16:52

Alex Fergusson (South of Scotland) (Con): On a point of order, Presiding Officer, of which I have given you written notice. At 12.26 this afternoon, according to my e-mail, the National Farmers Union of Scotland issued a press release saying that the Executive is to lodge a number of amendments to the Agricultural Holdings (Scotland) Bill that will

"achieve radical changes which were not envisaged when this process began over three years ago."

That suggests that others have been made privy to details of Executive amendments of which members of the Scottish Parliament have still not been made aware. I understand that the amendments will not be lodged until Friday at the earliest, which will leave precious little time for scrutiny of those amendments to that serious piece of legislation. Presiding Officer, I ask you whether you consider that to be in order.

The Presiding Officer (Sir David Steel): I am afraid that I cannot give a very helpful ruling in response to that question. I am grateful to the member for giving me advance notice of his point of order. However, I have not seen the amendments to which he refers, so I am not in a position to take a view of the nature of the amendments, nor can I speculate about whether they have been seen by third parties. In general terms, there is nothing to prevent details of amendments from being discussed with others prior to their being lodged; that is quite normal. However, the member might wish to raise the matter again when we have seen the amendments.

Food Supplements (European Directive)

The Deputy Presiding Officer (Mr Murray Tosh): The final item of business is a members' business debate on motion S1M-3830, in the name of Margo MacDonald, on the European directive on food supplements. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes that millions of people use food supplements and herbal remedies in the UK each year; regrets that the European Commission has published a directive on food supplements that will firstly reduce the numbers of supplements offered and secondly reduce the potency of those which remain, and, whilst noting Her Majesty's Government's assurances that such supplements will be treated as favourably as possible under UK law, considers that the Scottish Executive should do everything within its power to protect the right of consumers to continue to access the full range of supplements currently available.

16:53

Margo MacDonald (Lothians) (Ind): I thank the people who have been campaigning against this measure for a considerable time and regret the fact that it has taken many of us some time to catch up with what was being done in our names. We could not quite believe the stupidity of it. Although tonight's debate cannot, of itself, change the Westminster Government's policy—far less the misguided thinking of the European Commission, whence came this assault on consumer choice, individual responsibility and the general well-being of people who, like me, have safely purchased and used vitamin and mineral food supplements for years—it can alert most people in Scotland who are unaware of the seriousness of the measure that is being proposed.

The debate and the number of members who support the terms of my motion to oppose the European directive, which will remove tried and tested food supplements that are sold in specialist health food shops for no better stated reason than to harmonise the market throughout Europe, can alert the Scottish Executive to the support that the health ministers in the Parliament will have if they oppose the full implementation of directive 2002/46/EC, as it stands at present, by August 2005. The timetable for implementing the directive starts on 31 July, so time is very short for the Minister for Health and Community Care to prevent the loss of up to 300 currently available safe nutrients that are purchased every day by hundreds of thousands of satisfied customers.

I should say at this point that I refer particularly to nutrients that can be purchased in specialist

health food shops. I am not necessarily referring to nutrients of a lower standard of efficacy that can be bought in supermarkets and other mass retail outlets. I am sure that members who take part in the debate will explain the difference between the two types of nutrients.

The Scottish Parliament's subordinate legislation on the matter has gone through, which is thanks to the magnificent Subordinate Legislation Committee. The minister is empowered to bring the order into effect. There was nothing technically wrong with the order, but everything was wrong with the substance of it. As members will know, the superb Subordinate Legislation Committee can do nothing to alter the substance of instruments.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD) *rose—*

Margo MacDonald: I will give way to a superb member of said superb committee.

Ian Jenkins: The magnificence of the Subordinate Legislation Committee is almost wholly due to the magnificence of its convener, Margo MacDonald. I did not intend to speak in the debate and I am doing so only because business is running early, but I must leave soon. I support not only Margo MacDonald's convenership, but the substance of her motion.

Margo MacDonald: I thank Ian Jenkins. I will call him to speak a lot at next week's meeting of the Subordinate Legislation Committee.

There is a chance, before August 2005, for the United Kingdom Government to ask for a new law on the issue. If, after debate, we decide that a new law would be the best way forward, we could ask for a new law that would allow national Governments to decide what would be suitable for their different circumstances. As I said, the point of the directive, which was sold on the basis of its raising of safety standards, is harmonisation. Anyone who reads the directive will see in the first two lines that that is the case. It is obvious that we all aspire to harmony, but in this case harmony is not a good idea, because we are all different—as I will explain.

It is not impossible to make a bad law good. However it is done, Scotland must have some sort of derogation from the directive. I suggested to the minister that the UK Government might be prevailed on to think about having a new law on the issue that reflected national circumstances and needs. However, there is an absolute requirement for that in Scotland because lower levels of essential nutrients exist in Scottish soil than exist in soil all over Europe, whence the directive came. As members will know, there is a great difference between Scotland's agricultural methods and those of other areas of Europe.

If the soil from which we obtain our food does not provide sufficient nutrients, we must obtain them in another way. That is where the idea of food supplements, consisting of essential minerals and vitamins, comes in. However, under the directive, the combination of echinacea and vitamin C, for example, would be forbidden. At the moment, we can buy that combined food supplement, which is used without problems by hundreds of thousands of people to prevent colds and influenza. I suppose that it is trendy to take echinacea, which can certainly be taken in conjunction with vitamin C.

The directive will prevent echinacea and vitamin C from being sold in combination because echinacea is regarded as an herbal remedy and vitamin C is regarded as a food supplement. However, there is no justification for not being able to self-medicate or look after ourselves by using those substances together. No contraindications of such use have been noted. There is no history of anyone falling ill because of using the combination or of anyone abusing it and falling foul of it. Therefore, why on earth is it necessary to ban the combined use of echinacea and vitamin C?

It could be argued that echinacea and vitamin C can be bought and taken separately. However, there is no recommended dosage for vitamin C. The recommended level for vitamin C is still being discussed by the European Commission and European food safety organisations. However, we can be certain that the level of vitamin C that will be allowed will be far lower than the level that we are used to taking in this country. That will perhaps be because many of the people who are helping to make the policy come from countries that have lovely sunshine. We have a fantastic sunshine record in Scotland and folk in Leith, for example, will probably never have to bother about what I am saying. However, there are areas in Scotland—in the north-east perhaps—where those who are getting on a bit and who are suffering from colds and flu might feel the need for echinacea and vitamin C taken together. As I said, the chances are that they have been taking them together for a while with no ill effects.

My motion seeks to persuade the Scottish Executive to oppose the directive in whichever ways are constitutional and feasible. That would allow somebody who needs to purchase a remedy or a preventive product that they have been buying for years to continue to do so.

Murdo Fraser (Mid Scotland and Fife) (Con): Margo MacDonald might be familiar with the concept of subsidiarity. Would she agree that the matter that we are discussing is a clear example of an area in which subsidiarity should apply and that, instead of this being decided by—*[Interruption.]*

17:01

Meeting suspended.

17:29

Meeting resumed in committee room 1.

The Deputy Presiding Officer: Before we resume business, I ask Alex Johnstone to move a motion without notice on behalf of the Parliamentary Bureau. I am minded to accept the motion.

Motion moved,

That the Parliament agrees under Rule 2.7.2 of Standing Orders, that for the purposes of completing Members' Business on Wednesday 5 March 2003, the Meeting of the Parliament shall be held in Committee Room 1, Committee Chambers.—*[Alex Johnstone.]*

Motion agreed to.

The Deputy Presiding Officer: The recording of the debate for the *Official Report* was lost during Murdo Fraser's intervention, so I ask him to repeat his intervention, to which Margo MacDonald will reply, after which she will close her speech. I hope that that will happen quickly.

Murdo Fraser: I am terrified to open my mouth. Does Margo MacDonald agree that the principle of subsidiarity should apply to the measure and that it should be up to member states rather than Europe to decide what action to take on food supplements?

Margo MacDonald: I agree with Murdo Fraser. The matter is a *prima facie* case for subsidiarity, because it is obvious that the different cultures and cuisines that are to be found in the UK, Finland and France suggest that we need different systems for food supplements and different potencies. However, I should also say—it might not find much favour with Murdo Fraser—that one reason for harmonising products is that the big pharmaceutical companies would like standardisation throughout Europe. They want to standardise potency downwards, not upwards.

We must deal with what might be done with the directive. The directive contains a list that is not comprehensive. It misses out essential minerals such as boron, which is important for bones and is in nearly all the osteoporosis preparations—osteoporosis is a key concern in the Government's health plan; sulphur, which is in a substance called methylsulphonylmethane and which people use increasingly for joint problems; and silica, which is used in formulations to improve hair and nail quality. Such substances are used by people who want to make themselves as well as they can be. That is supposed to be a Government objective.

For the reasons I have given and many others that, unfortunately, I do not have time to go into

but which I hope other members will deal with, I commend the motion to the minister.

The Deputy Presiding Officer: Thirteen members had wanted to speak, but I think that we have managed to lose a couple on the way down the road. I ask members to restrict their comments to three minutes. The minister has agreed to an extension to the debate and a motion to allow for the extension will be put at an appropriate point.

17:32

Pauline McNeill (Glasgow Kelvin) (Lab): John McAllion said that history might be in the making and that we might be forming the largest meeting of MSPs outside the chamber—who knows? I am glad that we can continue this important debate.

I supported Margo MacDonald's motion and I have supported the debate on the directive since I cast eyes on the motion, not only because I was concerned about the impact of European regulations and how they might affect our constituents, but because the directive could affect our constituents' businesses and our law. I give all credit to Margo MacDonald for raising awareness about the directive among MSPs and others who might have been unaware of its impact.

I have some concerns about the objectives of such standardising by the European Union. Countries such as the UK and Holland have more liberal regimes on the dosage and content of vitamin and food supplements and I do not understand why we should be forced to conform to the lowest common denominator. People with chronic conditions and others who believe that supplements and vitamins can improve their well-being or health will be puzzled by the directive. It is important that we should be seen to challenge it.

The European Union should not legislate to deny our constituents choice. If the UK deems the nutrients and vitamins safe, that should be good enough for the EU. We have adopted a worrying principle. If the aim is free trade, I am concerned that that principle seems to override the choices that should be available to the individuals whom we represent.

The directive has been advertised in that popular and well-read publication, the *Official Journal of the European Union*. I do not think that that suffices to ensure an engagement in the type of consultation that should have taken place with the people who will be affected by the directive. Perhaps we will make people more aware of the directive as a result of today's debate. Unfortunately, if we do not get a resolution to the problem, too many people will discover too late that some of the vitamins and supplements that Margo MacDonald mentioned will simply no longer be available.

It is quite incredible that we are to have an imposition of upper limits on dosages, a possible loss of products and a reduction in the potency of many products, as that seems far in excess of the aims and objectives of the European Union directive. I am keen to listen to what the minister has to say in winding up and hope that she will offer a solution to the problem. I also hope that the Scottish Executive will do all that it can to ensure that we get relief from the regulations and that it will use the scope that might be available to it.

My biggest concern is about the regulations that deal with herbal treatments, which I think the Parliament is about to deal with. Many of us believe in alternative medicine. Many people who have chronic conditions believe that herbal treatments are vital to their well-being. The debate gives the Executive the opportunity to be alerted well in advance of the regulations coming before the Parliament. We need to act now. People need to be aware of the issue. Let us use the scope that is available to us to derogate from the regulations.

17:36

Shona Robison (North-East Scotland) (SNP): I welcome tonight's important debate. I thank Helen McDade and John McKee from the save our supplements campaign for the very useful information that they provided and for making their campaign one that has made MSPs sit up and take note of the issue.

As other members have said, the debate on the food supplements directive is not about consumer safety but about harmonisation. Scotland has strict food safety laws at the moment, under which any nutrients that are found to be unsafe can be banned. A range of consumer protection legislation applies in this area and current legislation should be adequate to guarantee consumer protection. I am concerned about the thinking behind the directive. I am concerned that there was no nutritionist on the expert group from which the directive emanated. That speaks volumes about the directive.

There will be a danger to consumer safety if people who have traditionally bought these products at reputable high-street retailers or health food shops begin to purchase products of dubious quality from overseas. Forty per cent of adults use these types of food supplement: they take them because they believe that the products help to relieve the symptoms of their chronic conditions. There is no evidence to prove them wrong and I know that many of my constituents use them to good effect. The directive has worried people who think that they could be denied access to supplements because 300 nutrients that are currently in use are not on the positive list.

Margo MacDonald mentioned the mineral deficiencies of the soil in which our food is grown, which raises issues about Scotland's poor health record. It may be that this EU directive will exacerbate the situation.

Selenium has been mentioned. It is interesting to note that, in the United States of America, the Food and Drug Administration has just approved selenium. The FDA has given it a qualified positive labelling, saying that it may reduce the likelihood of some types of cancer.

Silica and boron, both of which help with osteoporosis, are not yet on the positive list, whereas caustic soda and sodium are on it. Hazel Blears, the Parliamentary Under-Secretary of State for Health at Westminster, has applauded the fact that six forms of sodium are on the list, but that flies in the face of the health advice that the Scottish ministers give out in the guidance issued by the Scottish Executive health department.

I want to end with some questions for the minister. The issue of derogation is important to the debate and I will be interested to hear what she has to say about it. The Channel Islands have a derogation, which means that people who live there will be able to continue to buy these products. Will the minister argue for a negative list? It makes sense that any list should contain only products that are deemed unsafe rather than those for which there is no evidence of any safety concerns.

Will the minister also comment on whether she feels that the thinking behind the directive is rather old-fashioned—and indeed cuts across some of the very good health promotion policies that her department has introduced? If so, is she concerned about that?

17:40

Alex Fergusson (South of Scotland) (Con): The legislation in question is said to be about food safety, but as Shona Robison has pointed out, the products are already fully regulated under current food safety laws, which is a far more stringent approach than the pharmaceutical-style regulations that are being introduced. It is statistically proven that someone is far more likely to be struck by lightning than they are to die from taking food supplements—unless we are talking about Murdo Fraser, in which case the lightning probably goes out.

We should contrast that situation with that of pharmaceutical drugs, which result in a multitude of deaths and serious reactions in the UK. Indeed, those serious reactions put a weight on the NHS. Given that, I find the arguments pretty hard to follow. If the arguments are that the supplements are not safe, why has the EU and the Government

allowed them to continue to be sold to somewhere between 2005 and 2009?

If the argument is not about food safety, we should try to find out what it is about. Margo MacDonald hit the nail on the head when she mentioned the word “harmonisation”. Harmonisation within the EU will essentially bring the more liberal market in the UK and Holland down to a level playing field in line with other EU countries that have very different traditions, diets and health problems.

We should also consider who would benefit from the legislation. It seems to me that the biggest beneficiaries will be large multinational companies that supply lowest common denominator, low-level products through the mass market. The pharmaceutical companies, which have already been mentioned, will also benefit. They are already losing market share and are suffering from declining consumer confidence in some of their products.

Not only do we need to consider who would benefit, we should also think about who would lose out. First, there are the small specialist retailers that sell low-volume tailored products to a well-informed customer base with a specific health requirement. Secondly, professional nutritionists would lose their livelihood. Thirdly—and most important of all—the sick, the elderly and women would lose out. After all, 47 per cent of women use food supplements. That statistic is borne out even by the Food Standards Agency.

As a result, the issue becomes one of freedom of choice and therefore one of basic human rights. People have the right to choose cigarettes and alcohol, but after 2005 they will not have the right to choose positively for what they see as their own health requirements.

Many chronically ill people who have conditions such as cancer, multiple sclerosis and epilepsy, and parents of children with conditions such as autism, attention deficit disorder and—from personal experience—myalgic encephalomyelitis, believe that such products are vital to them. Frankly, it does not matter whether the medical profession, politicians or ill people believe that: the real question is whether the products are safe. The answer is an unequivocal yes, which leaves us with the question that I hope the minister can answer—why on earth is this being done?

17:43

Donald Gorrie (Central Scotland) (LD): It is excellent that Margo MacDonald has secured this debate and I particularly appreciated Alex Fergusson's speech.

I want to make a few separate points. First, the Liberal Democrats in the European Parliament lodged a number of amendments to the legislation.

Some were carried, others were not, and in the end they voted against it. That shows that we are doing what we can.

One of the faults in Britain's treatment of the EU is that it takes it all far too seriously. I am very keen on the EU, but on occasions it goes daft and produces silly regulations. Unfortunately, our civil servants are so conscientious, officious and competent that they write endless reams of regulations on the regulations and try to impose all this rubbish on us. In other countries, if the regulation is silly people just quietly ignore it. I think that that is what we should do in this case.

We can reasonably claim that, because the Scots are such an unhealthy bunch, which is sad, we need all the assistance we can get to try to keep ourselves healthy. As Margo MacDonald said, our ground does not produce some of the things that it should produce—things that are produced in other countries. We have a good case for going our own way.

From what I understand in the paper produced by the Food Standards Agency Scotland, there is quite a lot of time left in which we can try to make changes. I hope that the Executive, for example, will help organisations to introduce new proposals—which they can do until 2005—for items that have been left off the list and to not impose the requirement on small businesses.

Small, specialist firms are being sat on by large, multinational chemical firms, as Alex Fergusson said. We should strongly support our local industries and local people who eat and benefit from food supplements.

17:46

Irene Oldfather (Cunninghame South) (Lab): I am grateful to Margo MacDonald for raising the debate in Parliament. The European Committee is currently considering the matter and Helen Eadie will present a report to the next meeting of the committee in three weeks' time. It would be wrong of me to pre-empt the committee's views, but in the discussions so far we are generally sympathetic to the type of points Margo MacDonald has raised. We welcome any input to the committee over the next few weeks.

Next week, Helen Eadie and I are meeting a petitioner to the Scottish Parliament on the matter. We will listen carefully to the views that members raise tonight.

It is important that the people's voice is heard on the directive. We should use the Parliament and its committees to do that. Other members have spoken about the effects the directive would have on consumers, patients and retailers. I will not go over that. We have also mentioned the robustness of current food safety legislation.

I address my remarks briefly to the process. The European Committee has had concerns for some time that, by the time pen is put to paper in the drafting of legislation in Europe, it is already too late and the process is difficult to change. Therefore, we must consider how to address that problem.

We have made some recommendations. The first—which has already been agreed by the Scottish Parliamentary Corporate Body—is to set up a presence in Brussels to act as an early warning system in the legislative process. Many members will agree that a Europe of 500 million—after enlargement next year—cannot be governed from the centre.

We would like more framework legislation. Members have talked about differences between the soils of various countries and Margo MacDonald highlighted it. We have certainly tried to draw attention to the need to agree the broad principles in Europe. We need to put the flesh on the legislation in the member states and in the regions. The committee is very supportive of that approach.

We have also asked for greater ex ante scrutiny, which means being involved with the Commission in the early legislative phases and taking evidence at that stage in much the same way as our committees do in the Scottish Parliament. If we put into place those instruments, we can ensure that the Parliament and the citizens are better connected to Europe and that they do not feel that Europe is inflexible and remote, as appears to be the case with the directive we are discussing tonight.

I shall end on a positive note. We now have a Parliament to articulate such concerns and it is important that its committees respond to the concerns of ordinary citizens. The European Committee will do that in the next few weeks and we will try to be as helpful as we possibly can be.

17:49

Mr Lloyd Quinan (West of Scotland) (SNP): I declare an interest as convener of the cross-party group on autism and as a member of the European Committee. I will confine my remarks principally to people with autism and their parents and carers.

Many developing therapies that are based primarily on vitamin and mineral supplements are being used to deal with autistic adults and children. As autism was clearly identified only in the early 1980s and as there has been little or no investigation of its causes and treatments, many parents have been driven to seek treatments and therapies of their own. I know that many people—some of whom are in this room—make use of

several mineral and vitamin supplements that mitigate the problems caused by the disorder. They can assist autism sufferers to live a more fulfilling life.

Margo MacDonald: As Mr Quinan said, there are “developing” remedies. I wonder whether he is aware that the directive is defective in that it is so structured as to militate against the companies that are currently developing remedies, because of the expense involved in testing them and reaching European standards of proof. Frankly, that is not required.

Mr Quinan: I whole-heartedly agree with what Margo MacDonald just said—in fact it saves my saying it. Little research has been done in this field, particularly for the purposes of those suffering from autism and Asperger’s syndrome.

This directive has been framed very clearly. I will not labour the point, but I am concerned about health needs and conscious that there are superior standards of health in other European countries. Finland, Sweden and Denmark include supplements—both mineral and vitamin—in cattle and poultry feed. In those countries, nutrients, vitamins and minerals are also added to the soil where vegetable and cereal production takes place, so there is a constant reassertion of those vitamins and minerals in the food chain. That is something that we have not had, particularly with selenium, since we ceased to source our grain from the selenium-rich prairies of Canada.

I ask the minister to make use of this positive opportunity to have the Parliament seen to be having an element of power. That power is the power to represent people’s genuine desires, which are based on fears created by the directive. I ask her straightforwardly and plainly, on behalf of those who require mineral and vitamin supplements, to seek the derogations that we require and to leave us the space to develop the therapies and treatments that will assist people who will otherwise not be able to achieve the full potential of their lives.

17:53

Murdo Fraser (Mid Scotland and Fife) (Con): I commend Margo MacDonald for lodging the motion for this debate. I know that it is customary to say that at members’ business, but I say it quite sincerely and not just as a courtesy. The debate is on a vital subject, and I have received a number of pieces of correspondence from constituents on the matter, as I am sure other members have. Other members have made many excellent points throughout the debate, and I do not want to rehash them, as I agree with everything that has been said. In particular, I agree with what Lloyd Quinan said about the use of food supplements in trying to treat children with autism.

I want to raise two important points of principle. The first is the question of freedom. We are dealing not with children or with simple people, but with responsible, intelligent adults. Many people who opt for food supplements do so deliberately, fully aware of issues of diet and of the use of preservatives in food production. They make a conscious choice to go for food supplements, fully aware of all the nutritional issues that surround them. To say that those people should be treated as children and that they are incapable of making up their own minds about whether they should purchase and use food supplements is quite the wrong approach. I am a great defender of personal liberty, and I think that people should have the right to do more or less what they will, as long as they do not harm others. Indeed, I echo what my colleague Alex Fergusson said. If we allow people the right to buy alcohol and tobacco, which are poisons, why on earth are we seeking to ban beneficial items such as food supplements?

The second point that I wish to raise relates to Europe. Pauline McNeill referred to that august journal, the *Official Journal of the European Union*, to which I subscribe. I am sure that she understands that perhaps my views accord a little more with the editorial line of that journal than hers do. There is an important principle here. People want subsidiarity, which is why I raised the issue earlier. Regulations are passed down from a European level and people in this country feel that they do not have politicians in Europe to represent their views, as those in Europe who make such regulations are not directly elected. Having decisions taken for the whole of Europe without a proper democratic process means that citizens in this country inevitably get upset and disgruntled, and ultimately end up being anti-Europe. Contrary to popular belief, I am not anti-European Union, although I am anti-euro. It is no wonder that the EU gets a bad press when we see such things happening. There should be subsidiarity, and decisions should be taken at member-state level rather than at European level. I hope that the minister will take those comments back to her colleagues in Westminster and ask them to consider the issues seriously.

The Deputy Presiding Officer: We are making good progress, but I am minded to accept a motion without notice to extend the meeting by 15 minutes, which should comfortably allow members to speak. Is it agreed that a motion without notice be moved?

Members indicated agreement.

Motion moved,

That Parliament agrees that Members’ Business on 5 March 2003 be extended by 15 minutes.—[*Ms Margo MacDonald.*]

Motion agreed to.

17:57

Mr John McAllion (Dundee East) (Lab): I, too, congratulate Margo MacDonald not just on being a wonderful convener of the wonderful Subordinate Legislation Committee, but on securing this important debate. Every MSP has received massive correspondence on the issue, which shows its importance.

In introducing the debate, Margo MacDonald twice described the directive as “stupid”. I have received a letter from one of my constituents, Sandy Constable, who runs a health store in Dundee. He described the directive as

“so lacking in common sense as to be laughable.”

However, there is more to despair about than to laugh about in the directive.

Sandy Constable pointed out:

“Over 3000 people in Britain die of prescribed drugs each year.”

Millions of others suffer serious side effects from powerful drugs that are legitimately available over the counter or through general practitioners. We are free to drink ourselves to death using legal alcohol and to smoke ourselves to death using legal tobacco. We are free to inflict passive smoking on innocent bystanders by smoking legal tobacco and to pollute our environment and damage our health in any number of ways that the market defines as consumer friendly. However, under the directive, we are not to be allowed to buy vitamins, food supplements and herbal remedies that age-long usage has shown not only to be good for us, but to improve our health. Like Murdo Fraser, I think that the issue makes a laughing stock of the EU.

Sandy Constable also pointed out that it is important to place the debate in its historical context. The health food movement has contributed to improving public health in this country for more than a century. The Vegetarian Society was formed in the 1860s, the food reform movement was formed in the 1880s and the first health food store opened in Birmingham in 1898. In fact, it could be argued that the health food movement was contemporaneous with the trade union and labour movement, during which I have lived all my life. It is surviving better than the labour and trade union movement has done.

One of the great achievements of the labour movement was the establishment of the national health service in 1948. However, the tragedy of the NHS is that it has become dominated by the big pharmaceutical industry, which forces powerful drugs on to people in this country. The health food movement provides an essential alternative to such dominance.

I want to make two final points. I do not know whether the minister can quietly ignore the

directive or whether she intends to oppose it—if she does not do so, she should. Secondly, I do not often agree with Murdo Fraser—in fact, I never agree with him—but I am prepared to back what he said about subsidiarity. Subsidiarity means that decisions should be taken as close as possible to the people. The Scottish Parliament should take a decision and the directive should be vetoed and not accepted in this country.

18:00

Irene McGugan (North-East Scotland) (SNP):

It has been said that the legislation is all about consumer safety, but members who have spoken in the debate do not seem to accept that.

There is no evidence that the vitamins and minerals covered by the directive, or the doses at which they are taken, are harmful. To follow up John McAllion's comments, there have been no reports of death or serious injury from the intake of supplements. Indeed, the opposite is the case. Extensive research and study have taken place into the benefits of vitamin and mineral supplementation. The side effects of vitamins and minerals are known; they are not harmful and they can be easily prevented. The same cannot be said for many prescription drugs.

The current recommended limits placed on these products were set more than 100 years ago. They expressed the minimum amounts necessary to keep diseases at bay—diseases from which we no longer suffer. Recommended daily allowances do not indicate a danger level above which it is not safe to consume the products; indeed, during the first world war they were set to express the absolute minimum requirement of vitamins and minerals necessary to keep soldiers alive.

As has been said, most vitamins and minerals have a long history of use and success. Nobody can deny the recent findings and the abundance of accounts based on personal experience that supplementation has provided relief from, if not a cure for, some physical and mental disorders, which modern prescription drugs have failed to deliver—in some cases prescription drugs have exacerbated the condition.

Alex Fergusson: Irene McGugan refers to the cures that such products provide. Does she accept that, if the directive were to be implemented in full and the products were to be withdrawn from the market, we would put an even greater burden on the already overstretched national health service?

Irene McGugan: That is without doubt the case.

Alex Fergusson mentioned some illnesses for which relief or a cure has been provided. Children's behavioural difficulties are another relevant condition. For some children, the simple

addition of omega 3 and omega 6 fish oils into the diet has meant the possibility of coming off Ritalin, which is a major concern for many of us.

We are all responsible for our own health. The directive means that we would be unable to make free choices and free decisions about the best way to take care of our own health. I have a copy of some comments that were made by members of the European Parliament when the directive was debated in March last year. One of them said:

"this directive is an unacceptable assault on the right of citizens to choose how they look after their health and well-being."

We cannot rely on our food to provide optimum nutrition. Modern farming practices strip out the nutrients and can contaminate meat and produce with chemicals, hormones and antibiotics. Supermarket processing also makes it difficult to find products that have not been subject to chemical alteration. The irony is that none of those processes has to be identified explicitly on labels so that people know about them.

My final point, which only Shona Robison has mentioned and which is worth repeating, is that there is a fear that safety will be further compromised by the lack of choice, because people will look elsewhere for alternative sources of their preferred supplement. Such sources might well be outwith the UK, and the products might not conform to the high standards and quality that we have here.

It is incredible that in a country where disease and obesity continue to affect our population the vitamin and mineral market is not being opened up more rather than being closed off. A much closer link must be acknowledged between health and diet. More use of alternative natural supplements would be a good thing. I add my voice to the call for a total derogation from the legislation.

18:04

David Mundell (South of Scotland) (Con): When John McAllion and Murdo Fraser agree on something, it must be important.

When speaking late in a debate, even in tonight's unusual circumstances, one inevitably comes to the conclusion that most of the things that one wanted to say have been said. I commend Margo MacDonald for securing a debate on the issue. It is clear from the correspondence that all MSPs have received from members of the public that it must be taken seriously.

I recently had the opportunity—indeed, the pleasure—to visit Sheena Dunlop's health food store in Dumfries. That allowed me to see two things. The first was the range of what anybody

would regard as ordinary products that would be banned under the directive. The substances that are under threat are not unusual or chemically produced and do not contain a range of E numbers—they are natural. The products on the shelves in that shop and thousands of other shops in the United Kingdom would be decimated under the directive. The second thing I noticed was that the people who came into the health food shop were not aging hippies who take such products as a fad. I must add that I have never been a hippy—aging or otherwise. The people who came into the shop were—

Mr Quinan: Ordinary.

David Mundell: Indeed they were. They were pursuing concerns about their or their family's health. Such people want to live a healthier life and to tackle some of the issues that we have heard about. They regard the available products as mainstream, and as a lot more mainstream than some of the products that the pharmaceutical industry produces.

The directive will strike at the heart of products and services that ordinary people use. On the basis of everything that we have heard this evening, the directive must be resisted.

The Deputy Presiding Officer: I would not normally do this, but as I do not have the screen to rely on, I ask any member whom I might have missed to catch my eye while Jackie Baillie is speaking. Otherwise, she will be the final speaker before the minister.

18:07

Jackie Baillie (Dumbarton) (Lab): Everything has already been said, but, like others, I congratulate Margo MacDonald on securing the debate. I strike a note of warning for John McAllion, who got it wrong: Margo is not the wonderful convener of the Subordinate Legislation Committee—she is the magnificent convener of the Subordinate Legislation Committee.

The debate is important because thousands of people in Scotland rely on extra minerals and vitamins to stay healthy. In light of the directive, perhaps it is time to stock up because, as Margo MacDonald rightly said, products such as high-dose vitamin C to ward off colds, easily absorbable zinc to get rid of mouth ulcers and boron to protect against osteoporosis are under threat. It is worth remembering that such remedies have been around for decades and that, although they are not new, there has not been a murmur of a safety scandal.

Food supplements now come under the remit of the Food Standards Agency and conform to food safety legislation but despite that, some 300 safe,

established supplements that are available in the UK market will be put out of the reach of consumers. In fact, it will be illegal to sell them. There is a hugely bureaucratic and expensive process to go through to include a supplement on the list of so-called safe supplements, which is nonsense when one considers that the years of use and compliance with the Food Standards Agency adequately speak for consumer safety. As we have heard, not only would the directive rule out certain supplements, it would also reduce the legal vitamin or mineral dose levels in supplements so severely that their effectiveness would be undermined.

The directive is bad news for consumers and bad news for the food supplements industry, which would end up becoming much more generic. A reduction in the potency of supplements to beneath effective levels would risk undermining the credibility of the sector as a whole. Millions of people in Britain use high-dosage mineral and vitamin supplements regularly and many rely on them. I agree with Shona Robison that, far from promoting safety, the new regulations might have the opposite effect.

Alex Fergusson asked why the directive has been produced. There is no secret to that—the directive is not about consumer protection but about trade liberalisation. The standardisation of laws on vitamin supplements throughout Europe, while undoubtedly allowing large supplement companies to sell throughout Europe, will in effect bring laws to the lowest common denominator in terms of consumer choice.

A degree of consensus is emerging on the question of derogation and I am interested in the minister's response to that. We must encourage the UK Government to adopt the most liberal interpretation of the legislation possible and to use a little common sense, because choice and safety are not mutually exclusive.

18:10

Sarah Boyack (Edinburgh Central) (Lab): I had intended to intervene on the minister; however, I am taking the opportunity to speak in a little more depth. Members, including Jackie Baillie, have spoken eloquently about what we might lose through a rigid interpretation of the directive. The European legislation has gone beyond being a proposed directive and is now a directive; the issue now is how it is implemented throughout the European Union. We were all sent a briefing from the Food Standards Agency, which says that it is intended that the implementation of the directive, through regulations that the Scottish Parliament will make, will be flexible.

I have two specific questions for the minister. First, I would like her to clarify how she intends to draft the regulations. Can she confirm the cost of

compliance—the cost of the production of the dossiers that must be produced before substances can be used? It has been suggested to me that a problem exists because, even when a product has been used safely for years, the costs of the regulatory process will be prohibitive for the producer of that food supplement. The issue is not that the supplements are dangerous or that they have not been used for years, but that the cost of their going through the system might be too expensive. Can the minister confirm what the cost of that process might be?

Secondly, members have talked about derogation. Members of the European Committee, such as Helen Eadie and me, have to read through the derogation process all the time. It is very important that any application for derogation meets the terms and criteria that are set out in the derogation. I wonder whether the minister can tell us how she intends to ensure that that happens. Nearly all members have mentioned the need for that. Soil composition has been mentioned as an issue that is unique to us in Scotland, which, in another subject, would allow us a derogation. I wonder whether the minister has any advice yet on that issue.

If the minister cannot answer those detailed questions tonight, it would be helpful if she could answer them before the European Committee debates the issue in three weeks' time. Tonight is not the end of the process. We are late on in the process, but it would be helpful if members of the Parliament were able to work with the minister, the European Committee and, potentially, our colleagues in the European Parliament and Westminster to get a co-ordinated approach.

I am glad that we have had the opportunity to hold this debate. The real challenge for us is to get into the difficult, nitty-gritty issues of where we go next in relation to the derogation process and the whole issue of how the regulations might be drafted and implemented. I presume that they will come back to us for discussion and debate. I hope that the minister will be able to answer my questions—if not now, within the next three weeks.

18:13

Helen Eadie (Dunfermline East) (Lab): I, too, congratulate Margo MacDonald, as every other member has. I do not want to add anything to what other members have said. They have spoken for many of my constituents this evening and I join with them.

A number of questions spring to mind. Sarah Boyack is absolutely right: we are talking about a done deal in Europe. We now have to think about how we can best reflect the views of people in Scotland. From the investigations that I have been

carrying out, there certainly seems to be strong opinion throughout Scotland that there is a serious problem here that we need to address. We need to ask the minister, other colleagues and anyone who has any knowledge in these matters how we can minimise the impact of directives on people.

Nora Radcliffe (Gordon) (LD): I want to raise a point that no one else has raised. I understand that there are two directives.

Margo MacDonald: One is still to come.

Nora Radcliffe: We are looking for derogation with one; however, the other is not agreed yet, so we have some opportunity to get into it.

Helen Eadie: That is right. I think that the herbal medicine directive is the one that we are still waiting on. We can have some impact on that directive and can help to influence the decision. That is important.

Another two points come to mind. We are all able to operate commercially on the internet. I regularly buy things from America through the internet, which are delivered by post. As Shona Robison said, food supplements can easily be purchased in America. What will be the mechanism for controlling the purchase of supplements from America? Will there be any controls or will the public be able to disregard what is happening in the UK? That would make a nonsense of the regulations. People could regard the law as an ass and simply buy from America, which would impact on businesses in our country.

Another point arises from my reading—I have always read a lot about health foods, supplements, minerals and herbal medicine. Scotland has one of the highest incidences of heart disease in the world. A test was carried out in China, which also has a problem with heart disease, on the taking of selenium. About 5,000 young people who had a heart problem were involved in the test. Half of the group was given selenium and the other half was given a placebo. The half who took the placebo continued to have the heart problem, but the symptoms of those who took the selenium began to disappear over time.

I flag up that information because it is important in the context of the argument that we need to include free radicals in our diet. However, according to the Department for Environment, Food and Rural Affairs, selenium is found in this country only in Essex, whereas in other parts of the world, selenium is predominantly found in mountainous areas from where it is washed down into valleys. I add that additional information about the internet purchasing of food supplements and the use of selenium because I think that it is important. I will produce a report on 25 March and I hope that it will help to reflect the views that have been expressed in the debate.

The Deputy Presiding Officer: I am obliged to the minister for agreeing, in these unusual circumstances, to extend the debate to a later time than would normally be the case. I also express my appreciation to her burdened staff, who have also had to wait behind.

18:17

The Deputy Minister for Health and Community Care (Mrs Mary Mulligan): I was going to say that we have had a full and interesting debate, but that was before I knew what was going to happen. However, I think that the debate has been a well-informed one and I hope that all those who have joined us in committee room 1 have appreciated the contribution of each member.

The debate served to confirm, again, that many members and their constituents feel strongly that the public should have the right to have continuing access to a wide range of food supplements. Just to pick up on that point, which Helen Eadie and Nora Radcliffe raised, the directive is on food supplements and vitamins. The issue of traditional herbal medicines is to be discussed further. My comments will be on food supplements and vitamins.

I stress that we share the concerns of the public and members that access to food supplements and vitamins should be as wide as possible. The Food Standards Agency represented the UK Government at the negotiations in Brussels on the food supplements directive. Those were difficult negotiations, which were carried out with great vigour and in full consultation with all interested parties. However, the directive was adopted as EU law on 30 May 2002, but the text included a number of hard-won concessions, including the derogations in articles 4 and 15.

Article 4 contains a derogation that allows member states to permit in their territory the continued use of vitamins and minerals that are not on the positive list until 31 December 2009. That use is subject to three conditions. The first condition is that the substance was already used in supplements that were on the EU market when the directive came into force. I refer back to Margo MacDonald's example of echinacea. That is a herbal substance and so is not affected by the directive. Margo MacDonald also referred to vitamin C, but that is on the positive list. Therefore, certain combinations will still be permitted.

Alex Fergusson: I accept what the minister is saying about the extension to 2009. However, if the supplements are not safe, why have they been given that extension?

Mrs Mulligan: I will come to the question of safety shortly, if Alex Fergusson will bear with me.

Margo MacDonald: I am not at all sure that, after 2009, it will be possible to buy the supplements in combination. I was making a point not about safety but about the existence of a further, unnecessary restriction.

Mrs Mulligan: I believe that the situation in that regard will depend on the directive on herbal medicines.

Margo MacDonald: That is why some people touched on the issue of the directives that are still to come. It is a related issue.

Mrs Mulligan: I recognise that.

The second condition to be met is the submission of a dossier to the Commission by 12 July 2005 supporting the use of the supplement. Sarah Boyack asked how much that was likely to cost. The indications that we have are that the submission of a dossier would cost between £80,000 and £250,000. We recognise that that might be a burden, but there are opportunities for people in the industry to join together to share some of that burden. The dossier would have to be produced for one supplement, rather than the whole range, so there are some savings to be made.

The third condition is that the European FSA has not given an unfavourable opinion in respect of the use of the substance or its proposed source.

Article 15 of the directive requires member states to bring into force laws, regulations and administrative provisions necessary to prohibit trade in products that do not comply with the directive, from 1 August 2005 at the latest.

We intend to make the fullest use of the flexibilities.

The negotiations are finished and the food supplements directive is a fact of life. The Government's priority now is to fulfil its European Community obligations. I am sorry that Donald Gorrie has not stayed for this part of the debate because I was a little surprised to hear him talk about whether we opt in or opt out of the European Community's decisions. We have to take a serious view and recognise our obligations, but I acknowledge that we also want to represent our population. Therefore, we will seek to implement the provisions of the directive with the appropriate transitional arrangements.

There are a number of important elements in the directive that we particularly welcome, such as the additional labelling provisions that will contribute to the Government's commitment to promote honest and informed labelling in order to facilitate informed consumer choice.

On Helen Eadie's point about the internet, we recognise that people will still have opportunities

to purchase outwith the European Community. We cannot restrict that and we would not seek to do so.

Mr Quinan: The minister referred to the element of the directive that informs the Executive that it must make law to ban these substances. In that case, there would surely be a responsibility on the Executive to interrupt internet commerce.

Mrs Mulligan: We will not be in a position to oversee everyone's access to the internet. We will provide the information that people need to make informed decisions as to whether they use food supplements or not. It would be unrealistic of me to say otherwise.

The fact is that this harmonising measure will expand the market for UK businesses in other EU states.

We remain committed to the view that, in the interests of consumer choice, the law should allow food supplements that are safe and properly labelled to be freely marketed. At the moment, we have no formal system of identifying adverse reactions to food supplements. Therefore, no accurate figures are available. Although none of us in this room might know of examples of difficulties, those who are involved in this issue every day tell us that there have been examples of the use of supplements being detrimental to people who use them. We need to keep an open mind on that and be aware that there may be safety issues.

I emphasise that the directive will not immediately outlaw any products that are already on the UK market. The Government intends, when it implements the directive, to take advantage of the flexibility that the directive allows to permit the continuation of consumer choice. The priority now is to implement the directive with appropriate transitional arrangements and, in particular, to press the case for maximum limits to be based on thorough scientific risk assessments. We welcome industry's efforts to collaborate to ensure efficient and effective submission of safety dossiers.

I reassure Jackie Baillie, as she urged me to do, that I will as ever show common sense. The Food Standards Agency will continue to press for maximum levels to be set at levels that protect public health but that neither unnecessarily limit consumer choice nor unduly restrict trade.

It is important to remember that most consumers should be encouraged to eat a good balanced diet that ensures that they meet their daily vitamin and mineral needs. However, we do not want to prevent access to safe and well-labelled supplements.

Mr Quinan: What about derogation?

The Deputy Presiding Officer: Order. Before I conclude today's business, I express my sincere thanks to all the parliamentary staff who reacted to this afternoon's circumstances with great efficiency and professionalism.

Meeting closed at 18:26.

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