

MEETING OF THE PARLIAMENT
COMMITTEE OF THE WHOLE PARLIAMENT
MEETING OF THE PARLIAMENT

Wednesday 11 June 2003
(*Afternoon*)

Session 2

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Scottish Parliament

Wednesday 11 June 2003

(Afternoon)

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

Time for Reflection

The Presiding Officer (Mr George Reid): The first item of business this afternoon is time for reflection. Our time for reflection leader today is Maggie Lunan, who is a member of Wellington Parish, Glasgow.

Maggie Lunan (Wellington Parish, Glasgow): In the past month, I have heard three prominent figures say something that has stopped me short and challenged me greatly. There is nothing unusual in that; it was what they said that was unusual. They said, "I got it wrong."

How difficult it is for us to admit to being wrong, and how much more difficult it is if we are in the public eye. Confession is good for the soul, but bad for the reputation.

Admitting to being wrong makes us vulnerable and easily ridiculed, so that we will do anything in our power to pretend that we have not made any mistakes. The interesting thing is that, instead of thinking less of such people, I hold them in greater respect. I am attracted to the integrity that allows them to admit that they need to change. It is so counter-cultural, whether in religion or politics, to waver from our received truth.

I have a good friend who describes the situation as follows: we should be very firm at the core but fuzzy around the edges. Today, we have often become somewhat fluffy at the core and rock hard at the edges.

How did those folk discover that they were wrong? They did so by being fuzzy at the edges, by being open and by not letting their ideologies block their ears. They listened to people. In one case, they listened to people of little importance in the world's eye and, in the other cases, they listened to people with a different point of view.

To be fuzzy at the edges requires a second trait—an ability to take time out. We need time to reflect on the changing realities around us. Often, what has aye been just does not work any more. We need time to take stock and to ask whether what we say, or what we stand for, still makes sense. We need the quiet to get a different perspective and to consider whether our sheer busyness is changing the world or whether we should look again at the bigger picture.

It is a message common to all the faiths that, regardless of how important we are and how much we think we have to do, we were made to live a life in balance. Such balance involves work and rest, action and reflection. Getting that perspective might help us not only to say that we might have got it wrong, but to accept it with grace when others admit their mistakes.

I will end with words from someone much wiser than I am, who, if he had lived in the 21st century, I am sure would have been inclusive. Alexander Pope said:

"A man should never be ashamed to own he has been in the wrong, which is but saying ... that he is wiser today than he was yesterday".

Point of Order

14:33

Mr John Swinney (North Tayside) (SNP): On a point of order, Presiding Officer. I gave you prior notice of my intention to raise a point of order on the exchange that took place at question time on 29 May, between me and the First Minister, which appears in column 251 of the *Official Report*. The First Minister said:

"Mr Swinney asked a specific question about the specific proposal for exclusive competence on the common fisheries policy. Not only have we made representations on that matter, but we have written to the UK Government and asked it to oppose the proposal. Not only has the UK Government made representations, but it has written to the EU to make it clear that it is also opposed to the proposal. Not only is this Administration opposed to it, but the UK Government is opposed to it."—[*Official Report*, 29 May 2003; c 251.]

A fair-minded view of all that would be that the First Minister was opposed to the exclusive competence on fisheries in the European Union.

Yesterday afternoon, apropos of nothing, I received a letter from the First Minister in which he said that the Government was not opposed to exclusive EU competence over fishing and that the United Kingdom Government had not written the letter to the EU that the First Minister said it had. Either the First Minister has misled Parliament, or he does not know what he is talking about when he talks about the fishing industry, or he is covering up for the fact that the Westminster Government has once again sold out the Scottish fishing industry.

Presiding Officer, has the First Minister made any representations to you to put the record straight by making a statement to the Parliament, rather than by just sending me a letter at 4 o' clock on a Tuesday afternoon?

The Presiding Officer (Mr George Reid): I have not discussed the matter with the First Minister. As in previous cases of this type, the matter is not one for the Presiding Officer; it is a matter for the ministerial code. In this case, Mr Swinney, you should address your comments directly to the First Minister.

Parliamentary Bureau Motions

14:35

The Presiding Officer (Mr George Reid): The next item of business is consideration of motion S2M-126 in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a revised business programme, and an amendment to the motion.

As we do not usually have amendments to business motions, I will explain the procedure. Standing orders state that there can be only one speaker for and one against a business motion, and any amendment to that motion. Today, therefore, there will be three speakers. No one else may contribute to the debate. In accordance with rule 8.11.3 of standing orders, each of those three speakers will be permitted to speak for a maximum of five minutes.

Motion moved,

That the Parliament agrees

(a) as a revision to the programme of business agreed on 5 June 2003—

Wednesday 11 June 2003

after—

"followed by Stage 3 of the Education (School Meals) (Scotland) Bill"

delete—

"followed by Final Stage of the Robin Rigg Offshore Wind Farm (Navigation and Fishing) (Scotland) Bill"

and (b) the following programme of business—

Wednesday 18 June 2003

2:30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Executive Debate on Patient Focus and Public Involvement in the NHS

followed by Parliamentary Bureau Motions

5:00 pm Decision Time

followed by Members' Business

Thursday 19 June 2003

9:30 am Scottish Conservative and Unionist Party Business

followed by Business Motion

2:30 pm Question Time

3:10 pm First Minister's Question Time

3:30 pm Executive Debate on the Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003

followed by Motion on Health and Community Care (Community Health and Standards) Bill—UK Legislation

<i>followed by</i>	Parliamentary Bureau Motions
5:00 pm	Decision Time
<i>followed by</i>	Members' Business
Wednesday 25 June 2003	
2:30 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Landfill (Scotland) Amendment Regulations 2003
<i>followed by</i>	Urban Waste Water Treatment (Scotland) Amendment Regulations 2003
<i>followed by</i>	Motion on Fireworks Bill—UK Legislation
<i>followed by</i>	Parliamentary Bureau Motions
5:00 pm	Decision Time
<i>followed by</i>	Members' Business
Thursday 26 June 2003	
9:30 am	Executive Business
<i>followed by</i>	Business Motion
2:30 pm	Question Time
3:10 pm	First Minister's Question Time
3:30 pm	Parliamentary Bureau Motions
<i>followed by</i>	Final Stage of Robin Rigg Offshore Wind Farm (Navigation and Fishing) (Scotland) Bill
<i>followed by</i>	Parliamentary Bureau Motions
5:00 pm	Decision Time
<i>followed by</i>	Members' Business.—[Patricia Ferguson.]

14:36

Bill Aitken (Glasgow) (Con): Quite simply, this is an attempt to allow the Presiding Officer and the First Minister an opportunity to allay the considerable public disquiet that has arisen as a result of the most recent increase in the projected final costs of the Holyrood Parliament building.

Yesterday's events and the actions of the Presiding Officer and the Scottish Parliamentary Corporate Body have given some reassurance. At long last, someone appears to have some sort of grip on the issue, which is now seen by many as not only a national scandal, but an international embarrassment. However, a fuller statement would be useful.

It is generally accepted that it is not always possible to deal fully with such matters in any written statement, no matter how comprehensive it might be. Of greater concern, perhaps, is the fact that the First Minister has shown an uncharacteristic diffidence in letting us know his intentions.

During the election, in correspondence with Margo MacDonald, Mr McConnell said that there would be an inquiry. He quite properly described the issue as being the biggest failure of devolution so far. Since then, the First Minister's silence has been deafening and it is imperative that, as soon as is practicably possible, he comes before the Parliament and makes a full statement of his intentions.

In particular, the First Minister requires to answer the following questions. Who will carry out the inquiry? Will the inquiry be fully independent and public, presided over by a judge or other detached senior figure—as it should be—or will it be carried out by MSPs, who do not have the expertise and who, depending on their political stance, might be accused either of a cover-up or of grandstanding?

To whom will the inquiry report? Will it report to the Parliament or to the Executive? Will a sanitised version of the report be published, or will it be published in full?

Will the inquiry have the powers to compel witnesses to give evidence? In particular, it is vital that if the inquiry seeks to cite Scotland Office civil servants and former and present Westminster Government ministers, it should have powers to demand their attendance.

Will the inquiry have powers to demand sight of all relevant documents or is there a danger that, under the blanket of commercial confidentiality, the whole facts of this debacle might not emerge? Will freedom of information—a matter so publicly punted by the Deputy First Minister—apply in this case?

When will the inquiry begin and what is the estimate of its duration? Will it concentrate on the events and decisions that were taken prior to the establishment of the Scottish Parliament? Although hard and serious questions must be asked of those charged with running the project, and especially of the progress group, there are indications that the initial decisions that were taken between 1997 and 1999 doomed the project to catastrophe.

Will the First Minister tell us which school or hospital capital project now cannot proceed as a result of this massive overspend?

There is sometimes a change in the public mood that politicians fail to recognise at their peril. Such a change has now taken place, after the events of last week. The final straw to break the camel's back was the most recent increase. There is real anger now about this entire farce, and it is incumbent upon the First Minister in particular to do his best to resolve matters speedily. The public are no longer saying—as I have heard said in this place—that the cost is immaterial as long as we

have a building to be proud of. The fact is that the public mood of the people of Scotland today is such that they would not care if the building were a latter-day Taj Mahal surrounded by the gardens of Babylon. They want the project to be completed at minimal additional cost, and they want to know who is responsible for its disastrous handling.

The First Minister must act. He must make a statement to the Parliament at the earliest possible opportunity, in order that we can at last begin to move on. The purpose of the amendment to the motion is to enable the First Minister to do so.

Accordingly, I move amendment S2M-126.1,

after—

“followed by Final Stage of the Robin Rigg
Offshore Wind Farm (Navigation and
Fishing) (Scotland) Bill”

insert—

“Thursday 12 June 2003”

delete—

“3:30 pm Executive Debate on Investing in
Public Transport”

and insert—

“3:30 pm Statement by the Presiding Officer
on Increased Costs of the Holyrood
Building Project

4:00 pm Statement by the First Minister on
Inquiry into the Holyrood Building
Project.”

14:41

Bruce Crawford (Mid Scotland and Fife) (SNP): I rise to oppose the business motion on behalf of the SNP. At yesterday's Parliamentary Bureau meeting, I made our position quite clear: we want Parliament to have the opportunity to hear the First Minister make a statement on the proposed inquiry into the Holyrood project, and for questions to be put.

But why is it vital to secure a statement on the inquiry? On 16 April, John Swinney was quoted in *The Herald* as saying that we need “a no-holds-barred” public inquiry. Just four days later, Jack McConnell said in *Scotland on Sunday*:

“There must be a full public investigation into the process from beginning to end”.

Yet here we are, a full 42 days later, and still we do not know the nature or form that the inquiry will take. Bill Aitken alluded to the many questions that require to be answered. Who will lead the inquiry? What will the investigation team look like, if there is going to be one? What will its remit be? Will it be a UK-wide investigation? What access to information will there be? When will it start? What is the target date for completion? Vitally, will it be a full, open, public inquiry? How independent will it

be? Will it be judiciary-led? Will issues of the design and architecture from the past form part of the inquiry?

To date, instead of the First Minister making the Executive's position clear, we get spin doctors' statements. For instance, *The Scotsman* stated on 27 May that sources close to Jack McConnell said that he

“was keen to launch the inquiry ‘sooner rather than later’”.

Only today, we see spokespersons from the Scottish Executive suggesting that MSPs should take part in the process, led by some sort of eminent person. I tell the chamber that it would be wholly inadequate if MSPs were to be involved in that process.

In place of clarity we get rumour and misinformation. It is time for the confusion to be ended. It is time for the First Minister to make a statement to the Parliament. It is time to put an end to spin and smoke and mirrors. Forty-two days after the First Minister called for a full public investigation, the Parliament deserves to know what he intends; more important, the people of Scotland deserve to know what he intends.

It is time for the Parliament to exert its influence over the nature, extent and timing of the inquiry. The matter needs to be resolved. We need to find out a number of things. Why have we been landed with the type of contract that we have? What has been the role of the civil service and ministers in London and Edinburgh with regard to the contract? Why is it that costs have been able to rise with such apparent ease? What more could have been done to keep costs down? Has the contractor acted fairly and have the advisers given proper information and done their job properly? Many, many questions need to be answered before Scotland can move on and begin to put all this behind it. Parliament can help to begin that healing process today by rejecting the business motion and asking the Parliamentary Bureau to reschedule business to enable a statement to be made by the First Minister on the public inquiry. The people of Scotland expect the matter to be resolved. If the First Minister is not prepared to volunteer a statement, the Parliament should demand it.

I support the amendment to the motion.

14:45

The Minister for Parliamentary Business (Patricia Ferguson): In the first instance, it is worth pointing out that neither the Scottish National Party nor the Conservative party shares a monopoly of concern about the news that we all received last week on the Holyrood project. Given that the Conservatives have until now refused to be involved in the Holyrood progress group, it is a

little rich of them to say what they did. Since day one however, along with the other major parties in the chamber, the Conservatives have been part of the Scottish Parliamentary Corporate Body. It is worth drawing to the attention of Conservative members that it is the corporate body that is responsible for the building project.

I must also point out that it is a matter for the Presiding Officer whether he wishes to make a statement on behalf of the corporate body to the chamber. The Executive would be happy to facilitate such a statement, should a request be made.

Tomorrow's business includes Scottish Executive and First Minister's question time. The Presiding Officer has selected a question from my colleague Janis Hughes on the inquiry that is proposed by the First Minister. I am sure that my colleague Mr McConnell will take the opportunity to outline in as much detail as he can what is proposed. I suggest that First Minister's question time is the correct vehicle for that.

Transport is an issue of great public concern and we do not wish to delete it from the business programme, particularly as the item of business that the Opposition wishes to delete from the business programme comes after the First Minister's answer to Ms Hughes's question. For those reasons, it seems entirely inappropriate to change the business motion.

The Presiding Officer: The question is, that amendment S2M-126.1, in the name of Bill Aitken, which seeks to amend motion S2M-126, in the name of Patricia Ferguson, on parliamentary business, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
Aitken, Bill (Glasgow) (Con)
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
Canavan, Dennis (Falkirk West)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Curran, Frances (West of Scotland) (SSP)
Davidson, Mr David (North East Scotland) (Con)
Douglas-Hamilton, Lord James (Lothians) (Con)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Ewing, Mrs Margaret (Moray) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
Fox, Colin (Lothians) (SSP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gibson, Mr Rob (Highlands and Islands) (SNP)
Goldie, Miss Annabel (West of Scotland) (Con)
Grahame, Christine (South of Scotland) (SNP)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Johnstone, Alex (North East Scotland) (Con)
Kane, Rosie (Glasgow) (SSP)
Leckie, Carolyn (Central Scotland) (SSP)

Lochhead, Richard (North East Scotland) (SNP)
MacAskill, Mr Kenny (Lothians) (SNP)
Martin, Campbell (West of Scotland) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Mather, Mr Jim (Highlands and Islands) (SNP)
Matheson, Michael (Central Scotland) (SNP)
Maxwell, Mr Stewart (West of Scotland) (SNP)
McFee, Mr Bruce (West of Scotland) (SNP)
Milne, Mrs Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Monteith, Mr Brian (Mid Scotland and Fife) (Con)
Morgan, Alasdair (South of Scotland) (SNP)
Neil, Alex (Central Scotland) (SNP)
Robison, Shona (Dundee East) (SNP)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Sheridan, Tommy (Glasgow) (SSP)
Stevenson, Stewart (Banff and Buchan) (SNP)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Mr Richard (North East Scotland) (Lab)
Ballance, Chris (South of Scotland) (Green)
Ballard, Mark (Lothians) (Green)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Gillon, Karen (Clydesdale) (Lab)
Glen, Marlyn (North East Scotland) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Harper, Robin (Lothians) (Green)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lyon, George (Argyll and Bute) (LD)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
Maclean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
May, Christine (Central Fife) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McConnell, Mr Jack (Motherwell and Wishaw) (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)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Mr Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Tosh, Murray (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 44, Against 70, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: I call Margo MacDonald to raise the point of order that I think she wanted to raise during the division.

Margo MacDonald (Lothians) (Ind): Can I vote now?

The Presiding Officer: The member has made her point. It will be noted in the *Official Report*.

Margo MacDonald: But I wanted to abstain—I do not agree with any of them.

The Presiding Officer: In that case, I am sure that the chamber will agree that the number of abstentions can go up from one to two.

The second question is, that motion S2M-126, in the name of Patricia Ferguson, on parliamentary business, 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)
 Baker, Mr Richard (North East Scotland) (Lab)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)

Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (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)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Mr Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)

Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Mr Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)

ABSTENTIONS

Ballance, Chris (South of Scotland) (Green)
 MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 69, Against 46, Abstentions 2.

Motion agreed to.

That the Parliament agrees

(a) as a revision to the programme of business agreed on 5 June 2003—

Wednesday 11 June 2003

after—

“followed by Stage 3 of the Education (School Meals) (Scotland) Bill”

delete—

“followed by Final Stage of the Robin Rigg Offshore Wind Farm (Navigation and Fishing) (Scotland) Bill”

and (b) the following programme of business—

Wednesday 18 June 2003

2:30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Executive Debate on Patient Focus and Public Involvement in the NHS

followed by Parliamentary Bureau Motions

5:00 pm Decision Time

followed by Members' Business

Thursday 19 June 2003

9:30 am Scottish Conservative and Unionist Party Business

followed by Business Motion

2:30 pm Question Time

3:10 pm First Minister's Question Time

3:30 pm Executive Debate on the Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003

followed by Motion on Health and Community Care (Community Health and Standards) Bill—UK Legislation

followed by Parliamentary Bureau Motions

5:00 pm Decision Time

followed by Members' Business

Wednesday 25 June 2003

2:30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Landfill (Scotland) Amendment Regulations 2003

followed by Urban Waste Water Treatment (Scotland) Amendment Regulations 2003

followed by Motion on Fireworks Bill—UK Legislation

followed by Parliamentary Bureau Motions

5:00 pm Decision Time

followed by Members' Business

Thursday 26 June 2003

9:30 am Executive Business

followed by Business Motion

2:30 pm Question Time

3:10 pm First Minister's Question Time

3:30 pm Parliamentary Bureau Motions

followed by Final Stage of Robin Rigg Offshore Wind Farm (Navigation and Fishing) (Scotland) Bill

followed by Parliamentary Bureau Motions

5:00 pm Decision Time

followed by Members' Business

The Presiding Officer: The next item of business is consideration of motion S2M-129, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a timetable for today's stage 2 and stage 3 consideration of the Education (School Meals) (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during Stages 2 and 3 of the Education (School Meals) (Scotland) Bill, debate on

each part of the proceedings shall be brought to a conclusion by the time-limits indicated (each time-limit being calculated from when Stage 2 begins)—

Stage 2

Group 1—no later than 45 minutes

Group 2—no later than 1 hour 20 minutes

Groups 3 and 4—no later than 1 hour 55 minutes

Stage 3

Motion to pass the Bill—no later than 2 hours 25 minutes.—[*Patricia Ferguson.*]

Motion agreed to.

Meeting closed at 14:50.

Committee of the Whole Parliament

[*THE CONVENER opened the meeting at 14:51*]

Education (School Meals) (Scotland) Bill: Stage 2

The Convener (Mr George Reid): We will now consider stage 2 of the Education (School Meals) (Scotland) Bill in a Committee of the Whole Parliament, of which the occupant of the chair is the convener. For stage 2, members should have a copy of the bill—SP bill 3—the marshalled list and the groupings.

As a number of new members are present, I will go through the procedures. I remind members that any amendment that is being moved may be withdrawn with the agreement of members present. It is, of course, possible for members not to move amendments, should they so wish. The electronic voting system will be used for all divisions. I will allow an extended voting period of two minutes for the first division. Subsequent first divisions—that is, first divisions after debates on groups—will be given one minute. Any other division will be 30 seconds long.

I ask members to refer to the marshalled list, and I hand over the chair to Mr Tosh.

The Convener (Murray Tosh): We move to group 1—

Fiona Hyslop (Lothians) (SNP): On a point of order, convener, of which I gave you notice to ensure that you would have time to consider your response.

The bill that we are considering today is an important piece of proposed legislation, in that it will ensure that children who are currently entitled to the provision of free school meals remain so entitled, despite the drafting of the Westminster legislation on tax credits. Like many members, I wanted the provision of free school meals to be extended as far as possible. I therefore drafted an amendment that would have ensured that any school pupil whose family lives on less than the Scottish median income would be brought within the scope of the bill. My understanding is that, because of the tight drafting of the bill, it was not possible to lodge an income-related amendment. I then tried to achieve the same thing with an amendment that would have directed ministers under the bill's powers to extend the provision; again, that approach seemed to be blocked.

However, I understand that it is possible under the bill to restrict which pupils the ministers have

powers to regulate for. Surely if it is competent to lodge amendments to restrict the powers that are given to ministers, it is also competent to lodge amendments to direct ministers on how to use those powers. In light of that, convener, I invite you to review the decision not to accept my amendment, which would ensure that the bill would direct ministers to help the least well-off in our society. It would also ensure that those pupils whose family income is less than the Scottish median income would become entitled to free school meals.

Convener, this is an important point of order, not only for the bill, but for other legislation. I am interested in your response.

The Convener: My response, I am afraid, is the standard response that is given from the chair when the Presiding Officers are challenged on the admissibility of amendments. We do not give reasons for decisions about admissibility, and I am not prepared to give any reason on this occasion.

Section 1—Duty to provide free school meals

The Convener: Amendment 1, in the name of Fiona Hyslop, is grouped with amendments 2 to 5.

Fiona Hyslop: If politics is the art of the possible, we should embrace the opportunity that the bill—originally intended to close a loophole—presents for a better deal for Scotland's children. The Scottish National Party is disappointed that the Government did not take the opportunity that it was offered last week to turn the problem of having to use legislation to close that loophole into an opportunity to extend free school meals to more children. I acknowledge that it has attempted to extend provision further to the children of carers and students with savings of more than £8,000, but we will argue that it could and should go somewhat further.

Because the Executive has chosen not to take up the invitation to scope what is possible, it is left to the Parliament at stage 2 to push and persuade so that we can amend the bill and extend provision. Although we gave the Government a chance to initiate such a move, it has not taken it.

As I indicated in my point of order, the problem with the bill's scope is that we are restricted to lodging amendments that are related to benefits and tax credits. We are frustrated by the fact that we cannot directly affect families' incomes in the bill; however, we must deal with what we have before us at the moment. Unfortunately, we cannot lodge an amendment that seeks to allow children of a family whose income is below the Scottish median income to have free school meals. If such an amendment had been accepted, we would have been able to close the gap, where 30 per cent of children live in poverty but only 20 per cent of children are entitled to free school meals.

The Government intends to exercise power through regulations to set the income ceiling at which children would be eligible for free school meals. However, we need another route to address that matter and, when he speaks to a later amendment, Brian Adam will put forward proposals that would allow us to raise the income threshold of £13,230.

As drafted, the bill leaves us no room to address the matter on the basis of income. Furthermore, it leaves us no room to address nutritional issues. That is a fundamental omission. It is important to point out that the absence of a legal means of enforcing nutritional standards will have a major impact on our assessment of Tommy Sheridan's amendments. The argument for universality is as much predicated on the need for legally enforceable nutritional standards as it is on the assumption that it is a lever to tackle poverty. However, amendments to the bill on nutritional grounds cannot be accepted, no matter whether they relate to legally enforceable standards or to the supply of locally produced food or even—as we discussed at stage 1—organic food.

Given that the bill has cawed the feet from under one aspect of the free school meals for all argument, we are left purely and simply with the issue of tackling poverty and of how we spend almost £300 million. Do we spend it on feeding the children of millionaires; on child care in order to tackle poverty; or on health promotion from birth onwards to ensure that children want to eat healthily in the first place whether school meals are free or not?

As I have explained, the SNP wants to take a constructive approach to extending free school meals, but it can do so only by tackling the issue of benefits. As a result, amendment 1 would extend free school meals to pupils with a parent on a new deal scheme. As we know, one of the difficult periods that families must deal with is the transition from unemployment to work. Indeed, that is where the poverty trap can be sprung.

Amendment 2 would extend free school meals to families that receive housing and council tax benefits. I acknowledge that many of those families could be covered by the child tax credit; however, that cannot be guaranteed. Because many families might not be covered, we need to provide a safety net.

I hope that the Executive will sincerely take on board amendment 3, which relates to the disability living allowance and is an attempt to support pupils and parents with disabilities. Unfortunately, it is not clear whether all families that are dependent on disability benefits will qualify for free school meals under the new child tax credit eligibility. As a result, amendment 3 seeks to guarantee that those families are covered.

Because of the basket of benefits that they receive, they might not qualify for the child tax credit.

Amendment 3 seeks to ensure that dependent children of parents who receive disability living allowance are eligible for free school meals. Living with a disability is expensive; furthermore, there are many hidden costs of disability. However, because of that additional income for support, other allowances that parents or pupils with disabilities receive might be lost. They might be just over the income threshold, even though they need that additional income to pay for special requirements that arise from their disability. Research indicates that under a third of families that live with disability receive free school meals and that few local authorities use their discretionary power to extend the scope of free school meal entitlement.

Amendment 5 would ensure that pupils who receive disability living allowance qualify for free school meals. According to Capability Scotland, fewer than one in five households with a disabled child receive school meals.

The SNP is presenting a pragmatic, practical and possible approach to the political process. In that spirit, I urge the chamber to do what is possible and support these amendments.

I move amendment 1.

Lord James Douglas-Hamilton (Lothians) (Con): We find ourselves unable to support this group of amendments. As far as amendment 1 is concerned, the bill already covers those who receive income support or income-based jobseekers allowance. Those are two groups whose need is clear and, as I have said, they are already in receipt of free school meals, so we do not support amendment 1.

With regard to amendments 2 and 3, there will always be a great debate about where the cut-off point should be, but the bill widens eligibility for free school meals by encompassing children of student parents or carers who have savings of more than £8,000, but who are on very low incomes. The bill could potentially increase the number of eligible children by 7,000. We believe that the bill's provisions are adequate and we see no need for extending them at this stage.

We are not persuaded that it is necessary to extend eligibility. There will always be an argument about where to draw the line, but, as I said, we feel that the bill's provisions are adequate and therefore cannot support amendments 1, 2 and 3. We do not support amendments 4 and 5 because they are consequential to unnecessary amendments.

15:00

Brian Adam (Aberdeen North) (SNP): Does the member accept that the figure of 30 per cent of children living in poverty is accurate? Does he accept that at present only 20 per cent of those children are eligible for free school meals and that the SNP amendments represent a genuine attempt to bridge that gap? Does he recognise those opportunities to bridge the gap?

Lord James Douglas-Hamilton: I said already that we are not persuaded that eligibility needs to be extended further. As it stands, the bill extends eligibility, which I welcome—there is a well-proven case in that context. We are not persuaded that it is necessary to go further than that at this stage.

Alex Neil (Central Scotland) (SNP): It is strange that Lord James said three times that he was not persuaded of the need to extend eligibility, but he has not yet given us a reason why he is not so persuaded. Let me try to persuade him.

It is a fact of life that child poverty is a key feature of Scottish society in 2003. The Executive's figures state that about 30 per cent of all children in Scotland are living on or near the poverty line, as defined officially by both the Executive and the United Kingdom Government. As Brian Adam pointed out, only two thirds of those described officially as being in poverty are eligible for free school meals, even after the original amendments introduced by the bill.

I recognise that, currently, there is not a majority in the chamber in favour of universality and I am on record as regretting that. However, the purpose of the SNP amendments is focused on closing the poverty gap so that the one third of children who live in poverty who are not currently eligible for free school meals—10 per cent of all children—will become eligible. I appeal to the Executive, and I even appeal to the Tories and everyone else in the chamber: if we are serious about the elimination of child poverty in Scotland, rather than just paying lip service to the idea, it would be absolutely ridiculous to deny access to free school meals to the 10 per cent of our children who live in poverty, according to the definition of the Executive and the UK Government.

The purpose of the amendments is to ensure that poor children get free school meals. If we are to continue means testing for free school meals—it is clear that we will—such means testing should always err in favour of the poor. The great problem with means testing in this country is that it always errs in favour of those who are not poor.

This meeting began with time for reflection led by Maggie Lunan, who quoted someone who said that we had got it wrong. I say to the Executive that, if it has got this wrong, it should right the situation by backing the SNP amendments.

Colin Fox (Lothians) (SSP): I rise to support this group of amendments. As members are all too aware, the Parliament is criticised for a lack of ambition and, in the first four years, it was criticised for having failed to meet the expectations of Scots who sought to establish it.

Today we have a debate about the Parliament's potential to make a real, profound and long-lasting improvement to the lives of Scots and to the face of Scotland. We well know—and the election results on 1 May confirmed it—that people outside would like to see this Parliament step up to the plate and grasp the challenges that are before us, including child poverty and the dietary health of our youngsters. Today we have another opportunity to face down those claims of timidity with a bold initiative to end the scourge of child poverty and the poor dietary health of our young people, but we appear to be bottling the question yet again.

I welcome Fiona Hyslop's amendments to extend the provision of free schools meals as widely as possible to include as many of Scotland's youngsters as we can, but I also believe that the Parliament must go further and face the fact that there is a stigma. As Lord James Douglas-Hamilton and Alex Neil have mentioned, many of the youngsters who are entitled to free school meals feel ashamed to take them. It is incumbent on the Parliament to consider other provisions where that shame does not appear. Child benefit, for example, has a far greater take-up rate than free school meals have. I believe that something is badly wrong. That stigma must be addressed, and we should try with all our might and main to achieve the same levels of take-up for free school meals as exist for child benefit.

I accept the important point that was made during the stage 1 debate—that the Parliament must examine the quality and attractiveness of the free school meals. However, I disagree with the point made by Tory members, which was that, if offered chips every day, the youngsters of Scotland would choose chips every day. In my opinion, there is a natural inquisitiveness in young people, and they understand the enjoyment that is to be found in discovering new foods. Quite frankly, chips every day would be, as the young people themselves might tell us, boring. The poor eating habits of young people now cause real concerns among our health professionals with regard to levels of obesity in the population and the increasing cost of obesity-related ill health.

Yesterday, the Parliament was faced with a bill of £375 million for a new Parliament building, and the population at large groaned when they heard the news. Today, we have the opportunity to introduce free school meals across the whole country for half of that cost. We have the chance

to turn the bad news that comes from this Parliament into good news for the children of Scotland.

Brian Adam: I support Fiona Hyslop's amendments. It is true that those amendments cover a range of youngsters who may already be covered by existing legislation. However, the amendments are an attempt to bridge, to an extent, the gap between the 30 per cent of children who live in poverty and the 20 per cent of children who are currently eligible for free school meals. As Colin Fox said, not all those who are eligible currently take up the opportunity. Only somewhere between 70 and 75 per cent of those who are eligible actually apply for free school meals. We need to maximise the number of those who are eligible as well as the number of those who take up the offer.

I make a particular plea to ministers at least to give active consideration to the amendments on disability living allowance. External advice from the appropriate organisation suggests that a very marginal increase in cost would make a real difference to families in receipt of that allowance, either where the youngsters themselves are disabled or where the parents are disabled. That would be a significant step forward and a recognition of the fact that those who are less able, in what is probably the worst sense of that phrase, would be helped by those amendments.

If the minister does not feel that he can support those amendments today, will he at least assure us that, before the matter is reviewed—all legislation is inevitably reviewed—he will give active consideration to such amendments? At least the legislation allows an opportunity for changes to be made in the future, if not today. The amendments would not be the major leap forward that perhaps all of us would like to see, but they would be significant for those who are not currently eligible but will become eligible.

I support amendments 1 to 5.

The Deputy Minister for Education and Young People (Euan Robson): I ask the Parliament to reject amendments 1 to 5. As I said during the stage 1 debate, we are not seeking to extend eligibility beyond the current levels, apart from to the 7,000 people who were mentioned in the previous debate: students and carers on low incomes but with savings. With respect, Fiona Hyslop has lodged a series of amendments without much—if any—idea of how many children would be brought into entitlement or what the costs would be.

Fiona Hyslop: Will the minister give way?

Euan Robson: No, not at the moment.

Fiona Hyslop is asking the Parliament to sign up to amendments without any clear idea of their

impact or their costs. I heard her say that she understands that there would be some overlap between the categories of people who would be covered.

I remind the Parliament of the Auditor General for Scotland's advice just last month in his report "Moving to Mainstreaming". He said:

"Parliament must have a robust analysis of the potential financial consequences when they are considering Bills and amendments".

He went on to say:

"Parliament should consider how best to ensure that there is full consideration of relevant costs when Bills and amendments are scrutinised".

Fiona Hyslop: I remind the minister that we are discussing fast-track legislation. Last week, we asked the Government to come forward with different options, as it has the resources to do so. I understand that the number of disabled pupils in question, for example, would be around 12,000. There is certainly a price that is worth paying by the Parliament to ensure that they are supported by us in respect of free school meals.

Euan Robson: Obviously, we have asked officials to consider the SNP's amendments but, apart from in one instance, it has not been possible to determine how much the amendments would cost or who would be covered by them. Such matters should be the subject of full consultation. Fiona Hyslop mentioned last week's debate. Then, I made the point time and again that the bill proposes a technical amendment to correct an unintended consequence of the tax credit system. We want to ensure that our children do not lose out on their current entitlement.

Alex Neil: I hear what the minister is saying; however, if the problem is lack of time, will he give an undertaking that he will ask his officials to consider those children who are officially defined by the Executive as being in poverty but who do not qualify for free school meals? Will he also undertake to bring forward an additional bill to close the gap to cover those who are living in poverty and who are not entitled to free school meals?

Euan Robson: No. It is obvious that budgetary considerations exist. I will not give such an undertaking in the context of the bill in question because, as I have said, it is a technical amendment to correct an unintended consequence. In doing so, it extends eligibility by around 7,000 people.

The Executive does not accept that extension of entitlement is necessary on either health or poverty grounds. We are sure that we are targeting the children who are in absolute poverty with the current level of entitlement. Provision of

free school meals is only one of many measures that we have in place to tackle child poverty in Scotland.

I think that Mr Adam mentioned extending take-up. He will recall that, as I said during the stage 1 debate last week, we have put £56 million into implementing the recommendations of the expert panel on school meals. We hope that those measures will improve take-up.

15:15

Tommy Sheridan (Glasgow) (SSP): One of the recommendations of the expert panel was to try to increase the uptake of free school meal provision. The panel recognised that the uptake is not high enough and wanted to improve it. Does the minister accept that the capital cost of increasing the uptake of free school meals will exist whether or not we increase entitlement?

Euan Robson: I cannot give a specific answer because the situation depends on the circumstances of each school or local authority. There might be a capital cost in extending the take-up of the provision, but local authorities would deal with that matter through their capital allocations and grant-aided expenditure.

We believe that there are other, better means of tackling child poverty in Scotland, which we are tackling in partnership with Westminster. For example, one of the best routes out of poverty is access to work. The Executive is investing £20 million of social justice funding in child care to help parents in the most disadvantaged areas get into education and employment. We are working to improve Scotland's skills base through programmes such as the education maintenance allowance, modern apprenticeships and training for work. We are investing in education, working to improve health among children in their early years and in the teenage transition stage, raising housing standards and building safe and strong communities. Parliament should not underestimate the considerable progress that we have made in the past five years. We have taken 210,000 children and more than half a million Scots out of absolute poverty. I can add no more.

The bill is a fast-track one, which, as I have said time and again, will ensure that the existing entitlement to free school meals continues from the start of the next academic term. In that context, I urge members to reject amendments 1 to 5.

Fiona Hyslop: I cannot believe that the Executive has not found it in itself to take a small step that could make a big difference to pupils in Scotland, particularly those with disabilities. The case for the amendments that relate to disability allowance is absolute.

Iain Smith (North East Fife) (LD): I cannot believe the rank hypocrisy of Scottish National Party members. Just a few weeks ago, those members stood for election with a manifesto that did not propose to extend free school meals to a single pupil. How can they come to the chamber and be so indignant in making the case for extending free school meals, when they did not propose that in their election manifesto a few weeks ago?

Fiona Hyslop: Because I am indignant. Iain Smith, who is a Liberal Democrat, has just heard his party's minister say that he will not attempt to close the gap between the 30 per cent of children who live in poverty and the 20 per cent who are entitled to free school meals. The minister says that the Executive wants to deal with absolute poverty. Does that mean that relative poverty is okay? No. We lodged constructive amendments in a genuine attempt to seek a practical response. I am completely aghast that the Executive is not prepared to respond.

The minister lacks consistency. He says that the bill is a technical one and that therefore it would not be the appropriate place in which to extend eligibility for free school meals. Why, then, did he decide to extend eligibility? He used the words "apart from". I welcome that extension, but it drives a coach and horses through his argument that he is not prepared to extend eligibility. He has already given in to an element of extension—I ask him to extend the eligibility further.

Euan Robson: The extension to a further 7,000 people is a result of the technical changes that have been made. It is a welcome and beneficial consequence of the changes, but we have not pushed out the eligibility criteria.

Fiona Hyslop: We must consider where the lack of Executive support for my stage 2 amendments leaves us. Brian Adam's amendments 9 and 10, if agreed to, would allow us to ask the minister to come back to Parliament to justify the income threshold level of £13,000 that he has set. Ironically, we will be able to do that because of the powers in the bill that allow ministers to use their discretion.

I cannot, therefore, understand the minister's response to the request to make some effort. Although we could entrench the power by stating it in the bill, we will anyway have the opportunity through the use of the affirmative procedure to call the minister before us, should we choose to do so, to say what progress is being made on closing the gap. However, if he is already telling us that he does not want to close the gap and is not prepared to do so, now is our last chance to do it. The minister's statement is already on record.

I appeal to the Parliament to support my amendments. Perhaps they do not take us as far

as we would want to go, but they are on offer now. I ask members to support particularly those amendments that would affect families with disabled children or disabled pupils. We should make the effort to show that we care and that we want to make a difference. I press amendment 1.

The Convener: The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Martin, Campbell (West of Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Mr Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Mr Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (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)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (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)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Mr Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Convener: The result of the division is: For 30, Against 70, Abstentions 0.

Amendment 1 disagreed to.

Amendment 2 moved—[Fiona Hyslop].

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

Members: No.

The Convener: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)

Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Martin, Campbell (West of Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Mr Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Mr Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (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)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (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)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)

Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Mr Jeremy (Tweeddale, Ettrick and Lauderdale)
 (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross)
 (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Convener: The result of the division is: For 30, Against 69, Abstentions 0.

Amendment 2 disagreed to.

Amendment 3 moved—[Fiona Hyslop].

The Convener: The question is, that amendment 3 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Martin, Campbell (West of Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Mr Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Mr Richard (North East Scotland) (Lab)

Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (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)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley)
 (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (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)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Mr Jeremy (Tweeddale, Ettrick and Lauderdale)
 (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
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 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross)
 (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Convener: The result of the division is: For 30, Against 70, Abstentions 0.

Amendment 3 disagreed to.

The Convener: In group 2, amendment 6, in the name of Tommy Sheridan, is grouped with amendment 7.

Tommy Sheridan: During time for reflection today, a number of members will have heard a speech, to which Alex Neil has referred, that talked about those who have the courage to admit it when they are wrong. I hope that the Parliament, during the coming months, will have the courage to admit that it was wrong in the previous session to reject the School Meals (Scotland) Bill. I guarantee that in this new session every MSP will have the opportunity to examine their conscience again because a new free school meals bill will be introduced by my colleague Rosie Kane and we will engage with the communities of Scotland.

Perhaps those smug members who have made catty comments and remarks should consider that the organisations that they applaud, such as Capability Scotland, One Plus, the Child Poverty Action Group, the Scottish Trades Union Congress, Unison and the Educational Institute of Scotland, are calling for the introduction of the universal provision of free school meals. Unfortunately, this particular debate does not afford the time to examine further all the issues. However, the debate allows us to examine the fact, which the minister has been unable to deny either last week or today, that the Parliament is voting to deny 100,000 children who are officially poor and whose parents are in receipt of low wages access to a free school meal under the current entitlement.

That is what members of the Executive parties are doing and that is why we believe that they are not serious about tackling poverty and child poverty. Members have the opportunity to vote to allow at least parents who live on low incomes to save money by allowing their children access to a free school meal.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): How does Mr Sheridan account for the statistic that we heard at stage 1 that, under the current rules, 25 per cent of children who currently have an entitlement to free school meals do not take it up? Mr Sheridan's proposal would result in a massive waste of hundreds of millions of pounds. How many people does Mr Sheridan think his proposal would serve? I imagine that it would not be many.

Tommy Sheridan: Mr Rumbles, again, lets his mouth engage without first checking with his brain. The idea that hundreds of millions of pounds would be wasted is nonsense. If Mr Rumbles had joined me in visiting the 36 schools that I visited

last year in connection with the School Meals (Scotland) Bill, he would have heard the children, parents and organisations who stated categorically that the main reason for the lack of uptake of free school meals is the stigma that is attached to the current free school meals entitlement. That is the evidence that was led by the Child Poverty Action Group and One Plus.

The Minister for Tourism, Culture and Sport (Mr Frank McAveety) rose—

Tommy Sheridan: If Mr McAveety, the Minister for Tourism, Culture and Sport, had the ability to read the evidence, he would know that that is the particular evidence—[*Interruption.*]

Mike Rumbles rose—

The Convener: May we have a wee bit of order here?

Tommy Sheridan: Who wants in first? I will let Mr Rumbles in, then Mr McAveety.

Mike Rumbles: Does Mr Sheridan seriously suggest that it is simply because of stigma that 25 per cent of children do not take up their entitlement to free school meals? Is that what he is trying to con the chamber with?

15:30

Tommy Sheridan: If Mr Rumbles had listened, he would have heard me say that that was the main reason. Another reason was the unattractiveness of some of the dining hall areas and of some of the meals that were on offer. That was the evidence. Mr Rumbles was supposed to have read it before he voted against free school meals but obviously he did not.

Mr McAveety wanted to make an intervention but it seems that he no longer wants to. Perhaps he has decided that he has read the evidence and has remembered that that was the reason.

The Convener: Mr Sheridan, I appreciate that things are being said in the heat of the moment, but I do not think that your suggestion that Mr McAveety could not read the report was in order. Let us keep the debate on the politics of the matter.

Tommy Sheridan: I think that you are being overprotective of poor Frank McAveety. He is big enough to look after himself but he did not take the opportunity to make his point clear.

Members have talked about what the proposal would cost. Last year, we were told that it would cost £174 million but now we are being told that it would cost nearer £300 million. That is incredible, especially when we consider that, last year, Glasgow City Council, the biggest local authority in Scotland, was not providing free school meals for

all of its primary school children—I will repeat that in case new Labour members did not hear it: all of its primary school children—but now is. The council is providing free breakfasts for all its children, free fruit for all its children and now free meals for all its primary school children. It should be applauded for that. Explaining why the figure for providing free school meals across Scotland has gone up when the biggest local authority in Scotland is already providing its children with free meals is beyond me. The suggestion is a lot of tosh—if you will excuse the expression, convener.

The fact is that the investment that we are talking about would be a small drop in the ocean, but could provide a radical improvement not only in the social cohesion of our communities—by doing away with the stigma of free school meals and the degradation of children that results from them being divided into two groups at the age of five—but in the dietary health of our children. Members should read the report from the University of Glasgow that was in the news today. How much do we spend on treating obesity-related diseases every year? It is some £171 million a year, and rising.

We have an opportunity to make school meal provision universal and to improve the quality of the meals. Is that a cost? It is an investment. When people ask, “Where’s the money coming from?” I think to myself that it is strange to think that it is all right to vote to spend £400 million on a Parliament building and £500 million on the M74 and to have an underspend last year of £643 million but that we cannot afford £174 million for free school meals for kids.

I hope that the Tories are becoming more progressive. One of their more progressive members indicated that she might vote for my amendment when, in a debate on 5 June, she raised an issue with Peter Peacock. She said:

“I ask him to take another look at music tuition in schools given that, as the convener of Highland Council, he abolished free music tuition and introduced means testing for music tuition in schools. Many parents throughout the Highlands do not want their financial details to be in council offices to decide whether they are poor enough to be eligible for free music tuition.”—[*Official Report*, 5 June 2003; c 456-57.]

I agree with Mary Scanlon: the kids should get free music tuition without any means test. However, they should also get free school meals without any means test. That is the principle that she should be prepared to adopt today.

I ask the chamber to support the amendment and I make a particular appeal to the Scottish National Party. I listened to what its members said about its amendments, which I supported. At this point, the SNP members are faced with a choice: do they vote for those who are in receipt of child

benefit—in other words, for universal provision of school meals—or against them? Given how they voted the last time this was discussed, I hope that they will not be inconsistent and that they will support my amendment.

I move amendment 6.

Brian Adam: It is easy to give Mr Sheridan an answer. He is right to say that we supported the proposal at stage 1. There is a major difference between supporting an amendment at stage 1 and supporting an amendment at stage 3.

Tommy Sheridan: I smell a U-turn.

Brian Adam: A U-turn? I do not know whether Tommy Sheridan wishes to say that he smells, or otherwise—I do not want to comment on that.

We will not support Tommy Sheridan, as he knows. We will not support the amendment because we believe that we should take a holistic approach to tackling poverty and to improving nutrition. The amendment deals with only one element of that. At issue is whether we should devote all our resources to one element of an antipoverty strategy or whether we should take a much broader approach.

Tommy Sheridan was right to point out that a number of measures can be taken to ensure that nutritional requirements are met. Breakfast clubs are a welcome addition. Other initiatives include provision of free fruit and free school milk. Michael Matheson has proposed a bill that would ensure provision of free milk in schools. We want to take a range of measures, rather than just one.

We welcome the fact that we are opening up a debate on the general issue of school meals. We regret that the minister cannot agree to broaden the range of benefits that are linked to eligibility for free school meals. We seek to ensure that ministers report back to the Parliament after they have considered other possibilities, so that the Parliament may have the opportunity to examine this issue again—without a member’s bill needing to be introduced. We want ministers to use their powers under regulations to broaden the base of eligibility for free school meals.

Carolyn Leckie (Central Scotland) (SSP): Is it the SNP’s intention to introduce incremental additions to free provision—free milk, free vegetables and free fruit? Would it not be better just to introduce free school meals?

Brian Adam: If school lunches were the only food that youngsters ate, that might be a valid argument. However, we want to approach the matter in the broadest sense. The SSP is focusing on one issue. It is quite right—

Rosie Kane (Glasgow) (SSP): Will the member give way?

Brian Adam: I have taken enough interventions on this point.

The SSP is entitled to its view and I respect that. There are others who agree that universal provision of a benefit is perhaps the easiest option. I do not like means testing. Tommy Sheridan was right to point out that not all members like it—even Tories do not like it. However, we must accept that there are limits to the overall budget. For that reason, we are not prepared to accept at this stage that we should commit ourselves to spending our money on provision of free school meals. We should seek to narrow the gap, but at the moment we do not support the idea of making free school meals a universal benefit.

Mike Rumbles: At the beginning of his speech, Tommy Sheridan referred to Maggie Lunan of Wellington Parish, Glasgow, who said that she thought that everyone should be prepared to admit it when they are wrong. For a split second, I thought that he was going to say that he was wrong. Of course, that was not the case. It was typical Tommy—everyone else is wrong, but he is not.

We have the economics of the real world, rather than the economics of the madhouse that the Scottish Socialist Party seems to want to wish on us. The suggestion that we set up pilot schemes in our secondary schools to see whether universal provision of free school meals works is another issue. However, at stage 1 Rosie Kane said that spending £170 million does not matter and that we should try on principle to provide free school meals. That misses the whole point of the exercise. The SSP would invest more than £200 million in the scheme, when kids are not taking up their entitlement. That would be a massive waste of scarce resources. No one would suggest that the Scottish Executive or the Scottish Parliament has abundant resources. We must ensure that money is used in the most effective way.

Tommy Sheridan: Does the member agree that from now on we should at least examine the experience of Glasgow City Council, given that it has introduced free breakfasts, free fruit and now free school meals for primary school kids? Will the member agree to examine the evidence from Glasgow?

Mike Rumbles: Tommy Sheridan and I might have a meeting of minds on one point, because that is precisely what I am suggesting. Perhaps we should introduce pilot schemes and examine the issue, but we should not introduce measures at the stroke of a pen and cost the taxpayer several hundreds of millions of pounds. I, for one, am not convinced that what Tommy Sheridan suggests will work at all. The costs go up and up. How much money are we talking about? The costs could be

the equivalent of those for the Scottish Parliament building, going up every single year.

Tommy Sheridan: The letter from the Scottish Executive Education Department, which was written when the First Minister was the Minister for Education, Europe and External Affairs, indicated clearly that the department estimated that the overall cost would be £174 million. In the course of our taking evidence, some councils indicated that they might have capital costs, although they could avoid them by changing the number of dinner sessions during school hours. The figure is £174 million, not several hundreds of millions of pounds.

Mike Rumbles: In the stage 1 debate, I intervened during the speech made by Rosie Kane—Tommy Sheridan's compatriot. I asked how much she was advocating that we spend on this shibboleth, which is what it seems to be. Her response was—members should check the *Official Report*—that it does not matter how much it costs. How many hundreds of millions are we talking about? Are we talking about £100 million, £200 million, £300 million every year, because of a political idea that is not based in the real world of economics?

I have kids. I know that a lot of kids do not want to eat school meals. I am all in favour of our having nutritious school meals, but is the Scottish Socialist Party suggesting not only that we will provide several hundreds of millions of pounds every year for the meals, but that it will stand over the kids while they eat the food? Is that the next stage?

Tommy Sheridan: Was that a real question?

The Convener: No, I do not think that it was.

Tommy Sheridan: I did not think so; it was not a very sensible one.

The Convener: It was a rhetorical flourish at the end of the member's speech.

Carolyn Leckie: I speak in support of the amendments in the name of Tommy Sheridan. Members have asked what happens to uptake when a nutritious, tasty school meal is provided. Some members have commented, without examining the facts or experience, that we can take a horse to water but we cannot make it drink.

Some members might have read an article in *The Guardian* the other week about Mrs Orrey of St Peter's C of E Primary School in East Bridgford in England. She brought school meals back in-house—we will discuss the argument about privatisation another day. The wages of the staff went up. She used organic food. She improved the quality of the food, which was sourced locally—I am sure that the Tories would like that. More than 50 per cent of the costs went on buying food, but the cost of the meal was the same. There were no

chief executives, no profits and fewer administration costs. Before Mrs Orrey brought the school meals back in-house, 90 children at the school ate school meals. Now 190 out of 200 children at the school eat school meals. The teachers say that the children are more alert and the children say that they are much more satisfied.

There can be no doubt that the diets of hundreds of thousands of children would be improved by the provision of a free nutritious meal.

Fiona Hyslop: I appreciate the point about trying to tackle poverty. Will the member point to the part of the bill that will ensure high nutritional standards so that we get the tasty, nutritious meals that she is talking about?

Carolyn Leckie: That will follow. The member knows that our amendment on legal standards was not accepted. Members get invited to free lunches with fresh sandwiches, salads and chicken. Are they really trying to tell me that in their short lunch breaks they would rather walk down to McDonald's and pay for their food? I do not think so.

That is where parental responsibility comes in. Free school meals means that the responsibility of parents is not to give their weans cash in the morning. I think that a lot of parents would be quite happy with that responsibility.

It is argued that swipe cards remove stigma, but there is no difference between the stigma of having a dinner ticket stamped with "free school meal" and the stigma of being able to afford only half the lunch of a pal sitting alongside. A free dinner ticket does not entitle its holder to anywhere near the same amount of food. It does not even entitle its holder to a drink.

15:45

Dr Sylvia Jackson (Stirling) (Lab): Does the member not accept that swipe cards—which are now used in many local authority schools—do get us over the issue of stigma?

Carolyn Leckie: They do not get us over the stigma. The swipe card is not worth enough. A child who is entitled to a free school meal does not get the same portion, does not get the same choice, and might not even get the same drink.

It is argued—and let us be clear that this is an argument for means testing—that free school meals for all would be an injustice because the children of MSPs and so on would be able to have a free school meal. The Scottish Socialist Party has a simple answer to that, and it will not surprise members. We would tax more and then redistribute that income. That used to be a fundamental principle of the Labour party. Within the straitjacket of the Parliament's powers, our

answer might be difficult in the short term, but really, if Labour members feel that bad, and if their sensibilities are that affected by their weans getting a free dinner, they could make equivalent donations to charities that support children—for example, to NCH or Barnardo's. That might make them feel a wee bit better.

Cathy Peattie (Falkirk East) (Lab): Will the member take an intervention?

Carolyn Leckie: I have taken two interventions already and I am about to finish. I remember Cathy Peattie supported free toothbrushes; I hope that she will support universality.

I suspect that it is not conscience that has voted down the amendments, nor worrying about an injustice in relation to privilege or about meals for millionaires. The truth is that voting down the amendments is removing meals from 100,000 children in poverty who would be entitled to free school meals.

Members have voted down increasing access on the basis of council tax benefit, housing benefit and disability living allowance—shame; absolute shame. The Labour party should not kid me that its opposition is to do with worries about feeding the children of millionaires. A total of 95 per cent of the population of Scotland earns less than MSPs do, and it is the 95 per cent that we are talking about. For the sake of the remaining 5 per cent, Labour members are willing to deny 95 per cent of children access to a free nutritious meal. For the sake of 5 per cent of children, MSPs—to avoid injuring their own sensibilities—are prepared to deny the others and send them to bed hungry. A total of £170 million a year is spent on obesity-related diseases; think what could be done if we used £174 million to start to tackle poverty and diet-related illnesses.

Distortions in the arguments and hypocrisy have been laid vividly before the Parliament today. Labour members do not stand condemned by what I say, what Tommy Sheridan says or what Rosie Kane says; they stand condemned by their actions. Last week, Jack McConnell referred to himself as a socialist. I do not know what his idea of socialism is nor what the Labour party's idea of socialism is now, but I know that the SSP and all those in civic Scotland who support free school meals are separated politically from the Labour party by thousands and thousands of miles of clear ocean. The Labour party's so-called socialism makes organisations such as the British Medical Association—which supports free school meals—look like militant revolutionaries.

Rhona Brankin (Midlothian) (Lab): Will the member take an intervention?

Carolyn Leckie: I am finishing.

But for the poverty of ambition and principle in the chamber, the spectre of children in Scotland in 2003 not having one proper meal in a day could have been obliterated. We will support the substantive motion following consideration of the amendments. When Rosie Kane's bill comes to the chamber, I hope—perhaps vainly—that principle will rise for once above petty party politics. *[Interruption.]* Members may sigh—their behaviour will have to be questioned yet again.

I hope that members' consciences may be pricked and that they will be able to walk out of here with their heads held high—but I doubt it.

Helen Eadie (Dunfermline East) (Lab): I have no problem at all in supporting my Labour colleagues in the Scottish Parliament. The minister will remember—as might Scott Barrie and Marilyn Livingstone—pleading with me on the steps outside the Parliament to take a particular view on the issue. I was very glad that Peter Peacock and other colleagues went down the road of examining the standards of the school meals that are provided across the school meals service and of considering all the school meals issues. I was one of the first members to raise the matter, so I am pleased by the efforts that my colleagues have made.

I will not support the SSP in its demands for universal free school meals, not because I do not believe in the principle of universal free school meals, but because I believe in the language of priorities. Politics is a language of priorities and we in the Scottish Parliament must consider a range of services. Many people in the northern part of my constituency, which is one of the poorest areas in the central belt, have said to me that they would not support the SSP in its demands for universal free school meals. They said that because they wanted to ensure that everyone in Scotland who needs to have an operation for cancer or heart disease—

Rosie Kane: Did the member get a chance to tell those people that the Executive is making available £500 million for the construction of an urban motorway through Glasgow? I wonder how they would feel about that misspend.

Helen Eadie: There is a simple answer to the member's point. It is easy for any Executive to provide one-off capital expenditure, because it does not involve on-going revenue expenditure, which is recurring expenditure. We in the Parliament must be able to cope with constant demands for revenue. Capital expenditure is a one-off. I have no problem in holding my head high in my constituency. The people whom I represent know that I come here to fight for the priorities that they have asked me to fight for. I have had such discussions with members of my constituency Labour party.

Mr Bruce McFee (West of Scotland) (SNP): Using the language of priorities, will the member explain whether she considers it reasonable that one child who lives in poverty might be entitled to a free school meal, but another child who lives in poverty—who might be living next door—might not be entitled to a free school meal, simply because his or her parents do not receive a particular benefit?

Helen Eadie: In my constituency, there is a very good local authority. Christine May is a former leader of Fife Council, which set very high standards for the way in which it coped with the issue. There might be other local authorities—authorities that are not Labour controlled, for example—that need to up their standards. It is up to those local authorities, not the Labour-controlled authorities, to do that. As parliamentarians, we would take an interest in that process.

Some single parents who are among the poorest people in Scotland phoned me and said, "Up the reds." They said that because they had just had a massive tax credit pay-out. They were so delighted with the Chancellor of the Exchequer's efforts to deal with single parents' poverty that they had done a dance round the kitchen table. It is not just a case of using the tool of free school meals to address poverty. There are many ways in which to address poverty, both at Westminster and in the Scottish Parliament.

Euan Robson: It will be no surprise to members to learn that I ask Parliament to reject amendments 6 and 7. The effect of the amendments would be a close proximity to free school meals. It would not be exact because the percentage take-up of child benefit is only in the high 90s.

I will assist with some costs. Reference was made to the figure of £174 million that was quoted last year as being the additional cost of providing universal free school meals. To answer Mr Sheridan's question, the expert panel's recommendations on improvements to nutritional content and portion size have come into effect. Therefore, the revised additional cost would be in the range of £170 million to £220 million, with a mid-point of approximately £195 million.

Whatever precise costing is put on the effect of amendments 6 and 7—and they can be costed, unlike Fiona Hyslop's amendments—it is a substantial sum of money in anyone's language.

John Swinburne (Central Scotland) (SSCUP): I have listened patiently to all the discussion and it appals me that members are talking about poverty and absolute poverty. When the minister is giving us his figures, will he tell us what poverty is and what absolute poverty is? Does he have any more definitions? Is there diet poverty or starvation? He

should be realistic—if someone is in poverty, they are poor and they require help. Anyone who is in poverty in this country should be getting his help, not being put down the queue because they are only in relative poverty.

Euan Robson: If the bill is passed, approximately 146,000 children who are in absolute poverty will be entitled to free school meals. As I explained, some of those who are in relative poverty will be covered but the majority of them will not. The member will appreciate that the difference between absolute and relative poverty depends upon a statistical definition.

Even if we had the money, we do not accept that universal free school meals, or even the close proximity proposed by the amendments, are necessary on health or poverty grounds. The provision of free school meals is one of many measures that are intended to abolish child poverty. During the previous debate I described some of the things that we are doing in Scotland, in particular the investments that we are making in education and general health.

Mr Sheridan mentioned today's report about the cost to the health service of obesity being about £170 million—a coincidental figure to the amount that he asks us to spend in amendments 6 and 7. To suggest that free school meals for all would suddenly somehow abolish obesity, or even make a significant impact on it, is not an acceptable correlation.

As part of a cohesive national plan for improving Scotland's physical, mental and social health, we are implementing the Scottish diet action plan, which is an integrated multisectoral strategy based on scientific evidence and in line with the World Health Organisation's goals of tackling diet-related ill health. The plan has particular emphasis on action to tackle health inequalities and improve food access.

Operating throughout the entire food chain, we have led a massive public health education food skills campaign for all Scots, not just schoolchildren. We are introducing improved standards for all public sector catering, not just for the 56 million school meals mentioned in the expert panel's recommendations. We are driving the food industry to respond to ever-increasing demands from consumers for affordable healthier options, and we are working towards clearly defined national dietary targets.

Those are the policies that will tackle the poor diet of Scots and bring about a lasting and sustainable improvement. Amendments 6 and 7 are unnecessary and not affordable, and they will not bring about the changes to which Mr Sheridan aspires, although I acknowledge his commitment to what he says and his consistency in what he says.

Providing universal free school meals is not, in our view, the best use of limited resources. There are better ways of investing our money to address health and social needs for the people of this country and, as I have tried to explain, the Executive is pursuing them. I urge members to reject amendments 6 and 7.

16:00

Dr Sylvia Jackson: On a point of order. A few minutes ago a spokesperson for the SSP alleged that children who get free school meals using swipe cards get meal portions that are different from those that other children get. I checked that with Stirling Council and can say that that does not happen. I guess that it does not happen in other parts of Scotland. I ask Carolyn Leckie to withdraw that allegation.

The Convener: That is a perfectly legitimate debating point, but it is not a point of order.

Tommy Sheridan: It is also a false debating point. If the member had listened, she would have learned that in Glasgow, for instance, if someone is in receipt of a free school meal in a school that operates the swipe-card system they have £1.10 on their swipe card. The parents of the children who are not in receipt of free school meals are at liberty to add more money to their swipe cards.

Mike Rumbles: Will the member give way?

Tommy Sheridan: I will take Mike Rumbles in a moment.

The point is that those children who receive their free school meals via a swipe card are accorded only a small portion of the amount of money for a proper meal. In Glasgow City Council's case—and unlike Sylvia Jackson I visited eight schools in Glasgow—a person cannot have a mega-meal and a drink. They have to add money to the free school meal entitlement in order to take a drink. I hope that that clarifies the point.

Dr Sylvia Jackson: That is not what Carolyn Leckie said. She said that a person who gets free school meals with a swipe card gets a different portion.

Tommy Sheridan: It is clear that Sylvia Jackson knows that she picked Carolyn Leckie up wrongly. She clearly knows that Carolyn Leckie was saying that the swipe card does not eliminate stigma. It does not matter how much smoke or sand Sylvia Jackson tries to throw into the debate—she is not eliminating stigma; she is maintaining it. That is the reality.

Johann Lamont (Glasgow Pollok) (Lab): Does Tommy Sheridan agree that there is a serious issue to do with stigma in some of our secondary and primary schools, and that we have to challenge that stigma, rather than fantasise that

having free school meals will somehow hide the problem, because that area is often not where the problem is expressed?

Tommy Sheridan: I do not know whether the member agrees with me, but I do not think that stigma is attached to going to a state school or to using the national health service. If the school meal service were universal, stigma would not be attached to using it either. That is the way to end the stigma.

Johann Lamont *rose—*

Tommy Sheridan: I have taken the member's point, thanks very much.

The way to end the stigma is to tackle it head on by making free school meals universal. We do not charge the kids for their books. We do not charge the kids to use our schools. Members talked about feeding the rich kids. Let us remember that the rich kids do not go to state schools. That is the first point to bear in mind. Secondly, whether a kid is rich or not, in our inclusive Scotland should we not feed every one of our children properly? That is what we should do. If the rich want to send their kids to state schools, let us tax them properly in order that we redistribute their wealth. That is the way that the socialists used to believe those problems were tackled, before they changed and became the new Tory party. Here is a member of the old Tory party.

Lord James Douglas-Hamilton: Does not Mr Tommy Sheridan accept that, by relative standards, MSPs in Scotland are considered rich? Why should they be specially benefited when there is no need for them to be so?

Tommy Sheridan: I do not know whether the member is listening, but why would MSPs be specially benefiting when everybody was receiving a free school meal? If we took a straw poll of the well-off MSPs in this chamber, I would not hesitate to estimate that the majority of them had claimed their child benefit. It is probable that most of them did not need their child benefit, but they claimed it because it was a universal benefit. There is a 98 per cent uptake of child benefit, which has the lowest administration cost of any benefit in Britain.

If we were to make our school meals service healthy, nutritious and available to all, we could increase the uptake and thereby increase the quality. Instead of having a service for the poor, which becomes a poor service, we would have a service for all the children of Scotland—one in which every parent in Scotland would have a vested interest, in order to ensure that the service is a good service.

Mr Brian Monteith (Mid Scotland and Fife) *(Con)* *rose—*

Rhona Brankin *rose—*

Tommy Sheridan: Two Tories are on their feet. I will take the female one.

Rhona Brankin: That was another catty comment from Mr Sheridan.

Members of the Scottish Socialist Party say that they take only half their salaries. If SSP members are so concerned about child poverty, why do not they donate half their salaries to children who are living in poverty rather than to their party?

Tommy Sheridan: The simple answer to that question is that it is much more effective to donate our money to a political party that wants not to deal with the symptoms of poverty but to eradicate poverty from our society. That is what our political party does. It would do the member well to try and live on the average wage of a skilled worker instead of in the ivory tower of someone with a salary of £49,000 per year. She would then be more in touch with the ordinary day-to-day pressures of ordinary people across the whole of Scotland.

After taking the new Tory, I will take the old Tory.

Mr Monteith: I thought that Mr Sheridan might at least call me a red.

Will the member satisfy my curiosity with regard to child benefit? Should that benefit be taxable so that the benefit can be recovered from those who are rich?

Tommy Sheridan: Not in the slightest, but the question would be better addressed to the Labour members who feel that the principle of universality is wrong because it gives food to the children of the rich kids. Strangely, none of the Labour members questions child benefit or attacks the universal provision of that benefit, yet they attack the universal provision of a meal at school. I would call that an interesting illogic.

I say to Brian Monteith and people like him, who are in receipt of child benefit—if they have children—that I would rather tax them more appropriately so that their wealth is redistributed. That is what universal provision is all about—on the one hand, universal benefits and services are given to all and, on the other, people are taxed progressively to pay for the benefits. The principle is sound. Many of the new Labour members will recognise it—they used to support it.

Johann Lamont: Will the member give way?

The Convener: No. We have no more time for interventions. I ask Mr Sheridan to sum up.

Tommy Sheridan: Yes, I will do so, but I have taken a number of interventions.

The Convener: I appreciate that, but it is time to wind up.

Tommy Sheridan: As I said earlier, I promise the Parliament that today is not the end of the debate on free school meals. Members will hear more on the subject. The SSP will bring the issue back to the chamber and we will keep campaigning for it because that is what organisations in Scotland want us to do. We are prepared to listen to organisations such as the Scottish Trades Union Congress, which reaffirmed its support for the measure at its congress two months ago, and the Educational Institute of Scotland, which reaffirmed its support only two weeks ago.

We will listen to organisations such as the Scottish Parent Teachers Council, which came to the chamber to give evidence against the School Meals (Scotland) Bill and then decided to overturn that decision at its annual general meeting by voting in support of the bill. That is why we will bring the issue back to the chamber.

The disappointing feature of the debate has not been the position of the old Tories, who could not tell the chamber why it was consistent to support free music tuition in the Highlands but not to support free school meals in the Highlands, or the position of the Liberal or new Labour Tories, who oppose universal provision. I simply hope that we have not witnessed the birth of a new party. Although I have a lot of time for my colleague Brian Adam, I feel that I may be witnessing the birth of new SNP, given the way in which the SNP appears to be moving away from the central principle of universality in relation to school meals. I appeal to my SNP colleagues. They might not have had the commitment in their manifesto, but I can confirm that in all the hustings and debates during the 1 May election campaign, every SNP candidate who spoke said that they were in favour of free school meals. I hope that the SNP will not renege on that commitment today. I hope that the SNP will vote for amendment 6, which would deliver free school meals.

I press amendment 6.

The Convener: The question is, that amendment 6 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Canavan, Dennis (Falkirk West)
Fox, Colin (Lothians) (SSP)
Harper, Robin (Lothians) (Green)
Kane, Rosie (Glasgow) (SSP)
Leckie, Carolyn (Central Scotland) (SSP)
MacDonald, Margo (Lothians) (Ind)
Sheridan, Tommy (Glasgow) (SSP)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
Aitken, Bill (Glasgow) (Con)

Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Mr Richard (North East Scotland) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Douglas-Hamilton, Lord James (Lothians) (Con)
Eadie, Helen (Dunfermline East) (Lab)
Ewing, Mrs Margaret (Moray) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallie, Phil (South of Scotland) (Con)
Gibson, Mr Rob (Highlands and Islands) (SNP)
Gillon, Karen (Clydesdale) (Lab)
Glen, Marlyn (North East Scotland) (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)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lochhead, Richard (North East Scotland) (SNP)
Lyon, George (Argyll and Bute) (LD)
MacAskill, Mr Kenny (Lothians) (SNP)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
Maclean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Campbell (West of Scotland) (SNP)
Martin, Paul (Glasgow Springburn) (Lab)
Mather, Mr Jim (Highlands and Islands) (SNP)
Matheson, Michael (Central Scotland) (SNP)
Maxwell, Mr Stewart (West of Scotland) (SNP)
May, Christine (Central Fife) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McFee, Mr Bruce (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)
Milne, Mrs Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Monteith, Mr Brian (Mid Scotland and Fife) (Con)
Morgan, Alasdair (South of Scotland) (SNP)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
Murray, Dr Elaine (Dumfries) (Lab)
Neil, Alex (Central Scotland) (SNP)
Oldfather, Irene (Cunninghame South) (Lab)

Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Mr Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Convener: The result of the division is: For 7, Against 93, Abstentions 0.

Amendment 6 disagreed to.

Amendment 4 not moved.

Amendment 5 moved—[Fiona Hyslop].

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

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Martin, Campbell (West of Scotland) (SNP)
 Mather, Mr Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Mr Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (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)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 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)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Mr Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Convener: The result of the division is: For 30, Against 70, Abstentions 0.

Amendment 5 disagreed to.

Amendment 7 moved—[Tommy Sheridan].

The Convener: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Canavan, Dennis (Falkirk West)
Fox, Colin (Lothians) (SSP)
Kane, Rosie (Glasgow) (SSP)
Leckie, Carolyn (Central Scotland) (SSP)
MacDonald, Margo (Lothians) (Ind)
Sheridan, Tommy (Glasgow) (SSP)
Swinburne, John (Central Scotland) (SSCUP)
Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Mr Richard (North East Scotland) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Douglas-Hamilton, Lord James (Lothians) (Con)
Eadie, Helen (Dunfermline East) (Lab)
Ewing, Mrs Margaret (Moray) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallie, Phil (South of Scotland) (Con)
Gibson, Mr Rob (Highlands and Islands) (SNP)
Gillon, Karen (Clydesdale) (Lab)
Glen, Marilyn (North East Scotland) (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)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lochhead, Richard (North East Scotland) (SNP)
Lyon, George (Argyll and Bute) (LD)
MacAskill, Mr Kenny (Lothians) (SNP)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
Maclean, Kate (Dundee West) (Lab)

Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Campbell (West of Scotland) (SNP)
Martin, Paul (Glasgow Springburn) (Lab)
Mather, Mr Jim (Highlands and Islands) (SNP)
Matheson, Michael (Central Scotland) (SNP)
Maxwell, Mr Stewart (West of Scotland) (SNP)
May, Christine (Central Fife) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McFee, Mr Bruce (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)
Milne, Mrs Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Monteith, Mr Brian (Mid Scotland and Fife) (Con)
Morgan, Alasdair (South of Scotland) (SNP)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
Murray, Dr Elaine (Dumfries) (Lab)
Neil, Alex (Central Scotland) (SNP)
Oldfather, Irene (Cunninghame South) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Purvis, Mr Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
Radcliffe, Nora (Gordon) (LD)
Robison, Shona (Dundee East) (SNP)
Robson, Euan (Roxburgh and Berwickshire) (LD)
Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Scott, Tavish (Shetland) (LD)
Smith, Iain (North East Fife) (LD)
Smith, Mrs Margaret (Edinburgh West) (LD)
Stephen, Nicol (Aberdeen South) (LD)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Wallace, Mr Jim (Orkney) (LD)
Watson, Mike (Glasgow Cathcart) (Lab)
Welsh, Mr Andrew (Angus) (SNP)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)

The Convener: The result of the division is: For 8, Against 92, Abstentions 1.

Amendment 7 disagreed to.

16:15

The Convener: Amendment 8, in the name of Brian Adam, is in a group on its own.

Brian Adam: By stipulating that any regulations must be made under the affirmative procedure, amendment 8 seeks to ensure that the minister comes before Parliament to give an account of the effects of the legislation. The amendment would mean that the minister had to appear before Parliament to answer questions about the regulations and it would ensure that members could amend what was put before them.

Amendment 8 would also allow for progressive change. It seeks to allow the minister to be involved in such a process and, more important, to allow the Parliament to scrutinise the performance of the legislation and argue for effective change. If the amendment is not agreed to, the regulations will be made under the negative procedure, which will not give the Parliament the same opportunity for scrutiny or to amend the minister's proposals.

Let me take a specific example. If amendment 8 is agreed to, we will be able to amend the figure of £13,230, which is regarded as the appropriate income limit under the child tax credit regulations. For technical reasons, we cannot make such amendments in the bill itself. However, amendment 8 would, through its insistence on making regulations under the affirmative procedure, make it possible for us to change that figure in future. That would be a significant step forward. If we do not get the opportunity to make the changes that we have sought today, at least amendment 8 would allow both the Government and the Opposition to revisit the issue regularly after seeing the performance of the legislation in practice.

I move amendment 8.

Fiona Hyslop: I support amendment 8. It is essential that we do not let the issue slip away after the vote at decision time at 5 o'clock. We must ensure that the minister comes back to account for his actions and to express a view on why he wants to choose a figure—

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

Fiona Hyslop: Will the member let me develop my point, please?

Margo MacDonald: I just want to clarify a specific point.

The Convener (Trish Godman): Fiona Hyslop is not taking an intervention just now.

Fiona Hyslop: Amendment 8 would ensure that, when the minister decides through regulations the level of income at which people become eligible to receive free school meals for their children, he must come back to the Parliament to explain his rationale.

In section 1(2)(b) and 1(3), the bill mentions benefits and so on

"that the Scottish Ministers may by regulations prescribe, in such circumstances as may be so prescribed".

That legal terminology means, in effect, that the minister will arbitrarily decide the level at which eligibility for free school meals will be determined through means testing. From the briefing, we understand that the Executive has chosen the figure of £13,230. Perhaps the minister will take

this opportunity to explain why the proposals in the regulations will be based on that amount.

Margo MacDonald: I want to raise a point of information to ensure that the chamber is not confused. I think that I am correct in saying that, even if the minister were to lodge an affirmative instrument, the chamber would be unable at that stage to amend it. I think that that is what Brian Adam has inadvertently suggested. Such an instrument can only be knocked back.

Fiona Hyslop: If the minister were to propose a figure of £13,230 in the regulations, the committee that was considering the matter—perhaps the Education Committee—could challenge him and perhaps persuade him through a vote to withdraw those regulations and come back with other regulations that were based on a more acceptable figure. For example, I tried to ensure that the figure for eligibility for free school meals was based on the Scottish median income.

We have had no justification from the minister of why he wants the means-tested cut-off point for free school meal provision to be £13,230. We have a duty to scrutinise the Executive and, whether the minister likes it or not, to give the Parliament the opportunity to support an amendment that tries to close the gap between the respective figures for children living in poverty and those in receipt of free school meals.

The amendment provides a positive, constructive and transparent means by which we can do that. If we do not act, we will rely on the minister to use the powers and regulations as prescribed in the bill. The minister will have to make that decision and introduce regulations fairly soon because, if he does not, under the bill, the children of someone who earns £40,000 and is in receipt of tax credit will be eligible for free school meals. I know that Tommy Sheridan wants universality and I suggest that he might want to reject the amendment or the regulations full stop. However, the only way in which we can reject the regulations or ask the minister to examine them again is by ensuring that the statutory instrument is given due consideration by the Parliament through the affirmative procedure.

Margo MacDonald: On a point of information. I agree with everything that Fiona Hyslop said about the policy intention of amendment 8. However, the Parliament could ensure that the minister had to think again even if the regulations were introduced under the negative procedure, which is just used in a different way. I suggest that we all bone up on our subordinate legislation.

Gordon Jackson (Glasgow Govan) (Lab): Hear, hear.

Margo MacDonald: I thank the member.

Lord James Douglas-Hamilton: I have two questions for the minister. Is it not the case, as Margo MacDonald said, that all the regulations can be prayed against so that democratic discussion can and would take place in all areas of contention? Will he also confirm that the negative procedure is perfectly adequate to deal with any additional arrangements and regulations that could arise?

Euan Robson: The SNP has missed an important point in the debate. As I explained at stage 1, we must ensure that the administrative arrangements have legal force by the start of the next academic year to ensure that our children and young people do not lose out. That is the fundamental point and one that I have stressed over and again—the bill is a technical, fast-track measure. In practical terms, the amendment would simply delay that process.

It might help members if I remind them of the impact that the amendment would have. Draft affirmative instruments are not passed until the Parliament has approved them; Parliament has up to 40 days following the laying of the draft Scottish Statutory Instrument in which to do so. However, as none of the necessary parliamentary procedures can take place during the summer recess, we will be into September when the 40-day period begins. That would result in a delay until well into the autumn term of the academic year, which would be an unacceptable and unnecessary delay. We need to put the measure in place by mid-August. I confirm what Margo MacDonald and Lord James said: it is possible—to use Lord James's phrase—to pray against a negative instrument in the way that he and Margo MacDonald described. As I think Margo MacDonald would agree, the negative procedure also involves checks and balances, whereby Parliament can annul an SSI.

Fiona Hyslop mentioned the figure of £13,230. That is not something that I dreamed up; it was the Inland Revenue's assessment of the figure at which the status quo would be maintained. I urge Parliament, for the primary reason of ensuring that the new arrangements are in place for the start of the new academic year, to reject amendment 8.

Brian Adam: I am grateful to members for their contributions to the debate. We believe that an affirmative rather than a negative instrument would allow a freer debate on the matter. I heard what the minister said about a delay. Some people might prefer a delay because—

Euan Robson *rose*—

Brian Adam: I would like to develop my point.

A delay might open up to a considerable extent the access to free school meals, but I do not think that that was particularly the intention behind amendment 8.

If the minister wishes to come in at this point, I am quite happy to let him intervene.

Euan Robson: I am simply trying to reinforce the point that we do not want a problem to develop in August and September with people not being entitled to free school meals. That is the point that I was trying to make.

Brian Adam: I accept that point, but I am suggesting that although amendment 8 might not go quite as far as the universality of child benefit, what it proposes is not far short of that. That was not the specific intention of the amendment, however, and, having heard the debate, I will not press it to a vote.

Amendment 8, by agreement, withdrawn.

Section 1 agreed to.

After section 1

The Convener: Amendment 9, in the name of Brian Adam, is grouped with amendment 10.

Brian Adam: Amendments 9 and 10 represent an attempt to force the minister to come before Parliament with a report on the effectiveness of the legislation. The debate on these amendments will give him the opportunity to consider all the amendments that have been debated today, some of which he rejected on the basis that they could not be costed. I would be delighted to hear the detail of the one that he did cost. I am assuming that the measure that he costed was the one relating to child benefit. However, if it was not, I would be delighted to hear the details of whichever amendment it was, either now or when he winds up.

The debate on amendments 9 and 10 also gives us an opportunity to argue for an extension of eligibility for free school meals and for the narrowing of the poverty gap. Amendment 9 would enable us to assess whether there had been a significant increase in the uptake of free school meals as a consequence of the Government's actions. I feel that that is not a particularly onerous thing for the Parliament to ask of any Executive. In fact, it is the most appropriate thing for the Parliament to ask of the Executive, to ensure that the intentions of the legislation are in fact driven forward. Given that there is a debate about the extent to which providing free school meals helps the Government's anti-poverty and nutritional strategies, it is a good thing that a duty should be placed on the Scottish ministers to report and be accountable to Parliament for their actions.

I move amendment 9.

Lord James Douglas-Hamilton: Can the minister confirm that the information that amendment 9 seeks is available? If it is, can he assure us that that information will be made

available to the Parliament's Education Committee?

Fiona Hyslop: I support amendment 9. One issue that we would like the minister to report on regularly is the nutritional aspect of free school meals. One of the gaping flaws in the argument for the universal provision of free school meals is the fact that the bill will not enable us to ensure that nutritional standards are met. The duty to report on the provision of free school meals would give a bit more flexibility to allow ministers to include, under proposed paragraph (b),

"such other information as the Scottish Ministers consider appropriate."

Whether or not one agrees with universality, everyone recognises that school meals can be a vehicle for change and a vehicle for health. We should not concentrate only on lunches. The Parliament will want to continue to debate and monitor the provision of breakfast clubs, at which it is easier to control nutritional value. That is something that we could request the minister to facilitate in respect of the duty to report. I hope that the minister recognises the opportunity that amendment 9 provides to keep a watching brief, enabling ministers to come forward with suggestions for improvement. There is a will in the Parliament to try to close the poverty gap and to address nutritional issues that relate to the provision not just of lunches, but of fruit, milk and breakfasts. I hope that the minister will respond positively in that light.

16:30

Euan Robson: I do not see that there is any need for amendment 9, nor do I think that it would force me to come back to the chamber, although that is a small point.

Lord James Douglas-Hamilton asked about the availability of information. The Executive already undertakes an annual census of free school meal provision and publishes the results. If it would be of assistance, I would be happy to ensure that that publication is sent to party spokesmen and is made available in the Scottish Parliament information centre and on the website. I would also be happy to ensure that it is sent to the Education Committee. Perhaps it would be helpful if I came to that committee, if it wished, once such information had been made available and the results had been published to discuss the points that Fiona Hyslop raised.

I do not have anything else to add about amendment 9, but I need to respond to a point that Fiona Hyslop made about costing. As far as we can tell, the housing benefit and council tax benefit proposals—I think that this relates to amendment 2—would cover perhaps 40,000 children at an estimated cost of between £13 million and £15

million per annum. That was an earlier assessment; we would need more time to consider the matter. However, I hope that that answers the specific point that Fiona Hyslop made.

I ask the Parliament to reject amendment 9, but I hope that I have been of assistance in suggesting measures to inform members about the annual census and its results.

Brian Adam: I welcome the minister's willingness to publish the data and to come before the Education Committee to discuss that information. The purpose of amendment 9 was to obtain such commitments so that matters would not just be left to the minister's discretion, but would be dealt with at the Parliament's wish. In spite of what we have heard about access to data, we will not necessarily receive analyses, recommendations for future action or guarantees of opportunities to have face-to-face discussions with the minister to suggest changes. The arrangements would depend on the minister's wishes and on what the committee chose to do as part of its work programme. For those reasons, I will press amendment 9.

The Convener: The question is, that amendment 9 be agreed to. Are we agreed?

Members: No.

The Convener: That was a very slow no. There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Martin, Campbell (West of Scotland) (SNP)
 Mather, Mr Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Mr Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)

Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 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)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (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)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 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)
 Pringle, Mike (Edinburgh South) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)

The Convener: The result of the division is: For 25, Against 70, Abstentions 1.

Amendment 9 disagreed to.

Section 2 agreed to.

Long Title

Amendment 10 moved—[Brian Adam].

The Convener: The question is, that amendment 10 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Martin, Campbell (West of Scotland) (SNP)
 Mather, Mr Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Mr Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 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)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)

Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (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)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 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)
 Pringle, Mike (Edinburgh South) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Convener: The result of the division is: For 23, Against 66, Abstentions 2.

Amendment 10 disagreed to.

Long title agreed to.

The Convener: That ends the stage 2 consideration of the bill.

Meeting closed at 16:36.

Scottish Parliament

[THE DEPUTY PRESIDING OFFICER *opened the meeting at 16:36*]

Education (School Meals) (Scotland) Bill: Stage 3

The Deputy Presiding Officer (Trish Godman): The first item of business in today's second meeting of the Parliament is a debate on motion S2M-119, in the name of Peter Peacock, that the Education (School Meals) (Scotland) Bill be passed.

16:37

The Deputy Minister for Education and Young People (Euan Robson): I will not dwell on the matter, because we have been through the issues in considerable detail.

The Education (School Meals) (Scotland) Bill proposes a technical amendment to section 53 of the Education (Scotland) Act 1980. The bill seeks to remedy an unintended consequence of recent changes to the benefit and tax systems for eligibility for free school meals. The bill will ensure that children and young people who were previously entitled to free school meals will continue to be entitled to them.

We have issued guidance to local authorities that sets out interim administrative arrangements to ensure that no children lose their entitlement to free school meals in this transitional year. However, those administrative arrangements cannot be sustained beyond a short period and the bill is necessary to give the arrangements legal force. As I have said repeatedly, it is important to have the legislation in place before children return to school in August.

The bill provides for an order-making power. We have taken that approach to allow Parliament the necessary flexibility to keep pace with changes to the tax and benefits system, without requiring changes to primary legislation on every occasion. We intend to use those powers to prescribe entitlement to free school meals for children of families who receive child tax credit but not working tax credit, and who have an annual income, as assessed by the Inland Revenue, of below £13,230.

That measure will maintain, as far as possible, the status quo for entitlement to free school lunches. It will protect the interests of children who are in danger of losing entitlement and, beneficially, will entitle for the first time children of students and of families with savings but very low

incomes. The move will ensure that families in Scotland have the same entitlement to free school meals as those in England and Wales have.

I urge Parliament to support the bill, and I move,

That the Parliament agrees that the Education (School Meals) (Scotland) Bill be passed.

16:39

Fiona Hyslop (Lothians) (SNP): I support the bill, regardless of the arguments at stages 1 and 2. As Euan Robson has said more than once, the bill is technical. However, it has allowed us to do what the Parliament should do, which is to scrutinise and call to account the Government and to look for opportunities to pursue creative policy ideas that otherwise would not be possible. We could have been saying that the time and effort of the civil service, the ministers, MSPs and parliamentary staff have been wasted in covering up a Westminster problem. However, the way in which members from different parties have taken the opportunity to try to pursue a genuine, positive policy agenda is a tribute to the Parliament. That is something that we should always look to do.

The problem with the bill was the fact that, although we could be creative on the income side, we could not be creative on the nutrition side. It is essential that we do not lose sight of the agenda regarding the nutritional aspects of the provision of school meals. The more familiar that I become with this issue, the more that I am convinced that we should, and must, pursue the provision of breakfast clubs. I look forward to the Parliament revisiting the issue again and again.

The use of affirmative instruments is a way forward in calling the Government automatically to account to the parliamentary committees. However, I recognise the issues surrounding the time scale and I acknowledge the fact that when we have to fix a loophole, we must fix it quickly and properly. I accept the minister's points on that.

I return to the central issue of how the Parliament can work to change people's lives. If we can change anybody's lives, we should try to change the lives of people who are in need, especially those who have disabilities. I am extremely disappointed that we have not been able to do that during today's debate. If we are to tackle poverty as we should, we should make every effort and take every opportunity to do so. I ask the minister to reflect on his comments about not wanting to close the gap between those who are living in poverty and those who receive free school meals. We have a duty and responsibility to close that gap. In all sincerity, I ask the minister to reconsider his comments and, when he returns with the regulations on his figures, to produce something a bit more positive. Setting the

threshold at the Scottish median income would be a possibility.

As part of our housekeeping, we should find out how and when the problem arose. In a useful intervention at stage 1, Brian Monteith pointed out the fact that the loophole had been known about for some time. We should not pass the bill without ensuring that there is some accountability about why it happened, without ensuring that it never happens again and without ensuring that we will not have to use parliamentary time yet again to cover up a mistake that was made at Westminster. If we had powers over tax and benefits, the process would have been much simpler and we could have decided things here in Scotland.

16:42

Lord James Douglas-Hamilton (Lothians) (Con): The minister is absolutely right to have produced the bill. He had to do it to put right the position that arose out of the changes to the benefits system. Moreover, the bill extends the entitlement to free school meals to some 7,000 more children.

There has been a major debate about where the cut-off point should be, and most of our discussions today have been about that. We believe that those who can afford to pay—such as MSPs—should pay, and the saved funds should be channelled to those who need them most. Given the finite nature of the education budget, universal free school meal provision does not represent the best use of resources. Nonetheless, the bill represents a step forward.

16:43

Karen Gillon (Clydesdale) (Lab): This is an important bill, which allows us to close the loophole. It is good to know that Euan Robson can say "technical bill" as well as he used to say "formally moved".

The bill has raised several issues that we will need to continue to explore, especially in relation to eligibility and extending the qualification for free school meals. Some Labour members will certainly want to explore those issues in the future. The bill has also given us an opportunity to remember that we need to continue to review the issues around nutritional standards. I believe that such standards should be statutory, and I would like the Executive to continue to consider introducing nutritional standards for school meals. Unless we improve the nutritional standard of school meals, we will not improve the diet and health of our young people.

We have a very poor diet, and the question of how we can improve it is complex. However, the introduction of statutory nutritional standards for

school meals would play an important part in that. The Executive should be aware that there are concerns that we need to continue to assess eligibility criteria. Labour members will certainly return to that issue.

16:45

Robin Harper (Lothians) (Green): I support enthusiastically this small but necessary piece of legislation. I want to follow on from what Karen Gillon said. During the first debate on the bill, I mentioned the nutritional quality of what is being served in school meals. Subsequently, as members will have noted, a serious proposal for the possible taxation of salt, fat and sugar in processed foods has emerged from the House of Commons. The Executive should pursue that theme vigorously in relation to the meals and breakfasts that are being served in our schools to establish the levels of salt, fat and sugar in those meals and to establish ways of drastically reducing such levels in the future.

16:46

Cathy Peattie (Falkirk East) (Lab): The bill was needed to close a loophole. Work had to be done and we had to agree to it today. Therefore, I am pleased to support the bill.

There has been a great debate around the issue of free school meals. The Education, Culture and Sport Committee investigated the subject last year and several issues arose from that work. It is clear that free school meals carry a stigma and I suggest that there are several reasons for that. The main issue is that one in five of children who are entitled to free school meals do not take them. The committee agreed that there is a need to consider why that is the case. We should consider those reasons, which include cultural issues, peer-group pressure, the poor quality of food, nutritional standards—I agree with Karen Gillon that we must consider those—and overcrowding and queues.

The uptake of free school meals in primary schools is relatively high, but at secondary school teenagers choose to go out with the school for lunch. People say that youngsters can be forced to go to school meals, but I do not think that that is possible. Youngsters of between 12 and 15 want to go out with their pals for lunch; they go to a high street and have a sandwich or whatever. They do not necessarily want to take free school meals. Introducing free school meals for teenagers is not the way forward. Certainly, the young people to whom the Education, Culture and Sport Committee spoke did not relish that idea.

There are other ways of targeting nutritional standards. I know that people do not necessarily like the idea, but I think that breakfast clubs would

be a viable way forward, as would making drinking water available to all children in schools and giving children access to milk and free or cheap fruit.

The debate on the School Meals (Scotland) Bill that took place at this time last year created a number of positive discussions on issues such as the provision of drinking water for children in schools. I visited a primary 6 class the other day and all the children had bottles of water. There was a water container in the corner of the classroom for the bairns' use. Such provision is important. In addition, people have started to consider the nutritional standards of school meals, which is a step forward. We must continue to monitor such issues.

The Education (School Meals) (Scotland) Bill is important because we need to close a loophole. We should never have had to do that, but we had to. Another 7,000 children will benefit from the bill and I support it.

16:48

Robert Brown (Glasgow) (LD): I, too, support the bill. We know that it is a technical amendment to sort out the consequences of the introduction of the changes to the child tax credit. There has been criticism of the way in which the bill has arrived, but I think that it is clear that the ability of the Parliament to legislate speedily and effectively when necessary has been demonstrated by the bill's progress.

The wider debate today has been the universalist argument versus the targeted-provision argument. I, as a Liberal Democrat, have no particular position on or caution about universalism. We went for universal provision in the case of tuition fees and such provision is similarly appropriate in other situations. I view the measure as a practical matter to be considered for a particular situation. Some people want to extend entitlement a little bit and some want to make it universal, but we must consider the arguments.

The argument for universal entitlement to free school meals is unlike the argument for universal provision in other situations. The Scottish National Party has a difficulty on the issue of the universal provision of free school meals because that measure was not in the party's manifesto; it is trying to establish a position on the issue at this stage. However, with the greatest respect to Fiona Hyslop, I do not think that the SNP has been successful in that endeavour.

While the SNP is the indignation tendency, the SSP, of course, is the outrage tendency. I sometimes think that the SSP's members would get their points across better if they were not outraged about everything and if they were prepared to consider that other people were

perfectly genuine in their approach to topics and shared their desire to make things better for the people of Scotland.

The original School Meals (Scotland) Bill was given a fair run by the Education, Culture and Sport Committee in the previous session. A number of interesting points were made during the consultation process. For example, Angus Council said:

“the concept of providing free school meals for all pupils is one which the Parliament is advised to approach with some caution—not least because the process of translating such a concept into the reality of all children actually consuming the meals provided for them may prove to be exceptionally challenging.”

That correct insight has underlain some of the speeches today. We are dealing with issues of eligibility, uptake, stigma, choice, competition and nutrition.

A number of welcome developments have taken place recently, such as the experiment run by Glasgow City Council, which Tommy Sheridan mentioned. Breakfast clubs that have been run have been welcomed across the chamber. Another extremely important development is that it is becoming cool among young people to drink water. That might signal what could be the most important change in our approach, as it shows the potential for changing people's habits, in primary school in particular.

We need to attack all the aspects that are involved, across the board. The issue is not only to do with stigma, uptake or nutrition; there is a series of elements that work together. We must work with the grain of what is happening in schools and what happens as people become teenagers and expand their outlook.

The debate has been useful and I am sure that it will continue in the Education Committee in due course. However, today we are dealing with a technical bill that has to be passed to allow us to make a specific improvement.

I echo a point that Karen Gillon made. I do not think that we need to regard our present position on school meal eligibility as the final word on the matter. We are dealing with a practical matter that could be reconsidered if certain difficulties were to emerge in the course of further debate.

We must make the most of the limited resources that we have. As was said earlier today, we must speak the language of priorities.

16:52

Tommy Sheridan (Glasgow) (SSP): Today we are dealing with a missed opportunity. This technical bill provided an open door to expand eligibility either to other children whose parents are in receipt of a range of benefits, as suggested

by the SNP and supported by the SSP, or to all children, but I am afraid that that opportunity has not been taken.

I take encouragement from the comments that have been made by Robert Brown and Karen Gillon to the effect that the door has not been closed. However, that is not what the minister said. Therefore, I hope that those members will be prepared to shake their respective political parties into some action on the question of eligibility. As I said, probably early next year there will be a debate in this chamber on a free school meals bill. At that point, if the Executive parties have not taken action to extend eligibility in the way that they think might be required, members will again be faced with the prospect of voting for universality. If members of those parties are serious about extending eligibility, while remaining opposed to universality, I advise them to get their skates on and get proposals through their parties in order that this Parliament can make a decision to extend eligibility to at least the 100,000 children who are living in low-income families and are deemed by us to be living in poverty but who are denied free school meals.

Robert Brown talked about the evidence that Angus Council submitted in relation to the School Meals (Scotland) Bill, and urged us to be cautious about universal provision. I ask Robert Brown to be cautious about the evidence that we receive from local authorities. He will remember that Glasgow City Council gave evidence that it saw no benefit in universal provision. Of course, the council went on to introduce free breakfasts and free school meals at all primary schools. A great deal of politicking is involved in local authority submissions. The reality on the ground is sometimes different from the submissions that are made.

I hope that we will examine what is happening in Glasgow and consider the uptake of free school meals in the primary school sector. I invite the minister to agree to set up a monitoring group or committee that will examine the success or otherwise of the universal provision of free school meals in Glasgow's primaries. If it is successful, the minister and the Executive should make a serious commitment to fighting to extend that good practice to the whole of Scotland.

We will support this technical bill, but we hope that the Parliament will not close the door on improving the school meals service further through better nutritional standards and the universal method of delivery.

16:56

Brian Adam (Aberdeen North) (SNP): I was delighted that the minister indicated that the Executive has produced costings for at least some

of the amendments. Had the Parliament agreed to the amendment that linked eligibility for free school meals to receipt of housing benefit, it would have gone a long way towards closing the gap between the 20 per cent of schoolchildren who are eligible for free school meals, the 15 per cent who take up their entitlement and the 30 per cent who all of us believe should have access to free school meals, because they are in poverty.

I note with interest that various members from the Executive parties have indicated a willingness to explore further the possibility of extending the eligibility criteria. That is very welcome. It is perhaps unfortunate that this technical measure has had to be introduced—I put it as kindly as that. However, the bill has at least served as the vehicle for our having a significant debate on the grounds for eligibility for free school meals.

It is perfectly legitimate to argue that universal provision is appropriate. I happen not to agree with that position. To paraphrase a point that was made by Robert Brown, universal provision may be made, but universal consumption may not necessarily follow. The bill offers no advance in the quality of nutrition. It does not introduce any of the wider anti-poverty measures that are necessary. There has been widespread support for the idea of breakfast clubs and some support for the provision of free school meals. Provision of free water is another sensible measure that could be taken, at fairly modest cost. Free fruit should also be provided.

We need to take people out of poverty, instead of addressing their needs through the provision of individual items. If we had a much more positive child care strategy, we could lift a large number of families out of child poverty. Rather than funding universal provision of free school meals, I would prefer to help people to help themselves. The money might be better spent in improving child care provision than in providing free school meals.

Nevertheless, the SNP is delighted to support the technical measure that is before us today. We look forward to engaging in further debate on this matter over the next four years.

16:59

Euan Robson: This has been an interesting and lively afternoon. It has been good to have a number of issues raised on the back of what all members have grasped is a technical measure.

The debate emphasised a number of core issues that are important to all members. I agree with Robert Brown that all of us, in our different ways, have the health of our children firmly at heart. I recognise that members all round the chamber believe that genuinely. We all want to make certain that the children who are most in

need receive the assistance to which they are entitled, and that is at the heart of the bill. We need to protect the interests of our most vulnerable children and ensure that they continue to have the entitlement to free school meals. If the bill is passed—I think that it will be and I am grateful for the support for that from all quarters—we will be able to establish free school meals on their proper basis from August.

I am conscious of the time so I will respond briefly to one or two points that have been made. I cannot remember who mentioned breakfast clubs, but they are important. I recall visiting one in Burnfoot in Hawick, which is in my constituency, and saw the difference that it had made.

I say to Fiona Hyslop and Karen Gillon that I am interested to hear members' views on statutory nutritional standards and eligibility, although I do not say that I will necessarily move thereafter. I am interested to hear what members have to say and I apologise if I gave the impression to the contrary. I am always pleased to have face-to-face meetings with Brian Adam and I agree with the point that he made latterly about taking people out of poverty. That seems an important way forward in addressing problems. I did not quite follow what Mr Sheridan said about practice in Glasgow and his proposal, but if he will write to me about it I will certainly respond to him.

The bill will ensure that we continue with the status quo. We will have the added beneficial effect that 7,000 extra children will be affected. I believe that it is important that we have introduced the bill and, as Robert Brown said, it shows that the Parliament can respond to an unfortunate situation. As I said in the stage 1 debate, the financial year 2003-04 was a transitional year. When it was realised that we needed to take action, we did so. I would be grateful if the Parliament would support the motion to pass the bill to ensure continuity of provision.

Decision Time

17:02

The Presiding Officer (Mr George Reid): There is one question to be put as a result of today's business. The question is, that motion S2M-119, in the name of Peter Peacock, that the Education (School Meals) (Scotland) Bill be passed, be agreed to.

Motion agreed to.

That the Parliament agrees that the Education (School Meals) (Scotland) Bill be passed.

Credit Schemes

The Deputy Presiding Officer (Mr Murray Tosh): The final item of business is a members' business debate on motion S2M-69, in the name of Sarah Boyack, on fair credit schemes. The debate will be concluded without a question being put.

Motion debated,

That the Parliament welcomes the recently published in-depth report into personal debt in the UK, *In Too Deep*, produced by the citizens advice bureau (CAB) service in Scotland, England, Wales and Northern Ireland; acknowledges the Scottish context of the report; notes with concern the report's findings that more people in Scotland blamed low incomes than elsewhere in the UK and more people coped with their debt problem by taking out further borrowing than elsewhere in the UK; further notes that personal debt is nearly always connected to other problems in people's lives such as loss of job or ill-health; notes that the number of debt cases brought to citizens advice bureaux in Scotland is at an all-time high with nearly 60,000 new debt enquiries last year; recognises the link between CAB clients and MSPs' constituents and therefore supports the invaluable work of Scotland's CAB service as a vital provider of free, independent, impartial and comprehensive advice and as the leading voice on the issue of personal debt in Scotland today; welcomes the commitments in *A Partnership for a Better Scotland* to support the extension of the money advice service, building on the work of the CAB and other bodies to assist those burdened by multiple debt, and considers that the Scottish Executive should increase access to affordable credit for people on very low incomes and, as a matter of urgency, take action on the commitment from *A Partnership for a Better Scotland* to work with the Department of Trade and Industry to introduce fairer credit schemes and protection from exorbitant interest rates.

17:04

Sarah Boyack (Edinburgh Central) (Lab): I thank the members who supported the motion and I am grateful that so many have stayed to hear the debate. I also thank Citizens Advice Scotland for the work that it has done on raising our awareness of the problem in its report entitled "In too deep: CAB clients' experience of debt". Debt continues to be one of the most significant problems about which people throughout Scotland contact citizens advice bureaux and other debt management agencies. The cross-party support for the motion shows the strength of feeling and the urgent need to address the root causes and management of debt throughout Scotland.

I also congratulate the *Daily Record* on its excellent campaign to expose loan sharks. My colleague Trish Godman wants to talk about the need for tough action to stamp out the misery that is caused by loan sharks.

The CAS report—"In too deep"—is well named. It reports that bureaux throughout Scotland have been dealing with an alarming 47 per cent

increase in the number of new debt inquiries. The report outlines how debt is often associated with changes in circumstances, such as the loss of a job, ill health or the break-up of a relationship. It also shows that it is still far too easy for people in Scotland to get credit—especially credit that is offered at high or extortionate rates. Recent figures show that Scotland's CABx are dealing with more and more inquiries about debt.

The average debt among clients who went to CABx was more than £8,000. That is the average. Nearly two thirds of debt-related inquiries are about consumer-related debt issues to do with mail order, hire purchase, credit sales and loans.

What causes debt in Scotland? The CAS report is clear that the root cause is poverty that is brought on by low income. A vast number of people throughout Scotland do not have bank accounts or access to what might be described as mainstream credit. I do not know whether members know this, but anyone who rents property long term will find that they instantly pay more interest—simply because they are not a home owner. That is discrimination and it is not fair and the issue has to be tackled.

In my constituency, the Gorgie/Dalry CAB answers hundreds of inquiries on debt issues. In the past year, more than 46 per cent of all debt inquiries related to consumer debt to do with catalogues, hire purchase and people getting over their limits with credit cards. Interest rates associated with those types of borrowing are much higher than for other mainstream sources of credit.

A terrible cost is hidden behind the statistics on easy credit and the spiralling of people's debts. I want to give members just a couple of examples from my constituency. The first concerns a 22-year-old man who was working part time on a low wage. He applied for and got a credit card with a £250 limit. He spent up to the limit and then, for a variety of reasons, found that he could not meet the minimum monthly repayments. After six months of that, his debt is now more than £1,000 and is totally unsustainable—he cannot pay it off. He is now being penalised for being over his credit limit and the additional interest is exacerbating the problem.

The other example is of a 30-year-old woman who works full time but is also on a low wage. She bought a computer for £900 and took additional breakdown cover costing £325, which was paid for with a deal that offered interest-free credit over the first year. She made repayments of £44 a month during that first year but found that, after a year, there was still more than £630 to pay. Unable to pay the outstanding amount, she continues with the credit agreement but the interest rate has shot up from 0 per cent to 29.5 per cent. At the end of the four-year agreement, she will have paid nearly £2,100 for a £900 computer.

When we think about it, a range of questions arises from that case. I am sure that members will have read about issues to do with the massive cost of additional breakdown cover. There is a need to be absolutely clear to individual consumers about the real cost of such deals and about what happens after the interest-free period. There is also a basic issue about how well equipped people are to deal with enticing offers that can trap them into long-term and escalating financial commitments. I have not even begun to explore what stress and pressure can do to people when they have those kinds of debts to deal with. We have to look at how we tackle the root causes of debt and at how people can be helped to get out of the traps that they might fall into.

Some issues need to be addressed by the Scottish Parliament and the Executive, some issues need to be addressed by the United Kingdom Government, and trading standards issues could be dealt with by local authorities. There is also a role for the media in making people much more aware of the pitfalls of debt.

When I read the commitments in the coalition's "A Partnership for a Better Scotland", I saw a lot of very good ideas. There are measures such as an extension of the money advice service, which will build on the work of local authorities, the citizens advice bureaux network and other voluntary sector bodies, to help those who are burdened by multiple debt. In Edinburgh, we are already seeing the benefits of new money advice staff who are in place to help people. We must support credit unions and community banking arrangements to ensure that people have affordable alternatives to mainstream banking.

In my area, I am aware of two particular projects, the first of which involves the Canmore Housing Association and the Gorgie/Dalry Credit Union Ltd, and gives people access to low-cost loans. Another is the prospect plus scheme in Wester Hailes, which is run by the Bank of Scotland with the local housing association. Such practical projects will give people real opportunities. They break ground because they offer access to affordable credit at manageable levels. In the Wester Hailes project, a traditional bank works with a local housing association; there must be more projects of that kind and the big banks must tackle such issues more seriously.

I am also in favour of local enterprise and trading schemes. It is vital that the Executive continues to work with the Department of Trade and Industry to tackle harassment by loan sharks and to introduce fairer credit schemes and new protection from exorbitant interest rates. I ask the minister to set out a time scale on the implementation of the partnership agreement.

Citizens Advice Scotland has raised with me the issue of debt tribunals, which would allow people to challenge extortionate debt agreements. The difference between debt tribunals and a normal court setting is that debt tribunals would be chaired by someone who has expertise in money or debt advice issues, they would be public and they would be free to the debtor. As a result, they would be much more accessible, in line with existing tribunals for benefit and employment matters. According to CAS, the fact that debt tribunals would be public—and therefore different from the DTI-proposed arbitration process, which would be private—means that they would set precedents in helping people to challenge unfair credit agreements. The process would be much more transparent and accessible. I ask the minister to focus on debt tribunals in the future.

I pay tribute to the work of many people in my constituency, in particular Barbara Swan of Gorgie/Dalry CAB and the 45 trained volunteers who do a huge amount to try to alleviate my constituents' debt problems.

We must tackle the root causes of debt. Our wider anti-poverty work on creating jobs with decent wages and on delivering tax credits must be part of the solution, but we should also focus on policies to promote responsible lending by the banks and lenders. There should be much more sensible limits and the costs should be explained to potential borrowers in an up-front and effective way.

People on low incomes need protection and we must help them. Spiralling debt and fair credit are important issues for hundreds of thousands of people throughout Scotland; those issues should be dealt with urgently by the Scottish Executive and the UK Government. Let us ensure that tonight's debate pushes the issue up our political agenda.

The Deputy Presiding Officer: Let us have speeches of three minutes, so that we can get everyone in.

17:12

Mr Stewart Maxwell (West of Scotland) (SNP): I thank Sarah Boyack for securing such an important debate. Many of us, whether we are constituency or list MSPs, feel that debt is one of the most important issues.

I would like to praise the work of citizens advice bureaux, which provide such a marvellous service. In particular, I want to pay tribute to the trained volunteers whom Sarah Boyack mentioned, who give their time to help others through their work with the CABx.

During the election campaign, I was fortunate enough to visit East Renfrewshire citizens advice bureau in Barrhead, where I spent a lot of time talking to volunteers and members of staff. I want to support the motion and to highlight some issues from East Renfrewshire, where I live.

In the past year, East Renfrewshire CAB dealt with 6,802 cases, of which 27 per cent—1,836—were debt related. That might seem to be an astonishing work load for an area that is perceived to be one of the most affluent areas in Scotland, but the reality is often very different from the perception. That is certainly true in this case. Although 19 per cent of those who approached East Renfrewshire CAB were unemployed, 21 per cent were fully employed, 12 per cent were partly employed and 3.5 per cent were self-employed. Debt does not affect only those who find themselves out of work.

Although 21 per cent of East Renfrewshire CAB's clients were local authority tenants and 12 per cent were housing association tenants, 30 per cent were home owners. Those figures make it clear that debt problems affect all sectors of society—although I accept Sarah Boyack's point that the deep relationship between debt and ingrained poverty is the main problem.

The East Renfrewshire CAB money advice service provides services such as debt counselling, income maximisation, negotiation with creditors and representation for members of the public. On the face of it, it seems that East Renfrewshire CAB fits exactly into the Executive's thinking as given in the partnership agreement and as reiterated by the motion's commitment

"to support the extension of the money advice service".

Unfortunately, however, there has been a bit of a problem in East Renfrewshire in the past few years. The Executive assigned East Renfrewshire Council £40,000 so that it could develop money advice. The CAB applied for half of that money but got nothing. Instead, the £40,000 went to a council department, which used the money to employ a money adviser and an administrative worker, leaving the CAB to struggle on with the four voluntary workers that it had on its books. It is outrageous that the council kept that money and did not give some of it to the CAB so that it could use its expertise to give people independent advice and representation. People have debts for many different reasons including the poll tax, council tax and rent arrears, and some people are threatened with eviction. The pursuer of all such debts is the council, so it is not appropriate that the council should directly employ the staff who go on to represent people who are in conflict with the council. We need independent advice that is given through CABx.

There is another problem in that under section 187 of the Social Security Administration Act 1992, certain benefits are inalienable, although banks often freeze accounts that contain tax credits. The CAB must then have those bank accounts unfrozen. Therefore, if the Department for Work and Pensions pursues the initiative to pay more benefits into bank accounts, that might become more of a problem. I ask the minister and the Executive to be aware of that problem and to try to tackle it through getting all interested parties together to sort out the problem so that, in future, people do not experience frozen bank accounts.

17:16

Mary Scanlon (Highlands and Islands) (Con): I congratulate Sarah Boyack on raising the issue.

In a past life, I worked as a volunteer for a citizens advice bureau; very few people who have debt problems appreciate the service that citizens advice bureaux offer. When people came along with lists of their debts, I was surprised to find that, when I phoned the council or loans agencies, they were agreeable to freezing interest, which made debt repayment more manageable and got rid of people's feeling that their situation was out of control. We must do more to publicise those services.

Stewart Maxwell talked about the point in the motion that personal debt is nearly always connected to problems such as loss of a job or ill health. I agree that there is also an enormous amount of hidden debt and stress throughout the public and private sectors—a person does not have to lose his or her job to get into debt. The figure that Stewart Maxwell quoted of 30 per cent of East Renfrewshire CAB clients' being home owners was probably close to the truth and should be considered.

Stewart Maxwell also spoke of the utility debt that is mentioned in the CAB report. Although people who attended CABx said that utility debt had increased by 1 per cent, we should consider water charges; there are no benefits or repayments on water charges. A paper from the Forum of Private Business shows that some businesses face increases of 427 per cent, 626 per cent, 600 per cent and 483 per cent in their water charges. We must consider that small businesses simply cannot pay higher wages when their business costs are so high—significantly higher than is the case in other parts of the United Kingdom.

As Sarah Boyack said, we are not just talking about money. We have to note that

"a quarter of CAB debt clients were already seeking treatment for stress, depression and anxiety from their GP. Just under half of those who were receiving medical

treatment for depression felt that their symptoms had been caused by their debt problems."

That causes further financial problems within the national health service.

I agree with the third recommendation in the CAB's summary, which states:

"The codes of practice for banks and other credit lenders should include commitments to assess the borrower's ability to repay before lending."

I realise that I am running out of time.

The Deputy Presiding Officer: You are.

Mary Scanlon: I hope that citizens advice bureaux throughout Scotland will keep a supply of information about where credit unions exist and that they will encourage their clients to join those unions. To get a credit union loan, a person has to save for 13 weeks and prove that they can save before they can borrow.

Finally, the third recommendation in the leaflet also states that banks need to act responsibly to gauge ability to repay a loan before it is granted. A friend of mine is a bank manager, but his bonuses are based on how much money is loaned, rather than on the ability to repay the loans.

17:20

Trish Godman (West Renfrewshire) (Lab): First, I congratulate Sarah Boyack on her motion, on securing the debate and on her excellent speech. In her motion and her speech, Sarah Boyack rightly paid tribute to the workers at citizens advice bureaux for their excellent work in helping people to deal with what are often crippling debts. Such debts can wreck the lives of individuals and their families.

Many people on low incomes are beguiled into taking on huge debts by crafty smooth-talking agents who come knocking on their doors. However, poor people are denied reasonable borrowing facilities and rates, often because of where they live, and sometimes slip into the clutches of loan sharks. That is easy to understand because it is ready money, and the people usually know who it is that will lend them the money—the woman in the next close or the man in the next street. No questions are asked and they are handed ready cash. I think of a constituent of mine who came to me recently with a debt that she is paying back at £60 a week—£10 to the original debt and £50 to the loan shark.

Loan sharks are extremely difficult to dislodge from communities of low-income families, for all the reasons that I have mentioned and because they are hard to pin down. From fairly recent discussions that I have had with senior banking officials, police officers, local councillors and

council officials, it is clear that we do not have the resources or the law to expel those predators and stop their activities. They flourish among the poor and it is difficult to flush them out. Trading standards officers often know who the loan sharks are, but they cannot get people to stand up and name them, because it is from them that they get their money. The Debt Arrangement and Attachment (Scotland) Act 2002, which we passed last year, addressed debt management schemes, which was good and fine, and I was very pleased that we passed it, but it did not address the problem of loan sharks.

The community-based credit union movement must be given every practical encouragement by the Scottish Executive, by Westminster and by local authorities to expand its activities sustainably. That requires imaginative thinking and decisions to be made in Edinburgh and London. All of us with credit unions in our constituencies know that they are the people's banks—they are community banks. The hard-working members of credit unions should be working in our high streets everywhere, as we see their counterparts doing in, for example, Australia and the Irish Republic.

The staff of local citizens advice bureaux do a great job in helping people to sort out their lives. Those clients are often in the most appalling circumstances, and citizens advice bureaux help them comprehensively and realistically. Credit unions, appropriately supported by Government in Edinburgh and London and by local councils, can bring to people on low incomes dignity and self-respect through provision of banking services in the community. People who offer low-income families credit at disgracefully high interest rates—from the commercial companies at one end of the spectrum to the loan sharks at the other—cannot compete with a well-run credit union that has a substantial number of customers in the local community. We should be backing citizens advice bureaux and credit unions in their endeavours to bring respect and peace of mind to people on low incomes.

17:24

Donald Gorrie (Central Scotland) (LD): It is excellent that Sarah Boyack has secured this debate today. We had several debates on this subject in the previous Parliament and we must keep the pressure up, because debt is one of the major problems of our society. In fact, the annual report of Citizens Advice Scotland shows that consumer debt is the greatest single issue that is brought before citizens advice bureaux. The excellent report that we are debating today—"In too deep"—illustrates clearly what we know from our experience of trying to help other people, which is the effect that debt has on the other parts

of a person's life. It is often totally destructive of families, relationships, health and so on.

We look forward to the Executive producing a bill on the subject. I hope that the minister will take account of some of the excellent points that have been made in the report.

Members have mentioned credit unions. The report suggests a good idea that I have advocated previously, which is that the banks should work more closely with the credit unions. The banks have the money, but not the know-how—they do not know who is a chancer and who is not.

The credit unions know the local scene and have really good people, but they do not have enough money to lend. If the banks and the credit unions were put together, the banks could give bulk sums to the credit unions, who could lend the money on to people. In that way, the banks would get their money back much more reliably and the community would be helped in the process.

We need more funding for debt advice. Although the money that the Executive has given for that service in the past is welcome, some councils snaffled far too much of the funding—other members have mentioned that. In future, the Executive must make it clear that independent advice must be made available. The CABx offer really good value for money and they should be supported.

If the CABx had more money, they could advertise locally a bit more, which could lead to more people coming into their offices earlier in their debt career, so to speak. People's problems could be sorted out more quickly and the whole thing would not be such a disaster.

In addition to sorting out the loan sharks, we have to sort out the banks, as they are really bad at lending to people who are seriously in debt. We debated that issue at some length in the previous session of the Parliament.

I appeal to the minister to pursue a joint effort to tackle debt between the Scottish Executive and the Westminster Government and the Scottish Parliament and the UK Parliament—I am thinking in particular of the Scottish MPs. Some issues are in the court of the UK Parliament whereas others are in ours. Together we could try to crack this business, which is a real cancer on our society.

17:27

Shiona Baird (North East Scotland) (Green): I congratulate Sarah Boyack on securing the debate and on her excellent motion.

Much has been said about the misery caused by constant debt. The negative effect on the health and well-being of families is also well understood.

What is not recognised—much less costed—is the dependence on the health service caused by the effect of constant debt, because of the need for anti-depressant drugs. It is daunting that anyone can cope with interest rates of 200 per cent.

Action must be taken to give substance to the pledge that was made in “A Partnership for a Better Scotland” to work with the Department of Trade and Industry, tackle harassment by loan sharks and introduce fairer credit schemes and new protection from exorbitant interest rates.

In promoting better management of personal money, we must provide much safer alternatives. As other members have said, part of the solution must surely be to make greater use of credit unions, which were much vaunted in the previous session of the Parliament. Indeed, a motion on credit union development was the first motion to receive all-party support in the Scottish Parliament.

Since July of last year, the credit unions have come under the direct regulation of the Financial Services Authority. That situation has caused serious problems for many of the credit unions, with some considering giving up and others, which were trying to start up, having to give up through the sheer bureaucracy that is necessitated by FSA regulation.

There is a need for better understanding of the nature of credit unions. That understanding must include how they are managed by their members, most of whom are volunteers. If we really want to address the serious issue of debt in this country, the least that we must do is protect the organisations that provide a helping hand to those who want to manage their money carefully.

I look to the Executive to investigate those problems. It should also encourage the FSA to streamline procedures while, at the same time, protecting the credit unions and their members from fraud. We also need to provide much greater education in schools on the many life skills that young people require, such as managing money, and how to say no to the enticement of endless in-store credit cards. Such education could include the wider issue of what really matters in life. There are some things that money cannot buy.

17:29

Alex Neil (Central Scotland) (SNP): I, too, congratulate Sarah Boyack on securing the debate. As Donald Gorrie said, we had a number of debates on debt in the previous session and we hope that we will get some action in this session.

I will concentrate my remarks on one specific area. In the previous session, I proposed a bank arrestment bill. I will explain the background to that

proposal and then ask the minister to answer a few questions in her closing speech.

When someone's wages are arrested, a certain amount of money—about £70—is left in the person's wage packet to allow them to live while the outstanding debt is resolved. Wages tend to be paid weekly or monthly, so the requisite amount is left. However, when someone's bank account is arrested, no money is left in the account. The result is that the person whose bank account has been arrested has nothing to live on until the issue is resolved, very often weeks later.

That problem has become much more acute in recent years because, for example, many more pensioners now get their pension paid into a bank account rather than collecting it in cash at the post office. Similarly, many other benefit claimants get their benefits paid into a bank account. So, if their bank account is arrested and no money is left, they are left destitute. That has the knock-on effect that such people sometimes have to go to unscrupulous money lenders to borrow money to see them by until they can get the issue resolved and the arrestment lifted.

In preparing my proposal for a bank arrestment bill, I worked with the legal sub-committee of the Committee of Scottish Clearing Bankers. The banks are very much behind such a measure, because they think that it would help not only them, but, more important, those whose bank accounts are subject to arrestment.

I ask the minister to tell us whether she will take the measure forward. Because the legal experts in the Parliament—as opposed to the Executive—question whether such a bill would fall within the jurisdiction of our powers under the Scotland Act 1998, I ask the minister whether it is her interpretation that the Parliament could pass such a bill. I also offer her all the assistance that I possibly can by way of my research and contacts in the clearing banks. If the Executive was willing to take over the proposal for a bank arrestment bill, nobody would be more delighted than me.

17:32

Karen Whitefield (Airdrie and Shotts) (Lab): I, too, congratulate my colleague Sarah Boyack on securing the debate. As a member of the Social Justice Committee in the previous session, I listened to some quite harrowing evidence from those who had fallen into debt. The distress, misery and fear that living with debt can cause was clearly conveyed by those who gave evidence to the committee.

In my constituency, Airdrie CAB reports that it dealt last year with more than 2,000 debt cases, the vast majority of which were consumer debt. It had 534 clients with complex or multiple debts.

The average debt was £8,000 and, frighteningly, the total debt dealt with amounted to almost £4 million.

Of course, debt can affect those with a relatively high income as well as the poorest in our society. However, the Citizens Advice report "In too deep" made it clear that the largest number of CAB debt clients are among the poorest in our society. I will focus on that group.

It is a simple fact that the poorer someone is, the more they will pay for credit. The cheapest forms of credit available—including short-term, interest-free periods and low-interest-rate credit facilities—are more often than not available only to those who earn above a certain threshold. Those on income support who need or want access to credit are often left with a choice between the local loan shark or the door-to-door lender, as we have heard. Those people will be charged interest rates that are many times higher than those available to the better-off. As a result, the poorest members of our society are more likely to fall into the black hole of debt.

It is vital that those people are given every possible means of support. Positive options are available. After my election in 1999, one of the first motions that I lodged in the Scottish Parliament was on the subject of credit unions. Credit unions are managed—and, in many cases, run—by members for members. They encourage regular saving and prudent borrowing, and members must continue to save while they pay back their loans. In short, credit unions encourage reasonable and sustainable borrowing, which is in direct contrast to the approach that is taken by many of our high-street lenders.

Where debt problems have occurred, people must be given effective support as soon as possible. In that context, I want to praise the work of Airdrie CAB and North Lanarkshire Council. Workers in Airdrie CAB and the council's money advice section provide a high level of support and advice for those who have debt problems. Importantly, they can act as a barrier between the debtor and the creditor, help to alleviate stress and provide information and guidance to both parties. Both agencies participate in north Lanarkshire information and advice forum along with social services welfare rights and independent advice centres. That is a good example of partnership working between statutory and voluntary organisations, the aim of which is to deliver the best possible service to the client.

I am pleased that Sarah Boyack has been able to secure a debate on this issue so early in the new session. Debt continues to be a crippling problem for far too many Scots. Local government and agencies such as the CAB are playing their part in trying to alleviate and deal with the

problem. It is now time for lenders to act more responsibly and play their part in reducing debt levels as well.

17:36

Colin Fox (Lothians) (SSP): Like other speakers, I congratulate Sarah Boyack on securing this members' business debate. As a new MSP, I can testify that a great number of calls that I make in the first instance refer constituents' anxieties and questions to local CABx in the Lothians. I have used the services of citizens advice bureaux in the past and believe that they are a credit to the communities that they serve.

The report "In too deep", which has been produced by the CAB service, concludes that the average monthly income of its clients in Scotland is less than half that for the population of Britain as a whole. Moreover, an enormously high proportion of its clients receive means-tested benefits and tax credits and are tenants of social landlords. As a result, they are less likely to be able to access mainstream credit. The report also highlights that the council tax forms the biggest single most commonly reported priority debt that the clients face. I hope that, in light of that fact, the minister will recognise the need to consider replacing the council tax with something that is much more closely related to people's income and ability to pay.

Like other members, I congratulate the credit unions on supporting people who are unable to access high-street credit. However, I note in passing yesterday's report that the Royal Bank of Scotland is now the world's richest bank. It might not be in the best interests of commercial high-street banks and building societies to allow the extension of credit unions to eat into their customer base. Indeed, there might well be a conflict between their interests and the interests of the communities that the credit unions serve. Nonetheless, I hope that the Executive will take on board the need to advertise and make clear the facilities and provisions that the credit union movement in Scotland can offer. After all, credit unions play a valuable role and need all our support.

In the partnership document that was put before Parliament two weeks ago, the Executive said that it intended to extend

"the money advice service ... to help those burdened by multiple debt".

I sincerely hope that that statement represents a significant intention to give a helping hand to those who need it the most and is not simply tokenism. We will have to wait and see.

Finally, in the "In too deep" report, the CAB service states that many Government initiatives

that have been introduced thus far might lack the teeth to be applied thoroughly, because they depend on lenders' and creditors' codes of practice.

I hope that the Executive will continue to support citizens advice bureaux throughout the country and provide greater resources for them. One of the principal priorities should be to advertise more widely the work of the citizens advice bureaux and the credit unions.

17:40

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I join colleagues in congratulating Sarah Boyack on lodging the motion for debate and on making an excellent speech.

As we come to the end of the debate, I will endeavour not to repeat what has already been said. However, I put on record my agreement with and endorsement of three particular areas that have been covered by other members. One is the recognition of the importance of the work of credit unions. It is important for us to recognise that many local credit unions have developed a wider role beyond their initial role to encourage people to save and provide. In my area, Craigmillar Credit Union has done excellent joint work that has brought together in creative ways initiatives that cover healthy eating alongside savings and early literacy projects. There is potential to build further on those initiatives.

The second point is that I endorse what others have said about our dependence as MSPs on CABx. I do not keep a record of the number of referrals that I make, but the number is significant. All MSPs are in a similar position in that respect. Therefore, we have a particular interest in working closely with Citizens Advice Scotland nationally and locally to discover how we can provide effective local support together.

That takes me to my third point, which is to note briefly matters concerning the funding of CABx. Portobello and Musselburgh CABx in my constituency perennially address the question whether funding will be continued year on year. Invariably it is, I am pleased to say, but more could still be done to create more sustainable and secure arrangements for the CABx network.

The report "In too deep" addresses my main point tonight—other members have touched on it—which is about how we effectively bridge the constitutional divide to advance work in this area. I commend in particular some of the work and comments of Kialani Lyle, the chief executive of Citizens Advice Scotland.

In the first session of Parliament, we were feeling our way about how we managed some of

the relationships between devolved and reserved matters. It was all too easy to say simply, "Consumer debt is a reserved matter." The Consumer Credit Act 1974 might well be a reserved matter, but consumer debt most certainly is not. In the new session of Parliament, one of the big challenges that we face is to consider how we can develop mechanisms—they will be different for different issues—to help Scotland and the UK work together effectively within the devolved framework to address issues precisely such as debt. If we were to address the debt issue in the way that Citizens Advice Scotland suggests, it would be a meaningful way in which we could step up our efforts to cross that constitutional divide. I am interested to hear what the minister has to say about that.

17:43

Chris Ballance (South of Scotland) (Green): I join in the universal congratulations to Sarah Boyack on introducing this crucial topic today. I also acknowledge the work that is done by the citizens advice bureaux, the credit union movement and their enthusiastic and well-informed volunteers.

We must increase access to affordable credit for people on low incomes. I take this opportunity to draw the minister's attention to an excellent programme that is being run by community finance solutions at the University of Salford. The programme is creating a network of community-based industrial and provident societies that complement the work of credit unions by raising substantial funds from mainstream banks, registered social landlords, the public sector and local people who want to make an investment in their community. Those funds are used to provide affordable, easy-access loans for personal consumption and business start-ups. They focus on people who are living in social housing, who typically have very low levels of income, few savings and no assets that can be used to secure bank loans.

The programme has so far helped to establish societies in Salford, London, Sandwell, Portsmouth, Blackburn and Blackpool, and in rural areas such as Cumbria a range of community asset reinvestment trust services is being developed. The Cumbrian community asset reinvestment trust will be a locally owned financial institution that will aim to widen access to affordable credit and to provide land and buildings to support economic renewal and community enterprises such as secondary co-operatives and incubator business units for people with little business experience or financial security and for small voluntary organisations. That trust was formed as part of the foot-and-mouth disease

recovery plan, with backing from the UK Treasury. The model would appear to suit run-down economies and rural economies in the south of Scotland and elsewhere, and I ask the minister to increase the choice of affordable credit options to those on low incomes and to consider supporting such a scheme in the Borders or Dumfries and Galloway.

17:46

The Deputy Minister for Communities (Mrs Mary Mulligan): I add my congratulations to Sarah Boyack on securing this evening's debate on such an important issue. I also commend all those who have taken part in the debate for their speeches. Many of us have learnt much from the work that is clearly going on around the country to support people with debt problems.

Dealing with debt is just one strand in the Executive's work to tackle social inequality. In the partnership agreement, we have committed ourselves to improving further the opportunities and living conditions that are offered to the people of Scotland and to ending child poverty. That theme pervades all areas of Government work, including health, education, employment and housing. Sarah Boyack asked how much prominence would be given to the issue and when we could expect work to begin. I reassure members that work is on-going, and we hope to see some action fairly soon.

I want to concentrate on a number of ways in which the Executive is already seeking to address the matter. The Scottish Executive welcomes the "In too deep" report that was produced by Citizens Advice Scotland. We think that it is right and appropriate that Scotland's debt problems are highlighted by one of the agencies that are there to offer support and advice to those with debt and other financial problems. We recognise the place that Citizens Advice Scotland, Money Advice Scotland and all bodies that act to tackle people's debt problems have in focusing attention on the issue of unmanageable debt. We acknowledge the invaluable work that they do to help people break their cycle of debt and borrowing and to move forward to better money management, and we welcome the opportunity to debate the issue today.

It is when people find themselves trapped in a cycle of debt and borrowing that the most vulnerable can be taken advantage of by irresponsible and sometimes illegal moneylending, and we have heard some examples of that this evening. As has been said, it is a consumer protection issue and, as such, a reserved matter. However, as many members are aware, the UK Government is currently undertaking a thorough review of the Consumer Credit Act 1974. I assure

members—particularly Susan Deacon, who raised the point—that the Executive is in close communication with the DTI on its work, including tackling loan sharks, and is ensuring that Scottish aspects of the issue are carefully considered.

Alex Neil: On the distinction between reserved matters and devolved matters, are bank arrestments a reserved matter or a devolved matter?

Mrs Mulligan: I was going to go on to answer the points that Alex Neil made. As he has intervened at this stage, however, I should say that, if he had an assessment during the previous session that bank arrestments were reserved, I cannot tell him at this stage that they are not.

On the clear point that Alex Neil has made about bank account arrestments, he will be aware that the First Minister said, in a statement on the legislative programme:

"in this parliamentary year we will consult on and bring forward proposals for reform to the law on the enforcement of civil obligations in Scotland".

I understand that we will consider what powers we may have to address some issues that the member has raised. Given that Alex Neil has been so co-operative, I hope that he will be pleased that my response is equally co-operative and that we hope to make progress.

Alex Neil: I am always glad to hear that.

Mrs Mulligan: I know that that is true.

I want to return to what we can do in Scotland, as opposed to discussing reserved issues. To prevent people from falling into a vicious cycle of debt, the Scottish Executive is committed to ensuring that all people—especially those on low incomes—have access to the financial products that most suit their needs. We are working hard with credit unions and the banking sector to empower individuals and to build their capacity to tackle their financial problems.

Credit unions have been mentioned many times. They do an excellent job in helping people to manage their household budgets, as they combine regular saving with responsible borrowing at affordable and regulated interest levels. Many credit unions also offer additional services, examples of which we have heard about in the debate. The Executive's support for credit unions is seen as a real strength of our approach to fighting financial exclusion and is actioned through a partnership with the credit union movement itself. In the partnership agreement, we have pledged to continue that support. However, we recognise that, as well as trying to prevent the circumstances from arising that drive people into debt, we must support those for whom debt is already a real problem.

Mary Scanlon: I am a member of the Inverness Credit Union. Many members have said that credit unions need more help with marketing and advertising. I am sure that the minister knows that there is a Scottish Executive fund that can be applied to for money to help with such matters. The Inverness Credit Union was successful and circulated a free newspaper within the common bond area.

Mrs Mulligan: Given the Executive's commitment to credit unions, it is essential that we ensure that credit unions throughout the country are aware of the assistance that can be given to them to improve the services that they deliver and to improve recognition in their areas. We need to consider such matters.

When things go wrong and people find themselves with unmanageable debt, the Executive is committed to ensuring that they have access to free, impartial and confidential advice. We value the role that the money advice sector plays in providing such support and we want to ensure that the resources are available to meet the increasing demands that are placed on it. To do so, we have invested an additional £3 million a year from last year to increase the number of money advisers across the sector.

The benefits of our funding so far are even greater than we had originally hoped and have resulted in an extra 120 full-time-equivalent money advisers. However, we are not complacent. I say to Donald Gorrie that, although the money went through the local authorities, there has been an almost equal split between local authority advice and voluntary sector advice. We want to ensure that that will continue.

I am conscious of the time, so I will simply say that we recognise that there is much more to be done to tackle the problem of debt in Scotland. The partnership agreement confirms our commitment to extend our support for money advice and to ensure that there are fair credit schemes for everyone. We will send a clear message that we will not tolerate loan sharks and that we will work with the UK Government to put an end to extortionate credit—only then can we really tackle the cycle of debt in which people find themselves.

Meeting closed at 17:54.

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