

MEETING OF THE PARLIAMENT

Wednesday 2 February 2005

Session 2

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Scottish Parliament

Wednesday 2 February 2005

[THE PRESIDING OFFICER *opened the meeting at 14:00*]

Time for Reflection

The Presiding Officer (Mr George Reid): Good afternoon. The first item of business is time for reflection. Our leader for time for reflection today is Dr Alison Elliot, the moderator of the General Assembly of the Church of Scotland.

Dr Alison Elliot (Moderator of the General Assembly of the Church of Scotland): I know that this is an anxious day for many of us in Scotland. Pope John Paul is someone who inspires great affection, particularly among the Roman Catholic community. He is not just a distant leader, but a personal father to them, and our thoughts and prayers are with them now. I am sure that we are all glad to hear that his condition is stable. We pray that he will recover from his present infection.

Building is turning out to be a theme of this year for me, as it is for the Parliament. It is a pleasure to be in this fine building again. Large public buildings give shape to the landscape and are an important focus for community, whether the building is a parliament, a palace or a church. Of course, we can become seduced by our buildings into believing that they are more important than what goes on inside them. We can be seduced into forgetting that they are only a temporary shelter from the buffeting winds of the life of the rest of the community that we serve. We can become imprisoned inside them. Figuratively, we often construct walls that imprison others: walls of poverty, walls of loneliness, walls of stigma. Part of civic and political responsibility is the task of breaking down those walls.

Broken walls have also been a powerful image this year, though those walls have been violently torn apart, not constructively dismantled. In Sri Lanka, I saw great jagged slabs of torn concrete propped up against palm trees or littering fields. We were there when the clean-up operation was well under way and some people were getting on with thatching their houses again. They have a long way to go. They will have to rebuild not just their homes, but their livelihoods, their confidence and their communities. Boats and nets have been destroyed, but so too has the nerve of the fishing communities. They no longer trust the sea, which they had thought of as their mother. In Colombo, we passed a small group of people who were silently staring out to the ocean, as if to reconnect with it. The communities have become distorted,

with the tsunami cutting a swathe through them and showing no favours except that, as usual, the small and the weak were taken first.

One might have thought that the enduring story would be of overwhelming physical force and of rapid material reconstruction; however, it is the human story that endures—a story that raises spiritual questions as well. It is a story of fractured communities struggling to rebuild themselves, of resilience and tireless commitment, and of compassion and generosity that surprises itself. It should mean that things will not be the same again, even at this distance, because people all round the world have been touched deeply by the tragedy. It brings home to us how fragile we and our enterprises are and it sets a different yardstick against which to measure what is important in life. The memory of those pictures is not going to fade quickly. It shows just how generous the people of Scotland can be. It shows that distance need not be a barrier to human sympathy. Cities and communities right across Scotland have been finding ways of making that sympathy tangible and lasting. Let us hope that we hold on to that commitment and connectedness and that, in the months ahead, we manage to build more enduring ways of caring for the vulnerable and the weak across this shrinking world.

Gaelic Language (Scotland) Bill: Stage 1

The Presiding Officer (Mr George Reid): Òrdugh, òrdugh. Is e an ath rud air a' chlàr-ghnothaich an-diugh, deasbad air gluasad àireamh S2M-1812 ann an ainm Peadar Peacock, gun tèid aonta a chur ri bun-phrionnsabalan Bile na Gàidhlig (Alba).

Following is the simultaneous interpretation:

The next item of business is a debate on motion S2M-1812, in the name of Peter Peacock, that the general principles of the Gaelic Language (Scotland) Bill be agreed to.

14:05

The Minister for Education and Young People (Peter Peacock): It is my privilege to open this historic debate. It is the first time in recent history that a Government-sponsored bill that seeks to strengthen Gaelic and not to do it down has been brought before a Parliament. I shall say more about that in a second. It is also a pleasure to open the debate on a bill that has received such wide support from the committee, the Parliament, across all parties and outside Parliament.

As I hinted, Parliaments have not always been so generous towards Gaelic or so positive and supportive. Indeed a Scottish education act of 1616 ruled that Gaelic should be "abolishit and removit" from Scotland. Gaelic has suffered prejudice for many years. Within living memory, children were belted for speaking Gaelic and families were encouraged to discourage the use of Gaelic. It was associated with failure and decline. The English language was seen as a route to success and people were told that Gaelic would hold them back in some way. The clearances and the decline of the Highlands contributed to and accelerated the decline of the language as Gaels were spread throughout every corner of the world. That is why Gaelic is still widely spoken in parts of New Zealand and Canada, for example.

Thankfully those days of prejudice are largely gone. The renaissance of the Highlands in recent years has been partly built on the Gaelic renaissance. There is now pride in the language where it was once lacking. People are now encouraged to speak the language where they were once discouraged. They are now taught through the medium of Gaelic where they were once punished for speaking it in schools. The language is expressed through music and art in new ways throughout the Highlands and Islands and other parts of Scotland. People now celebrate their language and culture and are rightly proud of it.

Gaelic is a precious part of our national life. It is not just a language; it is the gateway to an entire culture, to a set of beliefs and values, to a distinct history, to music and song, to dance and literature, and to the oral traditions of storytelling. It is a rich and precious resource for Scotland. As Sorley Maclean said,

"if Gaelic dies, Scotland will lose something of inexpressible worth, and the Gaels will lose almost everything".

We in the Parliament have a duty to ensure that we do all that we can to ensure that Gaelic does not just survive, but that it thrives into the future.

We must do that because, despite all the recent positives, the number of native Gaelic speakers is still in decline. Older speakers are dying faster than young people are adopting the language. We still have to reach a balance in that situation, let alone get to the point at which the number of new speakers overtakes the number of those native speakers who are dying out. I am confident that that will happen in due course.

However, the language must be used more and more in everyday life in Scotland and this bill is part of the process of securing a future in which that will happen. It gives clear recognition to the language. It establishes in law a body charged with bringing about its recovery and development. It requires a national plan to help achieve the outcomes that we want for Gaelic. It requires all those in the public sector in Scotland to play their part in bringing about that revival and the wider use of Gaelic. It also gives further legislative recognition to the key part that education will play in the future success of the language.

I thank the Education Committee for its thorough consideration of the bill during recent weeks and I am pleased that it has endorsed the general principles of the bill. The Executive and the committee share the same objectives for Gaelic. There should be no doubt that Gaelic already has official recognition in Scotland. The Executive recognises that explicitly and in several ways, and the committee's report recognises it. It is also captured in the long title of the bill. The bill is an eloquent expression of the status of the language in Scotland.

The bill will establish Bòrd na Gàidhlig in statute and the bòrd will have the clearly defined functions of promoting, and facilitating the promotion of, the Gaelic language; developing a national Gaelic language plan; advising ministers and others on matters relating to the Gaelic language; providing advice to public bodies on the development of Gaelic language plans; and developing guidance on Gaelic education.

The bòrd becomes the Executive's vehicle for delivering our aspirations for Gaelic. A key task for the bòrd will be the creation of a statutory national

Gaelic language plan, which will provide an agreed, considered and strategic approach to Gaelic development. I expect the plan to create the conditions in which the number of Gaelic speakers in Scotland can grow in the years ahead.

The bill creates a framework for the development of Gaelic language plans by other public bodies, creating conditions for the wider use of the language in public life. It creates a strategic role for Bòrd na Gàidhlig in the development of Gaelic education policy. I am in no doubt that the future of Gaelic is inextricably linked to that of education through the medium of Gaelic and the teaching of Gaelic as a second language—and we are encouraging more people to learn and speak the language.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I would like to probe the minister's thinking on this matter. It occurs to me that some of the areas where Gaelic is spoken are also some of the most economically fragile areas. The minister mentions other public bodies. Would they include the enterprise network, not just in relation to the language, but with regard to its role in underpinning local economies and trying to keep young people in places such as north-west Sutherland and Alasdair Morrison's constituency?

Peter Peacock: The local enterprise network would absolutely be included, and not just in a formal way. It would be for Bòrd na Gàidhlig to decide when to approach the enterprise network to help Gaelic language plans to be met. One of the great things that we have seen in the Highlands and Islands in recent years has been the fact that part of the economic revival of places such as Skye—which is now in its fifth decade of continuous economic growth—has been built around, and is closely linked to, the revival of the language.

The bill will introduce a role for Bòrd na Gàidhlig that will complement activity undertaken by the Executive, by Her Majesty's Inspectorate of Education and by local authorities, who will remain the main providers of Gaelic education. I expect the development and expansion of Gaelic education to be delivered in partnership between those bodies. The Executive has a responsibility in helping to drive that agenda forward. We are doing that, but it is right that the bòrd has a strategic advisory role with respect to how we perform in that regard.

There are people in some parts of Scotland who worry that they will have Gaelic forced upon them. I do not want to coerce people to speak Gaelic; I want to win converts to the cause of Gaelic and to create the conditions for that to happen. One of the key features of the bill is its flexibility. The situation of the language is clearly varied across Scotland. The bill will enable Bòrd na Gàidhlig and

other public bodies to respond to local circumstances and to target development in a sensible and cost-effective manner throughout Scotland, but in different ways in different parts of Scotland. The bill sends out the message that Gaelic is a language of all Scotland, while enabling its development to be sensitive to local circumstances.

I recognise that there are many parts of Scotland where there is potential for the development of Gaelic. That potential ought to be a consideration in language planning. The Education Committee highlighted that in its stage 1 report, and at stage 2 I will look to respond positively to its suggestions on that subject.

The Education Committee expressed sympathy for capturing the idea that the Gaelic language has "equal validity" with the English language and for capturing that spirit in the framework of the bill. As I said in my evidence to the committee, Gaelic should not suffer from any lack of esteem or respect, either at an individual level or at a corporate level, in any aspect of our life. I am sympathetic to the committee's view. However, the words "equal validity" might at some point have to be given legal meaning by the courts. The consequences of that on a Scotland-wide basis are potentially far-reaching. I continue to wrestle with how to resolve that issue, and I still hope to be able to bring forward a suggestion that will capture the sense that the committee had—which I share—that the Parliament wishes the language to be treated with equal respect to English in those respects that the committee and others have highlighted.

I share the view of the Education Committee that there are Gaelic education issues that need to be addressed in conjunction with the language planning framework created under the bill. New laws alone cannot save Gaelic. Last week, I met individuals in the Gaelic education sector to discuss the future development of Gaelic education and in particular the difficulties of teacher recruitment and training. I can confirm to Parliament that I have established an action group to tackle the Gaelic teacher shortage, which is the most pressing issue currently facing the development of the language. Membership of the action group will include key representatives from local authorities, HMIE, Bòrd na Gàidhlig, the Executive and universities. I have asked Matt MacIver of the General Teaching Council for Scotland—a well-known Gael and activist—to chair that group, which will report to me in May.

Rob Gibson (Highlands and Islands) (SNP): As far as achieving potential and having more Gaelic-medium teachers are concerned, I welcome the minister's statement that he will set up an action group. Can he tell me in one

sentence how we can increase the confidence of people so that they take up a career in Gaelic teaching, when at the moment far more teachers speak Gaelic than have been recruited to teach through the language?

Peter Peacock: I do not have time to set out all the measures that we are taking, but Rob Gibson has put his finger on one of the key points. There needs to be confidence that we are serious about Gaelic. A few years ago, people who were choosing a career in teaching were not confident that we were serious about Gaelic development, but I hope that they are now. One of the great successes of Scottish education has been Gaelic-medium education. We are now committed to having a Gaelic-medium secondary school in Glasgow and a virtual Gaelic-medium secondary school in Scotland. I hope that, taken together with all the other things that we are doing, that will give people who can speak Gaelic, but are currently teaching through the medium of English the confidence to opt for Gaelic-medium teaching.

The work that Matt MacIver and his colleagues will do will be a key plank in the work that I want done through Bòrd na Gàidhlig, in consultation with the Executive and education service providers, to develop a national strategy for Gaelic education as part of the national Gaelic planning exercise.

I agree with both the Finance Committee and the Education Committee that we need procedures to ensure that the resource implications of the bill can be managed effectively. I am happy to agree with the Finance Committee's recommendation that the bòrd should set out, through its corporate planning processes, which public authorities it intends to approach to develop language plans and what the general scope of those plans should be. I am also happy to agree to the recommendation that we present an outline of the guidance that ministers are able to issue under the bill to guide the work of the bòrd. I hope to provide that outline to the committee before stage 2.

The Education Committee notes the anomalous position of UK bodies and that encompassing those bodies within the scope of the bill would require an amendment to the Scotland Act 1998. Discussions have been proceeding with the Scotland Office and other UK departments on the role that they can play in securing the status of Gaelic. Recently, my officials held a seminar in London with representatives from across Whitehall to set out what we are seeking. I am pleased to say that the departments reacted positively in those discussions. In line with the Education Committee's recommendation, we have the agreement of Whitehall departments to work in a spirit of co-operation where there is merit in their doing so and following an approach from the bòrd.

Alex Neil (Central Scotland) (SNP): I welcome the minister's comments about securing co-operation from Whitehall. Am I right in saying that an amendment to the Scotland Act 1998 is not required to transfer powers over reserved functions relating to the bòrd, if that is found to be necessary? I understand that only an order in council under schedule 5 of the act is needed.

Peter Peacock: That is the advice that the Education Committee has received and I have no reason to question it at the moment. I will clarify the issue with Alex Neil in due course. The important point is that we have sought the voluntary co-operation of departments across Whitehall and are winning it. I am sure that we can be confident that, if Bòrd na Gàidhlig approaches those departments, they will act in a spirit of co-operation to help to achieve the intentions of the bill.

Given the look on your face, Presiding Officer, I suspect that I am out of time. In the short time that was available to me, I have been unable to cover all the points that the Education Committee made in its report. No doubt members will raise other issues in the debate; I will try to address as many of those as possible when I sum up. I continue to listen to the good ideas that have been suggested and to respond positively to those ideas when I can, to maintain the consensus that exists on the bill and on the future for Gaelic. It is with great pleasure that I commend the motion to the chamber.

I move,

That the Parliament agrees to the general principles of the Gaelic Language (Scotland) Bill.

14:19

Alex Neil (Central Scotland) (SNP): Many people ask me whether I can speak Gaelic. I must admit that I struggle with English from time to time, without adding Gaelic to that. However, like many people in Scotland I am conscious of the importance of Gaelic in our heritage and culture. Today is an historic day for the Scottish Parliament, because this is a bill that many of us would not have expected to see if there had not been a Scottish Parliament. Had there been a Scottish Parliament many more years ago, Gaelic might have made far greater progress and we might not have reached the current position, in which the language is under real threat.

Gaelic is a minority language—only about 1.8 per cent of the population speak it—but it is not confined to the Highlands and Islands. Forty-eight per cent of Gaelic speakers are in the Highlands and Islands, but 52 per cent are in other parts of Scotland. We should not regard Gaelic as an issue that is confined to the north of a Mason-Dixon line

above Inverness; it affects many parts of Scotland. In places such as Kilmarnock and Glasgow, as well as in other parts of Scotland, there is a growth in the demand for Gaelic education among every age of the population, which is to be welcomed.

I welcome the minister giving the Education Committee's recommendations a fair wind, with respect to the status issue as well as co-operation on reserved matters, of which I will say more later.

I will make two points on key aspects of status. First, as the minister said in evidence to the Education Committee, Gaelic already is, *de facto*, an official language in the sense that many official publications are now issued by public agencies and Government in the Gaelic language and they have exactly the same status as any document issued in English. However, we would like the official status of Gaelic to be built in to the bill.

Mr Stone: It is all very well for Mr Neil to say that Gaelic is an official language. Latin was the official language of the Roman Catholic Church until well into our lifetimes, but that did not alter the fact that that language was dead. Given what the member just said about percentages and who speaks Gaelic north or south of Inverness, does he not at least concede that the existence, survival and prosperity of Gaelic-speaking communities are part and parcel of—in fact, vital to—the real survival of a real language?

Alex Neil: Absolutely. That brings me to my next point, which is that even building recognition of Gaelic as an official language into the bill is not nearly enough. We need to go further. I think that Bòrd na Gàidhlig's evidence provided the solution with reference to giving the language equal validity of status. I think that there is consensus on that in the Gaelic community and in wider Scotland. We want to give the Gaelic language equal status with English and make it a live language. However, we do not want to force every agency to publish in Gaelic every document that they publish in English. Nobody is arguing for that. We think that a solution around equal validity is the right way to proceed.

Jamie Stone made the important point that although the bill is very important for the regeneration of not just the Gaelic language, but the Gaelic communities, of itself the bill will not achieve that; it must be part and parcel of a much broader strategy for the regeneration of the language. For example, broadcasting is not mentioned in the bill, because broadcasting is essentially a reserved matter—although Gaelic broadcasting is devolved. However, unless we have more investment in Gaelic broadcasting and more Gaelic broadcasting to spread the use of and to regenerate the language, we will not achieve our objectives. Therefore, an area for future action by the minister, which is not included in the bill, is

to pursue Whitehall and Westminster for a dedicated channel for Gaelic. With today's digital technology, that should be neither too costly nor too burdensome a responsibility.

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): I thank Mr Neil for taking an intervention. Does he agree that, while a dedicated Gaelic channel is certainly something to which we might aspire, it should not act against Gaelic being transmitted on other channels as well? Does he agree that the last thing that we want is for Gaelic to be ghettoised on a single channel?

Alex Neil: Absolutely. It is always a pleasure to agree with Mr Brocklebank. To be fair to the BBC, its coverage of Gaelic on its main radio channels and its television channels has done enormous good for the Gaelic language in recent years. A channel such as QVC, which is a ghettoised shopping channel, does not stop people shopping in the normal channels—unfortunately. Gaelic comes into that category, in terms of spreading the use of the language and regenerating it.

With regard to reserved bodies, the approach recommended by the committee, after some discussion, is that we should primarily go for co-operation. I think that that was the advice of the Welsh Language Board as well. Only if we do not get that co-operation from bodies carrying out reserved functions should we then seek a change in the law. I am happy—pending independence—to accept that position.

Robert Brown (Glasgow) (LD): Did Alex Neil hear the Welsh Language Board's evidence that, in all its years of existence, it had not had to bring into play ministerial powers or other enforcement mechanisms, but that it had always managed by co-operation?

Alex Neil: Absolutely, but we also have to bear it in mind that the Welsh Language Act 1993 was passed by Westminster before devolution and therefore automatically applies to reserved bodies; it has a different status because of when it was introduced.

We also heard that there are four or five categories of official body that the legislation may apply to. There are devolved agencies, to which the bill applies. There are cross-border agencies with devolved and reserved responsibilities, and the bill applies to the devolved responsibilities but not the reserved ones, as a matter of statute. There are reserved bodies with reserved and devolved functions. Finally, in a category of its own, there is the Food Standards Agency, which is a department in its own right, and the committee has recommended—well within the competence of the bill—that the Executive introduce an amendment at stage 2 to ensure that the Food Standards Agency, which is an important agency

in terms of what the bill is trying to achieve, should be covered by the bill. I see the minister nodding approval. I take that as an indication that that recommendation is accepted in full.

Unfortunately, Presiding Officer, I have run over time. There is much more, as you can imagine, that I would want to say about the bill. I finish by paying tribute to my former colleague, Mike Russell, who introduced the first Gaelic Language (Scotland) Bill to this Parliament—an example that I followed last year to try to keep the issue alive. I am delighted that the Executive has lifted the torch and is prepared to strengthen the bill. I hope that we will get unanimity and that we can take forward the Gaelic language and secure it for the heritage of future generations as well as for the memory of past generations of the Gaelic community and Gaelic speakers.

14:27

Lord James Douglas-Hamilton (Lothians) (Con): I welcome the minister's constructive approach and his commitment to considering the question of equal validity and to having a national strategy. I also welcome the fact that Alex Neil, although he is not a member of the Education Committee, studiously attended all our meetings on the subject of Gaelic. Like him, I support the regeneration of the language and welcome this opportunity to express my support for the principles of the Gaelic Language (Scotland) Bill as presented to the Parliament.

As is now widely acknowledged, the Gaelic language and its culture have been subject to persecution in the past. We are all aware of that great Scottish Classic, "On the Other Side of Sorrow: nature and people in the Scottish Highlands", and of the wonderful work of Sabhal Mòr Ostaig, to whose development I once had the honour to contribute £1 million as a minister. The bill promises to go some way towards reversing that past trend and restoring the status of the language. The Gaelic Language (Scotland) Bill will rightly build on the provisions of the Education (Scotland) Act 1980, which stipulates that education authorities have a duty to secure

"adequate and efficient provision of school education",

including the teaching of Gaelic in Gaelic-speaking areas. It is important that we make clear our attitude of good will towards Gaelic-speaking communities throughout Scotland.

The bill provides for the creation of Bòrd na Gàidhlig as a statutory body with the task of preparing a national language plan. A co-ordinated and strategic policy will send out clear signals that the Gaelic language and its culture are to be afforded equal standing, both in principle and in

practice. An authoritative Gaelic language dictionary will, I believe, consolidate that aim. I hope that in the minister's wind-up speech he sees fit to give a positive assurance on that point.

If the Gaelic language is to flourish, Gaelic-medium education must be developed where there is demand for it. The Executive will have to meet several challenges if it is to achieve its aims in that regard. There are currently insufficient numbers of Gaelic-medium teachers. Young people are sometimes deterred from working in Gaelic-medium education due to a lack of Gaelic teaching materials, the lack of choice of school and the lack of long-term job security and career development opportunities.

The use of high technology could very usefully be further investigated and enhanced in Gaelic-medium education. Not only could distance-learning packages be developed to enable older learners to have access to language resources, but an online learning network could enable Gaelic-medium teachers to pool teaching materials. Technology, including videoconferencing, should be made available to provide and expand opportunities and to enlarge the possibilities for those whose aspirations relate to Gaelic provision.

I will highlight one caveat with regard to Bòrd na Gàidhlig's role of preparing language plans for public bodies. The estimated cost to a local authority of developing a Gaelic language plan is in the region of £10,000. Perhaps the bòrd might consider allowing scope for collaboration between several public bodies in developing Gaelic provision. However, there remains the potential problem that United Kingdom bodies are under the jurisdiction of the UK Parliament. It is essential that the bòrd obtains and retains the good will of those organisations so that appropriate Gaelic provision can be made. If problems arise, the Education Committee, together with the Executive, will be in a position to consider and recommend the best ways forward.

I believe that, as support for Gaelic will be a continuing process, a strong case could be made for an in-depth review of aspirations once the bòrd has been established. Given that such aspirations may differ from area to area, such information could be useful in focusing attention on where provision is most needed. The notion of geographical relevance should not be overlooked.

We are presented with a golden opportunity to develop the linguistic and cultural diversity of Scotland, to which we all owe so much. Research has indicated that there are many advantages to having two well developed languages—there are many more, but I refer to the two, well developed indigenous languages. Those advantages include increased sensitivity to communication and more

rapid cognitive development. However, the Education Committee has highlighted that significant policy and resource issues remain, in particular as regards Gaelic education and the cost of implementing Gaelic language plans. We urge the ministers to review and address those issues to ensure that the aspirations of the Gaels and the Gaelic communities are met throughout Scotland.

I thank the minister very much for his constructive and friendly speech this afternoon.

14:33

Robert Brown (Glasgow) (LD): I begin by congratulating the Presiding Officer on his burgeoning Gaelic skills. He must anticipate that a Gaelic plan will apply to the Presiding Officer personally in future.

I had the opportunity to speak at the national Mòd and, as the convener of the Education Committee, at the Gaelic college in Skye. I equipped myself with one or two Gaelic sentences, which I read carefully from a phonetic text. I was congratulated on the great pronunciation that came from my Geordie intonations.

I believe that the Gaelic Language (Scotland) Bill, which we are considering today at stage one, will be seen in future years as a seminal point in the chequered history of Gaelic: the point at which the decline of the language stopped and its revival gathered pace.

As the Minister for Education and Young People said, Gaelic was once the language of most of Scotland but by the 16th century it had become concentrated in the west and north-west and for a long time was seen as the language of the wild and lawless highlanders. In more recent years, Gaelic was challenged more insidiously by educational discouragement in schools.

There is no doubt that things have changed. Eighty per cent of Scots are sympathetic to the encouragement of Gaelic and there are a number of centres of excellence, such as the Gaelic college—Sabhal Mòr Ostaig—in Skye, the recently announced all-through Gaelic school in Glasgow and the national resource centre.

The drive towards all that has been led by very committed Gaelic campaigners—some of whom were my contemporaries, friends and flatmates at the University of Aberdeen—and by a new generation of entrants to Gaelic-medium teaching, whom I met during the committee's visit to Portree and at the Gaelic schools in Glasgow and elsewhere. So far there are too few such people, but they are very committed and able and they are the future.

The Education Committee produced a thorough and sympathetic report on the bill. We tried to capture a number of important themes, which are required to underpin the language-planning approach to the bill. It is important that the committee was unanimous in its recommendations and I thank the many organisations and individuals in the Gaelic world who, in the course of our consideration, gave us their views and added to our understanding of the issues.

Perhaps the most important issue is the milieu—cultural, social and family—in which the language operates. If Gaelic is the language of the home and the playground and Gaelic-speaking communities have confidence in their economic future and their ability to offer satisfying employment, social and cultural opportunities so that Gaelic is normalised, in particular across the homeland Gaelic areas, the language is likely to have a much more satisfactory future. Gaelic is best learned from the family and older generations.

As members have said, the availability of Gaelic-medium education is central to that normalisation. However, the committee heard that if Gaelic-medium education is restricted to primary level, skills will be lost later. Gaelic-medium education that does not support Gaelic-speaking and non-Gaelic-speaking parents, for example through parental Gaelic-learning facilities and pre-school facilities, will be deficient. Gaelic-medium education that does not offer career security and promotional opportunities for teachers will not attract enough new blood.

The Education Committee of course recommends that Parliament agree to the general principles of the bill. However, we also made a number of recommendations, which I hope will guide ministers at stage 2. Indeed, I am very pleased by the response that Peter Peacock has given on a number of the important issues that we raised.

The first issue on which I will dwell a little is perhaps symbolic but nevertheless important: the status of the Gaelic language. The committee agreed that Gaelic is already an official language of Scotland—the Welsh did the same thing in relation to the Welsh language. However, we thought that English and Gaelic should be treated as equally valid when and where they are used, because that is right and because a clear statement in the bill would give status and prestige to the language. Given the official discouragement of Gaelic in earlier days, that is an important consideration. Allied to that is our recommendation that Bòrd na Gàidhlig should report to ministers on progress in respect of the UK's commitments under the European Charter for Regional or Minority Languages. I am glad to say in passing

that the Scottish Parliament's Gaelic arrangements were approved in the most recent report of the committee of experts on regional or minority languages in Europe.

Secondly, a number of people pressed on us the importance of giving legal rights in relation to the use of Gaelic, and Gaelic-medium education in particular, which could be vindicated by individuals in court. The committee, following the views of the bòrd and the Welsh Language Board in particular, concluded that the preferable way forward would be through the language-planning process that will be driven by the bòrd. Other considerations apart, the level of Gaelic teacher resources is such that legal rights of that kind could not effectively be delivered at this stage.

Thirdly, a central issue is the supply of teachers and resources for Gaelic education, which must be the job of ministers, because only they can supply the ministerial leadership of the various agencies that will tackle problems of recruitment and retention of Gaelic-medium teachers. I welcome the minister's announcement that an action group has been established.

Fourthly, we have touched on the position of UK bodies and I will not add to what has been said. The minister's comments were gratifying in that regard and were exactly of a kind that the committee hoped to hear.

Fifthly, we must consider the bill's objective, which is not just to preserve Gaelic as though the language were an endangered species such as the African elephant—although the preservation of the language is important. The objective is to support the development of Gaelic, so that the language can prosper and grow as an official language of Scotland.

The committee's report makes a number of observations about the composition and status of the bòrd and about the use of Gaelic in the courts, on which I will not dwell.

Gaelic should be treated in a generous and sympathetic manner. The language is an important strand in Scotland's diverse cultural and community life and it should have—I am sure that it will have—a considerable future. The bill is the building block to enable that to happen. I am glad to be present at this seminal debate in the Scottish Parliament to support the Gaelic Language (Scotland) Bill at stage 1.

The Presiding Officer: We move to the open debate. I intend to allocate about five minutes to speakers whose speeches are in English and a bit more to those whose speeches are in Gaelic.

14:40

Dr Elaine Murray (Dumfries) (Lab): Tapadh leibh, Presiding Officer.

I am sorry that I am not able to make more of my contribution to the debate in what was at one time the language of the majority of people in Scotland. Gaelic was brought to Scotland more than 1,500 years ago. It gradually displaced the other languages until, around the 12th or 13th centuries, it was spoken by the majority of people across Scotland. Unfortunately, as we have heard, the language then began to decline. It was supplanted from the south by Scots and English and suffered as a result of official persecution.

Places in many parts of Scotland, including Dumfries, still have Gaelic names. Indeed, I understand that the name Dumfries derives from the Gaelic for the castle in the wood, although my daughter once misread the name as the fort of the corpse, which puts a rather different perspective on the town. Gaelic plays an important part in Scotland's linguistic and cultural heritage. I believe that it is relevant to all Scotland and not only to the areas in which it is still spoken.

I warmly welcome the general approach that the Executive has taken in the bill. The preservation and future growth of the Gaelic language and culture are the responsibility of all public agencies in Scotland. I am delighted to hear today that Whitehall has agreed to co-operate with Bòrd na Gàidhlig in the spirit of the legislation.

Of course, a number of areas need further discussion. Reference has been made to the status of the language. I was interested to read the minister's response of 17 December 2004 to my written question in which he said:

"There is no legislation that recognises English as an official language of Scotland."—[*Official Report, Written Answers, 17 December 2004; S2W-12769.*]

Obviously, not being an official language in law has not held English back, which probably reinforces the point that was made earlier that Gaelic needs more than just legislation to give it further life.

In my contribution, I want to concentrate on the fact that I represent a part of Scotland in which two thirds of one percent of the population has a knowledge of Gaelic. Many of us who do not speak Gaelic have an affection for—and, indeed, an historic link with—the language. The part of my own varied and mongrel heritage that gave me my surname originates from Elgin and Perthshire. I presume that those Murrays were Gaelic speakers.

As a result of the Highland clearances, many Gaelic speakers ended up in the central belt and the south of Scotland. Although many of their

descendents lost the language, many feel, like me, that the Gaelic language and culture is part of their culture and heritage today.

There is some anxiety in Dumfries and Galloway about what a Gaelic plan might be about. People wonder whether it will be relevant to most of the people in the region and whether resources will be diverted from Scots, for example. I believe that the Gaelic plan for Dumfries and Galloway will not be the same as the Gaelic plan for the Western Isles. We will not see Gaelic signposts on all the roads in Dumfries and Galloway—that would be a bit like seeing English-language signposts all over the south of Spain.

A Gaelic plan for Dumfries and Galloway could include Gaelic classes for people like me who would like to learn the language but find it difficult to get classes. When the council is purchasing new material for its libraries, it could think about purchasing some resources in Gaelic. The council's education service could consider how to respond positively to parents who desire Gaelic-medium education for their children—such provision might not necessarily be made in the region. In the council's recruitment of language teachers, consideration could be given to the recruitment of teachers who can offer Gaelic as a second language at either primary or secondary level.

The everyday language of the majority of my constituents is Scots and an interesting parallel can be drawn between Gaelic and Scots. Nowadays, people speak Scots with confidence and pride. Scots is no longer considered a degraded form of English but a language in its own right. Young Scots feel that it is cool to speak in Scots and I understand that the same thing is happening with Gaelic. That said, the state that the language is in means that we need to accelerate the pace at which that happens.

Evidence from my area showed that Burns did not speak Gaelic. That may be so, but I believe that the spirit behind the bill is very much the same spirit that inspired Burns and his violinist partner to go round the Highlands of Scotland seeking out bits of music and poetry. Burns knew that changes in Scottish society meant that much of Scotland's traditional musical culture was at risk of being lost. He made a positive determination to collect it and relaunch it with new words and so on. The bill will do the same sort of thing. Were he alive today, Burns would approve of it, even if he was not a Gaelic speaker.

With the bill, we are trying to preserve and encourage part of our cultural heritage that would otherwise, without action, be lost. More than that, we are attempting to breathe new life and vigour into what is Scotland's ancient national language.

14:45

Mr Adam Ingram (South of Scotland) (SNP):

As a member of the Education Committee, I am grateful for the opportunity to contribute to today's debate. The bill is one of those pieces of legislation in relation to which all of us who participated in the evidence sessions felt the hand of history on our shoulders and a sense that time was running out in which to turn round a process that has the Gaelic language teetering on the edge of extinction.

History tells us, as other speakers have pointed out, that the origins of Scotland as a nation were Celtic in nature and culture. Gaelic was the language of court and country. The evidence of that time is still with us today in the names of places, mountains and rivers wherever we go in Scotland, as Elaine Murray pointed out. However, we know that Gaelic gradually drew back from lowland Scotland during the middle ages, creating the distinction between Highlands and lowlands, and from then till now has faced varying degrees of hostility from the powers that be. In the 18th and 19th centuries, from a lowland perspective, Gaelic was reckoned to be one of the roots of what were regarded as Highland superstition and barbarity, from which political disloyalty was generated, and it had to be crushed.

Of course, in more modern times, other economic and social forces have come into play, driving down the number of Gaelic speakers to devastating effect, with fewer than 2 per cent of Scots having some knowledge of the language. The total dominance of English in popular culture is clearly threatening to overwhelm Gaelic. On the Education Committee's visit to Skye last year, I was struck by the scale of the task in hand when we were informed by the youngsters in the Gaelic-medium schools that we visited that English, not Gaelic, was the language of the playground.

The question is whether the bill will help to give the Gaelic language a fighting chance to turn round its fortunes. From the evidence provided to the committee, three main issues emerged: first, equal status for the language; secondly, rights to Gaelic-medium education; and thirdly, the treatment of Gaelic by UK public bodies. The bill clearly does not directly address the status of the Gaelic language in Scotland. However, I hope that the minister is still considering—he indicated today that he is—strengthening the wording in the bill to boost the aspiration that Gaelic speakers will be able to use Gaelic in just the same way and for just the same range of activities as one uses English, and certainly in accessing public services. I recognise that equality of treatment depends on the level of demand for services and the supply of staff with the requisite language skills, and that, even in Gaelic heartland areas, such service

provision will be difficult to deliver. Nevertheless, I am sure that the minister recognises the symbolic importance of equality of status, not least in sending a signal that the cause of Gaelic will not be hobbled by hiding behind practical difficulties and that Gaelic can count on generous support from this Parliament and Executive from now on.

The spread of Gaelic-medium education is clearly the key to the survival of the language. Others have spoken about the demand for a right to Gaelic-medium education, subject, perhaps, to reasonable demand. Such a right would act as a spur to public bodies, and parents would be empowered, but again we run into practical problems of teacher shortage. We need to create an infrastructure to deliver such a right. I welcome the minister's announcement about the task force.

The language-planning approach of the bill allows for a strategic and co-ordinated approach while ensuring that decisions with regard to Gaelic-medium education are no longer solely subject to local conditions. The bill's provisions in that respect are a significant step forward. I trust that the confidence of the minister and Bòrd na Gàidhlig in that approach will bear fruit.

Finally, I hear what the minister said about seeking the co-operation of UK public bodies that carry out reserved functions in Scotland. I hope that any agreements will have the effect of changing the practices of organisations such as the Royal Mail and the Driver and Vehicle Licensing Agency, which have in the past rejected the use of Gaelic because they were not legally obliged to use it. As Alex Neil said, that situation contrasts markedly with the situation in relation to Welsh.

I welcome the bill; it is not perfect, but it is a good start and I look forward to the next stages of its progress through Parliament.

14:50

Mr Ted Brocklebank (Mid Scotland and Fife)
(Con): Scottish folk fans will recognise this Gaelic fragment from an old Scots song called "Jeanie's Black Ee":

"Bha mi nam chadal, ach dhùisg thu mi."

I was asleep, but you wakened me. From the first time that I heard it, I understood vaguely that it had been a Gaelic song, but that all that was left of it was a fragment of Gaelic at the end of each verse. I suppose that it is a kind of metaphor for the Gaelic language in Scotland.

"Bha mi nam chadal, ach dhùisg thu mi."

I was asleep, but you wakened me. The phrase took on an altogether different meaning when I first met and filmed the supreme Gaelic poet Sorley Maclean some 30 years ago at his home in

Braes on Skye. As a young television reporter, I listened with astonishment as he spelled out how arguably the greatest poet in Europe at the time had had his knuckles rapped by teachers at school because he was talking in his native language. Worse, if any of Sorley's schoolmates wanted to go to the toilet, they had to ask in the master language, rather than in their native Gaelic, so the poor souls were often reduced to the humiliation of wetting their pants. That happened fewer than 100 years ago in Scotland.

As we have heard, fewer than 60,000 people still speak Gaelic in Scotland. My personal waking all those years ago resulted in one tangible outcome, as well as a lifelong interest in the Gaelic language and culture. At the time, I ran the current affairs department of the ITV company that covered the bulk of the Gaidhealtachd. I decided to launch what was, I think, the first weekly Gaelic TV news programme in Scotland, which was called "Seachd Làithean"—or seven days—and which went on to become a nightly Gaelic TV news programme.

Honourable mention must also be made of the £8 million investment in Gaelic broadcasting that was introduced by a Conservative Scottish Office under Malcolm Rifkind, in the knowledge that there were damn few votes for Tories in the Gaidhealtachd. Others did far more. A young merchant banker from Edinburgh called Iain Noble, who had visited the Faroes and Iceland and witnessed how other beleaguered languages had survived, taught himself Gaelic and initiated a series of linguistic, social and economic measures on the Sleat peninsula on Skye. To me, that has been by far and away the most successful initiative in countering the decline of the language and culture. Sir Iain Noble has argued consistently that when a community has pride in its language and culture, confidence and economic renewal follow. That happened in the Faroes and it is happening in Iceland. Sir Iain's achievements in Sleat and in funding the Gaelic college, Sabhal Mòr Ostaig, surely prove the point, especially when elsewhere we see the inexorable retreat of the language back to the redoubts of Lewis, Harris and the Uists.

I welcome the broad thrust of the Gaelic Language (Scotland) Bill and the opportunity that it presents to develop a comprehensive national strategy for the delivery of Gaelic education. However, I have problems with the attempts to spread scarce resources in developing Gaelic throughout Scotland. Orkney and Shetland have absolutely no interest in Gaelic, nor do large parts of Aberdeenshire, Fife and the Lothians. Why attract the odium of those areas by attempting to impose on them a culture that has not involved them for centuries, if ever, especially given that resources could be targeted more usefully at

former Gaelic-speaking areas such as Argyllshire and the inner isles?

Stewart Stevenson (Banff and Buchan) (SNP): Does the member accept that places such as New Pitsligo and Cyaak have Gaelic names and that Oldwhat is in fact a corruption of *alt fad*, which is Gaelic? Does the member accept that Aberdeenshire is as interested in Gaelic as anywhere else is?

Mr Brocklebank: I accept those points; indeed, I probably interviewed the last Gaelic speaker in Aberdeenshire, about 40 years ago. I am well aware of Gaelic in Aberdeenshire, but the fact is that Gaelic is in such a parlous state that it needs intensive care and a massive transfusion of resources to the heartlands.

If Gaelic is to survive it will not be by preserving it in aspic, as it were, or as a result of being taught as some sort of academic phenomenon, with its survival dependent on the whim of council education chiefs somewhere in the central belt. I totally respect the position of the Executive, through Bòrd na Gàidhlig, to facilitate rather than to coerce people to learn Gaelic. That is absolutely right for 90 per cent of Scotland.

Alex Neil: I could not disagree more fundamentally with the member. Does that mean, for example, that the Gaelic-medium education that is taking place in Kilmarnock should be abolished and that, under the Tories, its funding would be withdrawn?

Mr Brocklebank: Absolutely not.

Alex Neil: That is what the member is saying.

Mr Brocklebank: I am perfectly happy, where there is an interest and where people wish it, for Gaelic-medium education to be there. What I am talking about is scarce strategic funds. There is a powerful school of thought that, when a language is dying, compulsion can become necessary. In 1990, Welsh speaking became compulsory for all pupils up to the age of 14. In 1999, it became compulsory for all pupils up to the age of 16. Similar arrangements exist in Ireland. We should learn from the experience of Wales, Ireland and Catalunya. Until 1971, Welsh speakers in Wales were in decline. Only 20 per cent of the population could speak the language. Since then, following the immersion strategy, nearly 24 per cent of the population speaks the language—an 80,000 increase in Welsh speakers over the past 30 years. The figures in Ireland are even more remarkable. In 1926, only 500,000 spoke Irish Gaelic. By 2001, the number of speakers had trebled to 1.6 million.

I am not suggesting that immersion education in Gaelic is either feasible or desirable throughout Scotland. Apart from anything else, as we have

heard we simply do not have the teachers. However, since we are at stage 1 of the bill, what I am suggesting is perhaps a more radical approach. I am suggesting that it is feasible, specifically in Skye, Lewis, Harris and the Uists, to teach Gaelic as the first language. If Gaelic is to revive, its decline must first be stopped. If and when the language is saved in the heartlands, we could cautiously spread it out from a position of stability and confidence to council areas that are sympathetic. That seems to me a more realistic way of using scarce resources and securing the long-term future of the language and the culture than the well-meaning but arguably overly-broad brush-stroke approach represented by the bill.

14:57

Mr Alasdair Morrison (Western Isles) (Lab): Tapadh leibh, Oifigeir-riaghlaidh. Tha sinn air iomadach ceum a ghabhail às leth na Gàidhlig bho chaidh a' Phàrlamaid seo a stèidheachadh o chionn còrr agus còig bliadhna gu leth air ais. Bhon chiad latha a dh'fhosgail a dorsan mìle shuas an rathaid, tha a' Ghàidhlig air inbhe fhaighinn agus tha àite aice, agus bha fiù 's àite aice cuideachd aig cuirm-fosglaidh an togalaich fhèin—cuirm a bha miorbhaileach. Bha e ceart gun robh a' Ghàidhlig ann an teis-meadhan an latha eachdraidheil sin.

Tha cead againn dèanamh mar a tha mi fhìn a' dèanamh an-dràsta le bhith a' cleachdadh na Gàidhlig ann an deasbadan. Faodar cuideachd a cleachdadh ann an comataidhean na Pàrlamaid. Agus ma tha duine a-muigh ag iarraidh athchuinge a chur dhan Phàrlamaid, faodar a cleachdadh an sin cuideachd.

Riuthasan a bhios ag ràdh nach eil a' Phàrlamaid no am pàrtaidh dom buin mi taiceil, chanainn nam beireadh iad sùil air na chaidh a dhèanamh agus a chosnadh air an 30 bliadhna a dh'fhalbh, cha seasadh a' chasaid sin ro fhada.

Tha mi a' làn-chreidsinn gu bheil cuimhne mhath aig a' mhinistear dè bha e a' dèanamh o chionn ma dh'fhaoidte còrr is 20 bliadhna. Bha esan am measg àireamh de chomhairlichean Albannach a bha a' toirt taic do dh'iomairtean sgoiltean Gàidhlig a chur air chois. Thachair sin anns an roinn aige fhèin—Roinn na Gaidhealtachd—agus tha 60 bun-sgoil Ghàidhlig againn anns an dùthaich an-diugh. Sin agaibh toradh na spàirne mòire a chaidh a dhèanamh le pàrantan agus le luchd-stri.

An-diugh, tha sinn a' toirt nan oidhirpean sin gu ìre eile. Tha sinn a' toiseachadh air astar air taobh a-staigh na Pàrlamaid a chrìochnaicheas le achd Ghàidhlig—a' chiad tè de seòrsa a-riamh, mar a thuirt am ministear.

Ach às aonais na thachair anns na bliadhnaichean nuair nach robh e fasanta a bhith

a' cur taic rithe, no às aonais na taice a gheibh an cànan anns na bliadhnaichean a tha ri thighinn, cha bhiodh adhbhar sam bith ann a bhith a' cur bile Gàidhlig tron Phàrlamaid, oir leatha fhèin chan eil bile no achd gu bun no bàrr sam bith.

Tha grunn nithean air atharrachadh bho chaidh a' chiad dreach den bhile fhoillseachadh anns an Òban aig a' Mhòd Nàiseanta Rìoghail o chionn bliadhna gu leth air ais. Tha mi toilichte gu bheil am ministear air èisteachd ris na tagraidhean a thàinig a-staigh thuige, gu h-àraid na beachdan a thaobh foghlaim tro mheadhan a' chàinain.

Tha an aithisg a chuir Comataidh Foghlaim na Pàrlamaid ri chèile air leth feumail. Tha buill na comataidh rim moladh airson mar a chuairtich agus mar a thionail iad fiosrachadh. A thaobh nan co-dhùnaidhean aca, tha mi a' cur m' uile neart air cùlaibh nam briathran aca ann am paragraf 39 agus paragraf 40, a tha ag ràdh gu bheil feum mhòr ann airson ro-innleachd airson foghlam bho fo-ìre sgoile tron bhun-sgoil suas tron àrd-sgoil agus gu ìre an oilthigh. Sin an ath cheum.

Ach cha mhòr gu bheil sinn pìos math sìos an rathad sin leis an eisimpleir aig Comhairle Baile Ghlaschu. An ath bhliadhna, dìreach 20 bliadhna bhon a dh'fhosgail a' chomhairle a' chiad bun-sgoil Ghàidhlig ann an Alba, fosglaidh i sgoil Ghàidhlig a bhios a' frithealadh naoidhean aois a trì gu deugairean aois 18. Sin seirbheis choileanta agus seirbheis mhìorbhaileach.

Bu toil leam taing mhòr a thoirt do fhear-gairm na comhairle, Tearlach Gòrdan, agus cathraiche an fhoghlaim, Steven Purcell, airson an dòigh anns an do dh'obraich iad leis a' mhinistear airson a bhith a' toirt an sgoil gu buil. Seo a' chiad tè de a seòrsa ach tha feum mhòr air barrachd.

Following is the simultaneous interpretation:

We have taken many a step on behalf of Gaelic since the Parliament was established five and a half years ago. From the first day the Parliament opened its doors a mile up the road, Gaelic has been given status and a place. There was also a place for it at the wonderful opening ceremony here. It is right that Gaelic was in the very middle of that historic day.

We have an opportunity to do as I am doing now, which is to use Gaelic in debate and in Parliament's committees. If anyone out there wants to send a petition in Gaelic, they can do so. I tell those who say that the Labour party is not supportive of Gaelic to have a look at what has been done and what has been earned over the past 30 years. Their argument would not last long. I fully believe that the minister well remembers what he was doing 20 years ago. Perhaps he was among a number of Scottish councillors who were striving to put Gaelic on its feet. That has happened in the Highland region, and now we

have more than 60 schools in the region as a result of a huge campaign by parents and their supporters. Today, the Parliament is bringing those efforts to another level: a Gaelic act. Without what happened in the years when it was not fashionable to support Gaelic and without the support that the language will get in years to come, there would be no reason to put the bill through the Parliament. On its own, a bill—or an act—means nothing.

Many things have changed since the first draft of the bill was published in Oban at the national Mòd. I am pleased that the minister has listened to the submissions that have been made, especially those regarding education.

The Education Committee has put together a useful report, for which it has to be praised. We support paragraphs 39 and 40 in the report, which state that there should be a strategy for education from pre-school through primary and secondary education and on to university. That is the next step and we are a good bit down the road with it, following the example of Glasgow City Council. Next year, 20 years will have passed since the first Gaelic school was opened in Glasgow. Glasgow City Council will have a school that caters for children from pre-school age right through to 18 years of age. That is a wonderful service—a great service achieved. Great thanks go to the convener of the council, Charles Gordon, and the chair of its education committee, Steve Purcell, for bringing that service to fruition. The school is the first of its kind and there is a need for many more.

Pauline McNeill (Glasgow Kelvin) (Lab): I welcome the prospect of an extension of Gaelic education. The school is in my constituency and I put on record the fact that I welcome the opportunity to expand Gaelic-medium education to secondary education and perhaps provide a real focus in the west of Scotland for the promotion of Gaelic culture.

Mr Morrison: Tha mi taingeil airson dà adhbhar gun tàinig Pauline NicNèill air a casan: thug e cothrom dhomh uisge fuar òl agus tha mi a' cur ris a' bheachd a nochd i. Tha fios agam gun robh i mar bhall ionadail an lùib nan còmhradhean sin, a' toirt taic do Steve Purcell, do Theàrlach Gòrdan agus dhan mhinistear, Peadar Peacock.

An dèidh dhomh a bhith a' moladh Comhairle Baile Ghlaschu, cha bu toil leam sgaradh sam bith a dhèanamh eadar Comhairle Baile Ghlaschu agus Comhairle Baile Dhùn Èideann, ach an latha a nì Dùn Èideann an deicheamh pàirt de na tha Glaschu air a dhèanamh, seasaidh mise air Sràid a' Phrionnsa ga ghairm. Tha mi ag ràdh an-diugh, nuair a nì iad e, nì mi sin gun teagamh.

Tha mi air leth toilichte gu bheil sinn an seo an-diugh, ach tuigidh mi cuideachd gum feuch sinn

pi-seach a thoirt air a' bhile mar a tha i a' dol tro gach ìre den Phàrlamaid, oir tha iomadach adhbhar againn taic a thoirt don Ghàidhlig. Dìreach ann an crìochnachadh, bu toil leam dìreach a ràdh gu bheil a' Ghàidhlig na neamhnaid luachmhor ann an cridhe agus ann an anam na h-Alba. Chan eil i air a cuingealachadh le crìochan teann agus chan eil i air a cròdhadh ann an cùiltean cumhang. Tha a' Ghàidhlig, mar a tha fios aig a h-uile duine, tha i nàiseanta, tha i Eòrpach, agus eadar-nàiseanta. Agus tha i cuideachd bunaiteach do dh'Alba. Chan eil i idir air an oir no air chul-fraoin.

Tha mise, mar bhall a tha a' riochdachadh sgìre Ghaidhealach agus sgìre Ghàidhlig, toilichte dha-rìribh mo thaic a thoirt do Bhile na Gàidhlig (Alba).

Following is the simultaneous interpretation:

I thank Pauline McNeill for giving me the chance to have a drink of water. I support the opinion that she has expressed. She was involved in talks with Steve Purcell, Charles Gordon and Peter Peacock.

Having praised Glasgow, I do not want to draw a difference between it and Edinburgh. However, the day that the City of Edinburgh Council does a tenth of what Glasgow City Council has done, I will stand in Princes Street and tell everyone about it from my soapbox.

Although I am happy to be speaking in this debate today, members will understand that we need to improve the bill as it goes through each stage. Gaelic is a precious jewel in the heart and soul of Scotland. It is not constrained within strict boundaries or herded into tight corners. As everyone knows, Gaelic is national, European and international. It is also fundamental to Scotland. It is not on the periphery or the fringes. As a member who represents a Gaelic area, I am happy to support the bill.

15:03

Eleanor Scott (Highlands and Islands) (Green): Mòran taing, Oifigeir-riaghlaidh. Tha Pàrtaidh Uaine na h-Alba a' cur fàilte air Bile na Gàidhlig agus tha e na thoileachas mòr dhomh a bhith a' toirt ar taic ris an-diugh.

Many thanks, Presiding Officer. The Scottish Green Party welcomes the bill and it is of great joy to me to be lending it our support.

Probably the best Gaelic that I can say is what I learned when I was a school doctor for a school that had a Gaelic-medium class: "Coisich gu sàmhach anns a' tranntsa," which means, "Walk quietly in the corridor."

I am happy to welcome the Gaelic Language (Scotland) Bill and speak in support of it on behalf

of the Green party. It is something of a landmark in Scottish politics that we have a Gaelic bill, which has been long awaited. Although the first draft was widely welcomed when it was published, there was a general view that it needed strengthened and expanded. The word that a Gaelic friend used to describe it at that stage was "lapach", which means "feeble". The bill has been strengthened considerably since then and I express appreciation to the Gaelic activists who put so much work into responding to the consultation and to the Executive for taking much of what was suggested on board. I also note the comments of Gaelic organisations at last week's meeting of the cross-party group on Gaelic, which had high praise for the Education Committee and the way in which it has gone about taking evidence and preparing its stage 1 report.

Of course, there are still omissions that are of concern to Gaelic organisations. There is the vexed question of equal status, which others have talked about. Although the long title of the bill talks about

"securing the status of the Gaelic language as an official language of Scotland,"

that falls short of ensuring that Gaelic has equal status with English, which many activists would like it to have. In practice, that might not make a lot of difference, but it would be something iconic that would mean a huge amount to the Gaelic world. I therefore welcome the minister's commitment to consider how the question of equal validity can be incorporated in the bill.

I also strongly support the report's recommendation that the Scottish Executive place a duty on the Bòrd na Gàidhlig to report progress on the Executive's commitments under the European Charter for Regional or Minority languages.

Last summer, I went to Wales for the first time and stayed with a family for a night. We have talked a bit about the fact that, at Gaelic-medium schools, English can still be the language of the playground. In that regard, it was quite a revelation to stay in a household of people whose first language was Welsh, although they were bilingual. We had quite a convivial night and, as the evening went on and a few drinks were taken, English was what was lost and I found myself having to supply my hosts with words. At one point, they asked, "What's the word for one of those highwaymen on the sea?" They were talking about a pirate, of course. It was interesting to see people in the United Kingdom whose first language is a vibrant, Celtic language.

The history of languages in other parts of the Celtic world is similar to the history of Gaelic. When Breton was being suppressed in Brittany, if

a child was caught speaking Breton in school, they were handed a wooden cow that they could not get rid of unless they clyped on another child who had spoken in Breton as well. Whoever ended up with the cow at the end of the day was punished.

Education was the big omission from the draft bill, so I welcome its inclusion now. The importance of Gaelic-medium education and the chance to learn Gaelic as a second language cannot be overestimated. I will be interested to see how the Executive intends to tackle the shortage of teachers and suitable teaching materials that was identified in the report. It is also important to teach parents who want to learn Gaelic in order to raise their children as Gaelic speakers. Gaelic has to become a home language as well as a school language, as others have said.

The importance of broadcasting to the language cannot be overestimated. As broadcasting is a reserved matter, the Executive's powers are limited in relation to it, but I will be interested to hear about the ways in which the ministers will engage with Westminster to support and promote the language.

The report highlights the issue of public bodies whose functions are reserved but which exercise their functions in Scotland. I was pleased to learn that the Executive intends to ensure that such bodies are signed up to the idea that Gaelic is, as the bill's long title suggests,

"an official language of Scotland".

I look forward to hearing how that plays out as time goes on.

I welcome the stage 1 report and the provisions of the bill. Gaelic is a beautiful language with a rich culture, both vernacular and literary. The responsibility for ensuring that it thrives is entirely in the hands of the Government and people of Scotland. Nobody else can do it. As Robert Brown said, we should be ambitious for Gaelic. We should be talking about far more than simply ensuring its survival. I believe that the bill will help to sustain and promote Gaelic and it therefore has my party's support.

The Deputy Presiding Officer (Murray Tosh): I call Wendy Nic Alasdair, to be followed by Tricia Màrabhaig.

15:08

Ms Wendy Alexander (Paisley North) (Lab): The minister opened the debate by recalling the shameful legislative treatment of Gaelic through history. I, too, want to focus on history, but I want to dwell on what history tells us about visionary legislation and its ability to change the course of events. We have already heard that there are only 66,000 souls in Scotland who speak, read or write

Gaelic. That fragility is symbolised by the 20 per cent fall in the number of speakers in as many years. The future seems parlous and the question is whether the bill marks a turning point.

I want to recall the history of visionary legislation, particularly that which relates to the Highlands. More than 100 years ago, land reform legislation was passed that went far beyond the recommendations of the Napier commission and which, quite simply, changed the course of Highland history.

Within living memory, in 1942—in the bleak days of the second world war—Tom Johnston introduced to Westminster a bill to create the North of Scotland Hydroelectric Board. The official view was that the hydro board's priority should be to channel cheap electricity to industry, but Johnston disagreed. He had a strategic sixth sense about what really mattered, so he inserted into the bill a clause that allowed him to pursue his vision. He went on to deliver not cheap electricity to industry but subsidised connection to the most remote homes in Scotland. Arguably, without that rural electrification programme what were difficult decades in the Highlands would have been disastrous and depopulation might have become unstoppable.

In a moment, I want to come to the section of the Gaelic Language (Scotland) Bill that has the seeds of a strategic sixth sense about the future of Gaelic, but first I mention one more lesson from history on the power that legislation has when it is backed up by a strategic sixth sense about the big issue. Some 40 years ago, Willie Ross—another Labour Secretary of State for Scotland—looked at the economy of the Highlands and Islands and set up the Highlands and Islands Development Board. His strategic sixth sense about reviving the Highlands and Islands led him to give the new board not just an economic remit but a social remit. That pattern has not been replicated anywhere else in Britain, yet that flexibility allowed HIBD, which was later incarnated as Highlands and Islands Enterprise, to develop a strategy that led to the Highlands and Islands today being a place of immigration rather than emigration. There has been investment in Highland culture, the creation of a Highland university, and support for modern telecoms, and the progress is another success story about enabling legislation that is backed by a strategic sixth sense about priorities.

Today, nobody should doubt the potential of what we do. Bòrd na Gàidhlig is achieving legislative status and assuming responsibility for the revival of the Gaelic language. I pay tribute to Alasdair Morrison's leadership, along with that of other previous ministers, in establishing the bòrd, and I pay tribute to Peter Peacock for giving it the legislative basis to make a difference. Success will

now depend on the bòrd developing the right strategic sixth sense about what really matters and what will revive Gaelic.

After hearing all the evidence, the Education Committee came to a unanimous view, which has already been outlined by Alasdair Morrison, that education is the key. I am therefore delighted that the minister has given the signal that education is the key to the future by introducing section 9 of the bill, which provides Bòrd na Gàidhlig with the power to issue guidance on the provision of Gaelic education. Time constraints preclude me from going into all aspects of the educational challenge, but the survival of the language depends on our tackling the fact that today fewer than 300 secondary pupils are taught in Gaelic. Like others, I greatly welcome both the commitment to the establishment of a secondary school in Glasgow and the minister's announcement that there will be a new committee to examine the supply of Gaelic teachers and that the Executive will take a lead role in ensuring a sufficient supply of teachers.

The bill is a start, but Bòrd na Gàidhlig will be remembered as one of the success stories, along with the hydro board and the HIDB, if it has the courage to follow its strategic sixth sense that education is the key to the future of Gaelic.

The Deputy Presiding Officer: I call Tricia Marwick, to be followed by Rosemary Ní Bhroin.

15:14

Tricia Marwick (Mid Scotland and Fife) (SNP): The minister started by making the point that this is the first time that a bill on Gaelic has been put forward by the Government, but of course it is not the first time that a bill on Gaelic has been considered by the UK Parliament or the Scottish Parliament. Way back in 1981, Donald Stewart, the MP for the Western Isles, introduced a bill on Gaelic to the House of Commons, where it was strongly supported by folk such as Dennis Canavan.

My colleague Mike Russell introduced his bill to the Scottish Parliament in 2003 with the support of John Farquhar Munro and others. The debate gives me the opportunity to pay tribute to my friend Mike Russell, whose bill ensured that the case for retaining and encouraging Gaelic was firmly on the Parliament's agenda. It was regrettable that the Executive could not fully support that bill, but we are where we are and I welcome the Executive's bill. As Alex Neil and others have said, stage 2 amendments are needed to make the bill better. I look forward to the Executive's support for those amendments.

I will take the minister back to spring last year, when the Council of Europe published a report that criticised the UK and the Executive for their

failure to comply with their obligations to Gaelic under the European Charter for Regional or Minority Languages. The report said:

"There appears to be less emphasis on minority language policy on the part of the Scottish Executive"

than there is in Wales. The minister will recall that I lodged a series of questions on the subject, to which I received a response on 27 April 2004. The minister's attempt to explain the lack of emphasis from the Scottish Executive was:

"This statement is not surprising given the relative position of Welsh in Wales and Gaelic in Scotland. In the 2001 Census, 20.5% of the Welsh population were found to speak Welsh ... The comparative figures for Gaelic in Scotland were 1.2% speaking Gaelic ... Although this difference would account for the different emphasis on minority language policy in Scotland and Wales, the Scottish Executive is committed to protecting the Gaelic language in Scotland."—[*Official Report, Written Answers*, 27 April 2004; S2W-7285.]

I was not the only one who was concerned about the minister's apparent lack of understanding of the parlous state of Gaelic. Surely the fact that only 1.2 per cent of people in Scotland are Gaelic speakers, compared with the fact that 20.5 per cent of people in Wales are Welsh speakers, means that the Executive should place greater emphasis on Gaelic. To suggest that the smaller numbers are an excuse for less emphasis on Gaelic in Scotland than on Welsh in Wales does the whole campaign a disservice.

There are 6,000 languages in the world, of which the vast majority are under threat. It is reckoned that a language dies every fortnight. Gaelic is in a parlous state; it needs to be protected and encouraged. This national Parliament has a duty to ensure that Gaelic does not die and that all necessary steps are taken to ensure that Gaelic is a living, breathing, vibrant and essential part of Scotland.

The bill is a first step to halting the decline of the Gaelic language, but there is no point in passing the bill without a long-term commitment. That is why I welcome the Education Committee's recommendation that a duty should be placed on the bòrd to report to ministers on progress against the commitments that the UK Government made with regard to Gaelic in the European Charter for Regional or Minority Languages.

I would also like an amendment to include a duty to report to the Parliament—to a committee of the Parliament, which I hope would be the Education Committee—on progress on the national plan. That would ensure that not only ministers but the Parliament could monitor progress and the encouragement that is needed for Gaelic. Unless we make those two amendments, the Parliament will have no way to monitor progress. If we do not revive and save our language and ensure that it grows, the Parliament will have failed.

The Deputy Presiding Officer: I call Rosemary Byrne, to be followed by Màiri Ní Sgannlàn.

15:19

Ms Rosemary Byrne (South of Scotland) (SSP): I welcome the spirit of the bill, which is to keep the language alive and recognise it as an important aspect of our culture. As a member of the Education Committee while it has considered the bill at stage 1, I have learned much. It has been interesting to engage with people outwith the Parliament and to tell them what is happening here.

I was interested in what the minister said about people being punished for using Gaelic. This morning, I spoke to a young man who is visiting the Parliament and is here to listen to the debate. I was surprised that a young man from Glasgow was interested in listening to the debate and I asked him why he was interested. He told me that his grandparents spoke the language. He also told me that, in the 1940s, in schools in Glasgow, children were belted for speaking Gaelic and that, if they were caught speaking it in the playground, they were belted again—the language was banned not just in the classroom.

We have come a long way back around, now that we are promoting Gaelic-medium education, and that is all to the good. It signifies that, across the board in Scotland, people fundamentally support the Gaelic language. In many areas where they have not had the opportunity before, people are seeking to learn Gaelic, at a nightclass or wherever, and that is one of the things that will help to build the language back up again.

The drop in the number of speakers of Gaelic has been significant. The Scottish census of 2001 found that 93,282 people had some knowledge of Gaelic and that, of those, 58,652 could speak the language. However, in 1891, 254,415 people spoke Gaelic. That shows the drop in numbers, which is why there is a need for the bill, as other speakers have said.

I will focus on several areas that I believe are key to the bill and to the future of Gaelic education provision. I welcome the minister's announcement that there will be an action group to tackle the shortage of teachers. Without teachers who can go into schools and teach Gaelic and Gaelic-medium education as well as teaching people like us who might want to go to a nightclass, we are not going to move forward. I therefore welcome that measure as key to the promotion of Gaelic.

Without the right approach on education, it will not be possible to secure Gaelic as a language in Scotland. The provision that the bill makes for Bòrd na Gàidhlig to draft guidance on Gaelic education is therefore to be welcomed. There

must be a real effort to provide access to Gaelic language classes and to improve the uptake of Gaelic at higher level and beyond. Gaelic can be studied at higher still level, but it is not taken up in many schools because of the shortage of teachers and because the interest in the language and the motivation to learn it is not yet there. We must ensure that Gaelic is studied in our further and higher education establishments as well and I am pleased that the bòrd will have a role to play in that. Gaelic will not flourish unless we can do that.

Local authorities will be in a position to define "reasonable demand" for Gaelic-medium education. However, we must approach that issue with common sense and ensure that the pace is right for the individual circumstances of each local authority. In other words, we must set targets that are realistic and pay heed to each authority's starting point.

It is also important to emphasise the role of the family in securing the Gaelic language. Children who speak Gaelic at home as a first language and children who learn to speak it as a second language will be much advantaged in learning other languages, as research proves that bilingual children pick up other languages much more quickly. In Scotland, we have a poor track record on speaking other languages and the learning of Gaelic will give a boost to that. The speaking of Gaelic in the family should be encouraged and aided by the provision of the right environment for learning.

Finally, we fully endorse the current aims of Bòrd na Gàidhlig, which include increasing the number of Gaelic speakers and users; strengthening Gaelic as a family and community language; and facilitating access to the Gaelic language and culture throughout Scotland. The provisions in the bill will not only help to achieve those aims but, I hope, secure the Gaelic language in the longer term.

The Deputy Presiding Officer: I call Mary Scanlon, to be followed by Kenneth Macintosh.

15:23

Mary Scanlon (Highlands and Islands) (Con): Thank you, Moireach. In welcoming the bill at stage 1, I note that little has been said about our links with the Irish Gaeltacht. There is much more that we can do to forge links between the Scottish Gaidhealtachd and the Irish Gaeltacht. My mother came from Donegal and my grandmother did not speak English—she spoke only Irish, or Gaelic. My mother was a native Irish speaker and her second language was English. It is to my shame that I speak only English. In my family, as in many others, the language has been lost within three generations.

I often asked my mother to give me some words in Gaelic—or Irish, as she called it—but she was reluctant to do so. She said, “You’ll do better in life, lass, if you learn English and forget about the Gaelic.” She would tell us that it was seen as a dirty language, and the language of tinkers and the lower classes in Donegal. It is therefore understandable that my mother was reluctant to teach me any Gaelic. However, I am very pleased that I can stand alongside my blue-blooded, aristocratic colleague, Lord James Douglas-Hamilton, the Earl of Selkirk, and that although I have descended from very working-class roots in Donegal where my mother and grandmother spoke what was known as the language of the lower classes, I can support him and the Gaelic Language (Scotland) Bill.

Alex Neil: Does the member support her other colleague, Ted Brocklebank, who suggested entirely the opposite to what Lord James proposed in the committee?

Mary Scanlon: I am not quite sure what that was about. We can talk about that later.

I hope that the bill reverses the process of decline by promoting the language through education. That would be very satisfactory to the 80 per cent of the people of Scotland who want the language to continue.

When Wendy Alexander says that education is the key to the future of Gaelic, I totally agree with her. However, it is not only about teaching in schools. In the Highlands, many people sing in Gaelic choirs, but they are certainly not fluent Gaelic speakers. It is about the culture of Gaelic and not just education, although that is a key to progress. Gaelic and its related culture are among Scotland’s greatest treasures and both have had a profound influence on our nation’s history. For example, during the past 130 years, the Inverness Gaelic Society has collected a mass of historical information celebrating Gaelic scholars and poets. That information will prove to be a rewarding study aid for future generations that are interested in the culture.

Gaelic culture is not dead and the vigour with which the bill has been pursued by the Education Committee proves its vibrant renewal and development during the past two decades. I pay tribute to my party, which did much to invest in and revive Gaelic prior to the establishment of the Scottish Parliament. Lord James has mentioned his ministerial generosity to Sabhal Mòr Ostaig and others have mentioned Iain Noble.

Directing the resources appropriately makes much sense. It is always better to put resources into the areas where they will have the greatest outcomes. That does not mean that other areas should be starved of resources, but a proper economic assessment should be made.

Rosemary Byrne mentioned the national education plan. On reading Highland Council’s submission, I suddenly realised how difficult it is to be a Gaelic teacher. An English teacher can take a lesson plan off the shelf because such teaching materials are well developed. That is not the case in Gaelic teaching and many teachers have to write a full plan before they can start teaching. That does not encourage the teaching of Gaelic, even if the teachers are trained in it.

My final point is about Highland Council and what constitutes reasonable demand. Although the council has set a figure of four, I am pleased that there is some discretion under the bill for other authorities.

The Deputy Presiding Officer: I now call the member with the second-best Gaelic name, Coinneach Mac an Tòisich.

15:28

Mr Kenneth Macintosh (Eastwood) (Lab): Thank you Presiding Officer, and I am glad that you gave me my full Gaelic name. I am sure that I do not have to remind you—although I might have to warn Mr McLetchie and the First Minister—that Tosh, or Macintosh, comes from the Gaelic word “taoiseach”, which means leader or son of the leader.

It was a year ago last month that my Uncle Lachie died. Lachie Macintosh, or Mash as everyone called him, lived all his life on a croft in Elgol on Skye. He was one of the last of the old-style or traditional crofters left in the village. He was certainly the last to have a milking cow and to eke out a living without another major source of income such as fishing or another job. It is always sad to see the passing of a way of life. Few people in Elgol now use a scythe or make a haystack, although my father tells me that he is willing to give lessons if anyone is interested. If people want to feed their animals, they now buy a roll of hay that has been trussed up by a combine harvester. However, I do not have many regrets for a way of living that was impoverished and arduous. A peat fire is a lovely thing, but cutting peat by hand is back breaking and almost unendurable if there is no wind to blow away the midges.

Old-style crofting might have been impoverished, but that cannot be said of the crofters’ language, culture and traditions. When Lachie Mash died, another little bit of Gaelic died with him. He was no singer, but he knew all the songs. He was no writer, but he knew all the stories. In fact, one of the best things that he did in the last few years before he died was to record many of his ghost stories, which he told very well and convincingly. It was said of Lachie that he put the fear of God into more people than the local

minister did. They were not stories that he had read but stories that he had heard in Gaelic. The Gaelic language shaped Lachie and made his character. He was the only member of his family not to proceed past primary school, but he became the lynchpin of the local community. He was a treasure trove of Gaelic lore and history and was regularly consulted on every aspect of crofting agriculture, all of which he learned about through Gaelic. In fact, he was quite dismissive of others who spoke to him with only “book knowledge”, as he called it.

Lachie had a remarkable knowledge, which was acquired through Gaelic, of plants and their uses and, of course, of place names. He knew the Gaelic name for every hollow, pool and hummock in the area. When the Ordnance Survey published—with welcome commitment—a map of Elgol with all the place names in Gaelic, he took great pleasure in picking holes in it and pointing out things that were wrong. I have always thought that the love of a good argument is a Gaelic trait. No amount of legislation can replace people like Lachie, but we can stop the decline of Gaelic. Through Gaelic-medium education, we can pass on the language to the next generation and put in place the measures to grow the language once more.

The level of agreement on the bill—the common ground—that witnesses, committee colleagues, all other members and, most encouragingly of all, ministers have reached and shared today and before today has been remarkable. Of course, some people would still like to see us go further and take more radical action. I for one do not believe that the bill is the last word on the subject, but opposition to it has been noticeable by its absence. The expected hostility and supposed central-belt antipathy to Gaelic have not materialised at all. Instead, there have been only a few murmurings and perhaps a little anxiety about how necessary or relevant the language and the legislation are in areas of Scotland with little tradition of Gaelic. If the history of Gaelic is littered with prejudice, the battle is now against ignorance of, or perhaps indifference to, the importance of the language.

Perhaps it is too early to talk about the next steps. Following the passing of the bill and the introduction of Gaelic language plans, I would like there to be a greater emphasis in all our schools on the importance of Gaelic and Gaelic culture. All of us in Scotland should be proud of our Gaelic heritage, and I hope that ministers will use the opportunity that is presented by the curriculum review to promote the language.

I had a number of questions or points that I wanted to put to the minister, but he answered and addressed most of them in his opening remarks.

Teacher supply, for example, is essential if we are to have successful Gaelic-medium schools, and I welcome today’s announcement from the minister. A bold statement of the equality of Gaelic and English is still needed, and again I acknowledge the minister’s obvious intention in that respect.

In Canada, people talk about bordering the United States as like being in bed with an elephant. Gaelic is in a similar position. It is in danger of being squashed out of existence—not deliberately, but as a result of the sheer dominance of English-language culture. The bill will shore up the Gaelic language, but we need to go further. We need to grow the language and not only prevent its decline.

I spent a lot of time in the committee discussing the detail of the bill and I hope that colleagues will forgive me for indulging in my sentimental attachment to the language. As my Uncle Lachie might have said, tha dileab mhòr againn anns a’ Ghàidhlig. Feumaidh sinn a cumail beò. We have a great Gaelic heritage. We must ensure that it lives on.

I commend the bill to the Parliament.

The Deputy Presiding Officer: We now come to closing speeches. Iain Fearchar Rothach—I say that with some hesitation—will close for the Liberal Democrats.

15:34

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Tha e a’ toirt toileachas dhòmhsa a bhith a’ cluinntinn Gàidhlig a’ tighinn bhon chathair anns a’ Phàrlamaid. Tha mise toilichte taic a thoirt do phrionnsabalan coitcheann Bile na Gàidhlig (Alba). Tha am bile a’ toirt leasachadh na Gàidhlig ceum eile air adhart. An dèidh a bhith a’ feitheamh deagh ghreis airson an reachdais seo, tha mi a’ cur ìmpidh air mo cho-bhuill an taic a thoirt dha. Feumar sealltainn gu mionaideach ri cuid de bhriathran a’ bhìle, agus bidh mi a’ moladh atharrachaidhean an ceann ùine.

Gu h-eachdraidheil, chaidh cànan na Gàidhlig a mhùchadh agus a thrèigsinn gu bunaiteach. Gus an tig fìor ath-bheothachadh air a’ chànan, tha feum air inbhe a’ chànan a stèidheachadh anns an lagh. Tha coimhearsnachdan Gàidhlig feumach air brosnachadh agus, mar sin, bu chòir gun daingnichear anns a’ bhìle ann am briathran cho làidir ’s a ghabhas gum bi a’ Ghàidhlig co-ionann ris a’ Bheurla ann a bhith a’ libhrigeadh sheirbheisean poblach.

Bu chòir àite a thoirt sa bhìle dha luach na Gàidhlig ann an dualchas nàiseanta na h-Alba. Bu chòir ainmeachadh an t-uallach a tha oirnn uile a bhith a’ dèanamh cinnteach gun tèid a’ Ghàidhlig a

leasachadh chan ann mar dhual-chainnt ionadail no gnothach dualchasach ach mar stòras nàiseanta a tha na phàirt gun samhail de chruth nàiseanta na dùthcha. Cuidichidh riatanasan a' bhile inbhe phoblach na Gàidhlig a thogail anns a' choimhearsnachd.

Tha e cudthromach, ge-tà, gum bi dleastanas air buidhnean leithid a phlana a chur an gnìomh an àite a bhith an urra a-mhàin ri ìre iarrais ionadail airson nan seirbheisean sin. Ma tha sinn gu bhith ag adhartachadh suidheachadh na Gàidhlig agus ga cumail tèarainte anns an àm ri teachd, feumaidh buidhnean poblach aire a thoirt dha feumalachdan na Gàidhlig an àite ìre iarrais air a son. Tha feum aig mion-chànan lag air taic shònraichte gus dèanamh cinnteach gum bi i fallain mar chànan coimhearsnachd beò. Mas e 's nach eil sinn ach a' feitheamh ri iarrais bho mhion-choimhearsnachdan, chan urrainn dhuinn an t-adhartas a tha a dhith oirnn a choileanadh.

Tha mi air leth toilichte gu bheil uallach ann airson foghlam a thoirt air adhart. Is e foghlam bith-bhrìgh cànan, agus tha fhios gun do dh'fhuiling a' Ghàidhlig mar thoradh air a bhith air a cumail a-mach à foghlam o chionn iomadh ginealach air ais. Tha sinn taingeil gun deach ceumannan a ghabhail gus am poileasaidh sin a thionndadh air ais, ach feumaidh an Riaghaltas an taic do fhoghlam a leudachadh. Feumaidh sinn làn-bhuaidh fhaicinn air seirbheis foghlaim Gàidhlig aig gach ìre, gach cuid ann am foghlam tro mheadhan na Gàidhlig agus ann an clasaichean luchd-ionnsachaidh. Bu chòir ceangal làidir a bhith eadar am bile agus Achd Inbhean ann an Sgoiltean na h-Alba etc 2000.

Tha na cumhachdan a thathas a' toirt do Bhòrd na Gàidhlig riatanach agus ceart. Tha e ceart gum bi am bòrd agus buidhnean poblach a' co-obrachadh. Bu chòir gum biodh buill a' bhùird fileanta sa Ghàidhlig—tha sin air a stèidheachadh gu math làidir—ach feumaidh am bòrd fàilte a chur air taic a gheibhear bho dhaoine aig nach eil Gàidhlig ach aig a bheil sgilean agus ùidhean sònraichte.

Anns an dealachadh, tha mi airson daingneachadh cho feumail 's a tha craoladh do obair-leasachaidh na Gàidhlig. Feumar taic a thoirt don obair ionmholta a tha a' dol air adhart ann am foghlam le làn-sheirbheisean rèidio agus telebhisean—goireasan a tha air leth feumail, gu h-àraidh don òigridh. Tha mi a' cur ìmpidh air an Riaghaltas bruidhinn ri Riaghaltas Westminster mu bhith a' stèidheachadh sianal telebhisein Gàidhlig a bheir taic don t-seirbheis phoblach Ghàidhlig anns a' bhile. Bhiodh sin na fhìor cheum adhartach do leasachadh na Gàidhlig.

Following is the simultaneous interpretation:

I am happy to hear Gaelic coming from the seat of the Parliament and to support the general

principles of the Gaelic Language (Scotland) Bill. The bill will take Gaelic development another step forward. We have waited a long time for it and I urge fellow members to support it. We will need to look closely at some of the wording in the bill and to lodge some amendments in due course.

Historically, the Gaelic language has suffered great suppression and neglect. Until there is an effective revival of the language, its status needs to be secured in legislation. Gaelic communities need to be encouraged, so the bill should state in the strongest possible terms that Gaelic will have equal status in the delivery of public services.

The bill should recognise the value of Gaelic to Scotland's national heritage. It should also mention the responsibility and duty that we all have to ensure that Gaelic is developed, not just as a regional dialect or as a cultural matter, but as a national resource that is a unique component of Scotland's national identity. The requirements in the bill will help to raise the public profile of Gaelic in communities, but it is important that public authorities have a responsibility to implement Gaelic language plans and do not rely solely on the extent of local demand for services. If we are to advance the position of Gaelic and to keep it secure in the long-term future, public bodies must have regard to the needs of Gaelic, rather than the extent of demand for it. A weak minority language requires special support to ensure that it is healthy and viable as a living community language. If we ask only that public bodies respond to requests that are received from a minority group, we cannot make the required progress.

I welcome the provision for the development of education. Education is the life-blood of a language, and we know that Gaelic has suffered as a consequence of the denial of education in Gaelic many generations ago. Thankfully, steps have been taken to reverse that policy, but the Executive needs to extend its support for education. We need to see maximum impact in the delivery of Gaelic education at all levels, in both Gaelic-medium education and learners classes. There should be a close link between the bill and the Standards in Scotland's Schools etc Act 2000.

The powers that the bill gives to Bòrd na Gàidhlig are necessary and justifiable. It is right that there should be co-operation between the bòrd and public authorities. Bòrd members should be fluent in Gaelic, but the bòrd must also welcome support from people who do not have Gaelic but have special skills and interests.

I emphasise the importance of broadcasting to Gaelic development. We need to support the excellent efforts that are being made in education, which should be complemented by full-range television and radio services—facilities that are crucial for the younger generation, in particular. I

urge the Executive to work with the Westminster Government to establish a dedicated Gaelic television channel that would support the bill's valuable public service provisions. That would be a major step forward for Gaelic development.

It gives me joy to give my support to the Gaelic Language (Scotland) Bill in the Parliament today.

The Deputy Presiding Officer: To close for the Conservatives, I call Seumas MacGriogair, who assures me that he will speak in Gaelic.

15:40

Mr Jamie McGrigor (Highlands and Islands) (Con): Tapadh leibh, Oifigeir-riaghlaidh. Tha am Pàrtaidh Tòraidheach a' cur fàilte air Bile na Gàidhlig (Alba) agus tha sinn a' cur ar taic ris an-diugh. Leanaidh mi orm anns a' Bheurla a-nis.

Following is the simultaneous interpretation:

Thank you, Presiding Officer. The Conservative party welcomes the Gaelic Language (Scotland) Bill and gives it our support today.

The member continued in English.

It was Michael Forsyth, during a Conservative Administration in the early 1980s, who poured £16 million into Gaelic and kick-started the engine into life, creating interest and jobs in an area that had stagnated and had been ignored for far too long. It is high time that a further injection of enthusiasm was directed towards Gaelic by the first Scottish Government for 300 years.

One has only to look at the map of Scotland to understand the importance of Gaelic. In the place names lie the roots of Highland culture and, of course, of Dalriada, the first kingdom of the Scots. Scotland should encompass its own language, which has been well used in promoting songs and poetry that are unique in their excellence and individuality. Poets of the stature of Duncan Ban McIntyre, who wrote the classic poem "In Praise of Ben Doran", and Sorley Maclean, who wrote the classic "Hallaiig" about the Isle of Raasay, where he grew up, are giants in their field. The Gaelic Language (Scotland) Bill is a golden opportunity to develop Scotland's linguistic and cultural diversity and to advertise the richness of Scotland's cultural history.

Gaelic music is alive and well, as can be seen at the Mòd and other festivals, such as Celtic Connections. However, not enough people are speaking Gaelic. The sad thing is that Gaelic lasted as a main spoken language for 12 centuries, from the fifth to the 17th centuries. It was the main language, certainly in Highland rural areas, until the early 17th century, when it was outlawed by the Crown—a Scottish Crown—in 1616. Ironically, it was not the English who banned

the speaking of Gaelic; it was the Scottish Parliament's education acts of 1616, 1646 and 1696 that stipulated that English was to be the medium of instruction for Highlanders.

"Forgive them, for they know not what they did" must be the epitaph for that ill-thought-out dogma, which did untold damage to a proud language and culture. Less than 100 years ago, children were beaten for speaking Gaelic in the playgrounds and had their mouths washed out with soap. Therefore, it is up to this new Parliament and our Scottish schools to redress the wrongs of the past and give a beautiful language and a rich culture a chance of survival. It is important that the peripheral rural communities in which Gaelic is still spoken have the infrastructure that will allow them sustainability, because culture grows from a population that lasts for several generations. For example, many Gaelic songs stem from the Harris tweed industry. For Gaelic to survive, young people must become interested and a new generation of Gaelic speakers must be born who take pleasure in using the language.

Much depends now on Bòrd na Gàidhlig. It will be up to the bòrd to come up with initiatives that rejuvenate interest in Gaelic. Gaelic language and culture are important, rather than the bòrd itself. I believe that, in a year or two, there should be a review of what the bòrd has achieved to ensure that the £360,000 per annum that it will cost is achieving benefits for Gaelic.

We Conservatives would like to ensure that Bòrd na Gàidhlig maintains its aim

"to facilitate, not to coerce."

The bòrd should be an independent language development body rather than a tentacle of Scottish Government. If Gaelic is to survive, the bòrd must identify ways in which people would be willing to use Gaelic in their daily lives in different parts of Scotland. There is a great general wish among Scots to preserve Gaelic, but there has been very little instruction so far on how we as individuals can help to achieve that aim.

If the Gaelic language is to flourish, Gaelic-medium teachers must be available and there is a distinct shortage of them. The advantages of Gaelic-medium teaching should be promoted positively to graduates who have the postgraduate certificate of education and to existing teachers. Gaelic should be linked to history teaching. Archaeological and historical tourism are growth areas that could be linked to Gaelic. Gaelic could be very important indeed for Scottish tourism.

The bòrd will ensure that councils meet the demand for Gaelic where the need exists, but the difference between the demands of people and the needs of the language is a key point if Gaelic is to have the chance of survival. Only a small

percentage of people now speak Gaelic, so it would be easy for councils to say that demand is very small. That might suit the council's budget, but it would not suit the needs of a language and culture still fighting to exist into the future. Only when the number of Gaelic speakers has once again multiplied can Gaelic be looked upon as any other language. As long as the language is in the high-dependency ward, extra care and attention and extra resources will have to be used to make it healthy and vigorous once again.

A dedicated television channel showing Gaelic programmes at peak viewing times would make a difference. Broadcasts of good Gaelic music and poetry are important, and the *West Highland Free Press*, the *Stornoway Gazette and West Coast Advertiser* and "Gairm" have done a good job.

I see the Gaelic Language (Scotland) Bill as an important project that must be carefully watched, because failure this time will mean that Gaelic speakers will gradually drift away and the language will become like Latin or ancient Greek. That is the situation that we are trying to avoid. I exhort the members of the bòrd to remember that the reason for their existence now is to ensure that the Gaelic language and culture exist and flourish in the future. They have a tremendous task. Wendy Alexander was correct to highlight how important the bòrd members' ideas and decisions will be. They have a huge responsibility and I am sure that they will not let us down.

15:46

Fiona Hyslop (Lothians) (SNP): Tapadh leibh, Oifigeir-riaghlaidh. Chaidh a ràdh uair is uair ann an aithisg na comataidh gum feum am bile a bhith na dhòigh air a' Ghàidhlig a shàbhaladh agus a h-àrdachadh. Tha Pàrtaidh Nàiseanta na h-Alba a' cur fàilte air a' bhile agus tha sinn a' cur ar làn thaic ris an-diugh. Ged nach dèan a dhà no a trì fhacail diofar mòr bho neach aig nach eil Gàidhlig, faodaidh am bile a bhith air a neartachadh a thaobh inbhe, còraichean agus cleachdadh airson na Gàidhlig. Leanaidh mi orm anns a' Bheurla anis.

Following is the simultaneous interpretation:

It is said time and again in the committee's report that the bill needs to be a means to preserve and promote Gaelic. The Scottish National Party welcomes the Gaelic Language (Scotland) Bill and we give it our full support today. Although two or three words from a non-Gaelic speaker will not make a big difference, the bill can be strengthened with regard to status, rights and practice.

The member continued in English.

We must pay tribute to all those who have campaigned over the years for a Gaelic bill. For

our part, the SNP has produced a Gaelic bill twice in the past 25 years. I welcome the latest bill, which—Parliament willing—will reach the statute book. We have all come a long way and we should reflect on that. Indeed, Elaine Murray and Wendy Alexander have done so. I am pleased that the minister accepts many of the committee's recommendations, and perhaps the committee will be able to take things a little further to strengthen the bill at stage 2 with Executive support.

The bill should probably be known as the Gaelic bòrd bill, because it is more about the facilitation of plans to preserve and develop Gaelic than about a comprehensive rights-based approach to the use and promotion of Gaelic. That distinction was made time and again by witnesses, who were critical of the lack of equal rights for the language, including the lack of rights to education and the lack of rights to speak Gaelic in court.

The fragility of the language and the need for immediate action to protect and develop it cannot be overstated. Should we focus on intensive care or rehabilitation into the wider community that is Scotland? The committee was unanimous that it wanted both. The committee notes that sections 3(3) and 3(5) refer to

"the extent to which the Gaelic language is used".

That wording is critical, as the committee believes that it focuses simply on preservation of the current situation, rather than emphasising the equal importance of the future development of the Gaelic language. We ask the Executive to consider amendments that would allow us to emphasise the need to take into consideration the potential for development of the language as well as the existing extent of use.

We return to the debate about official status, secure status, equal status and equal validity. The committee notes that the term "equal status" implies that Gaelic and English must be equally available. Unfortunately, but realistically, the minister is concerned that he could not deliver that in practice. In contrast, "equal validity" seems to indicate that both languages are equally valid when and where they are used. John Farquhar Munro emphasised that there needs to be equal status when the languages are used in the delivery of public services, and we must come back to that point at stage 2.

The committee recommends that the Scottish Executive should consider an amendment to place a duty on the bòrd in relation to progress on Gaelic and the European Charter for Regional or Minority Languages. That point was made by my colleague Tricia Marwick.

The central issue of the debate must be Gaelic education. We have moved on considerably from the first draft of the bill, but we must remember

that there are only 284 secondary school pupils in Gaelic-medium education. That figure represents a sevenfold drop off from the numbers in Gaelic-medium primary education. Only 60 teachers teach in Gaelic-medium education—consider their age profile and the restrictions on choice of subjects for pupils.

The committee recognises that education policy is essential in determining the success of preserving and promoting Gaelic, to the extent that it recommends, at my suggestion, that the Executive must establish and execute a national strategy for the delivery of Gaelic education. The national action plan that was announced today is a step in the right direction, but we may need to reflect on the statutory responsibility at stage 2.

The SNP supports a right to Gaelic-medium education for primary children in the first instance where there is sufficient demand. The long title confines the bill—in effect the Bòrd na Gàidhlig bill—to the operation of the bòrd, but I think that there is room in the scope of the bill to find some way of locking in, in a double lock, the Standards in Scotland's Schools etc Act 2000 and the responsibilities of the bòrd.

I support Highland Council's concerns and its perspective that we must keep responsibility for Gaelic education with the Scottish Executive, Her Majesty's Inspectorate of Education and local authorities rather than give it to the bòrd, but the bòrd's advisory role must be strengthened.

Gaelic education must not be ghettoised; it must be mainstreamed in the operation and delivery of authorities that are responsible for education.

Robert Brown: Does the member accept that it is one thing to have a right, but that what really matters is how that right is enforced? A right can be enforced in two ways—by legal action through the courts or by administrative action by officials, ministers and local authorities. To achieve progress, the bill takes the route of addressing the language planning process through administrative action rather than through legal action; members of the committee all signed up to that.

Fiona Hyslop: I acknowledge Robert Brown's point. That matter was subject to great debate in the committee, because there is an issue about where that right to education can come from. It is limited within the scope of the bill, but the duty and responsibility for councils to provide Gaelic-medium education must not and should not be ignored.

I say to Ted Brocklebank that the bill is not about force-feeding Gaelic to everybody in the country.

Mr Brocklebank: Will the member take an intervention?

Fiona Hyslop: No. I am short of time.

Rather, the bill is about having plans for local authorities to ensure that, when they are ready and able to, they provide Gaelic education not only for people who want Gaelic-medium education but importantly—this has not been mentioned in the debate so far—for those who want to learn Gaelic as a second language. Gaelic-medium education on its own will not preserve and promote the language, but the teaching of Gaelic as a second language will.

I raise concerns about some of the matters that are absent from the bill. It is ironic that although the two most important areas for the survival and development of Gaelic are education policy and broadcasting, for obvious reasons neither is central to the bill.

I recognise the minister's point about workshops with Whitehall. That sounds like an interesting concept to enable progress to be made with the UK bodies and we look forward to hearing more about those workshops.

The point in the Welsh act about third parties to which any public bodies contract out being liable to be responsible for delivery is important.

In a world that is getting increasingly smaller and in which global brands and communication dominate, our cultural differences must be celebrated, held dear and promoted. Gaelic language is both precious and special. Our duty as stewards of our country and its languages is to support and promote Gaelic and to ensure that success, however perilous it is, is realised. The bill is an important step in the right direction. The Parliament must grasp the opportunity, but the bill will not and must not be the last word on Gaelic in this Parliament.

15:54

Peter Peacock: I welcome the spirit in which the debate has taken place and the constructive speeches that have been made throughout the chamber. As I have indicated, wherever I and the Executive can accommodate proper, sensible changes to the bill we will be happy to consider them. A number of threads that have run through the debate will help us to focus attention in the coming days before we begin stage 2.

I welcome the SNP's support for the bill. Alex Neil made a very good point when he pointed out that the bill's impact will not be confined to the Highlands and Islands because the speakers of Gaelic are not confined to the Highlands and Islands. There is a large body of Gaelic speakers in Glasgow in particular and throughout many other parts of Scotland. That is why the bill was cast in the way that it was.

I will pick up on a point that Fiona Hyslop and others made and to which I alluded in my opening

speech. We want to consider the potential for growing Gaelic out of the Highlands and Islands and ensuring that the language is never ghettoised. Alasdair Morrison made that point. We must ensure that we grow Gaelic incrementally throughout Scotland and we must recognise that the language has a legitimate part to play throughout the country. Elaine Murray made the point that, in her constituency, Gaelic is not regarded as a dominant feature of the community. Nonetheless, just as she described, measures can be taken that would ensure that the language could secure a foothold and be understood, encouraged and supported in constructive ways, which would be sensitive and flexible to the needs of that part of the country. Indeed, such an approach can be taken in other parts of the country.

I was rather perplexed by Ted Brocklebank's point and I note that he contradicted the other speakers from the Conservative party.

Mr Brocklebank: Will the minister give way?

Peter Peacock: I must finish my point.

I have corresponded with Sir Iain Noble, who is a great advocate of giving Gaelic first-language status. Such a move would be potentially disastrous for Gaelic and is exactly the kind of action that might reap the backlash that we all want to avoid.

Mr Brocklebank: Will the minister take an intervention?

Peter Peacock: I will, when I have finished my point.

I am desperately keen to ensure that we intensify our actions and move Gaelic forward, but that we do so by winning the hearts and minds of people and not by forcing them to speak the language.

Mr Brocklebank: I have no disagreement with the minister's point about winning hearts and minds. However, if first-language status was found to be right for Catalunya, Ireland and Wales, the languages of which were all in a far healthier state than is Gaelic, why would it be wrong for Gaelic, in its weakened state, to go for first-language status, particularly in the last redoubt of the language in the outer islands? The number of speakers increased in those countries, so why is that approach wrong for us?

Peter Peacock: People in different countries and societies must make their own judgments. The evidence that the Parliament took did not point in the direction that the member proposes. I make it clear that such an approach does not attract me at all.

Alex Neil's second point was about the UK Government. I was extremely encouraged by what

he said. I think for the first time in the Parliament, he indicated that he favours co-operation with the UK Government—it was almost support for devolution, although he departed from that line a few moments later.

Alex Neil: Will the minister give way?

Peter Peacock: I did not want to provoke Alex Neil into making an intervention.

The point that I am genuinely trying to make is that co-operation will work and will deliver for Gaelic at UK level in the way that I described. That is the right way to go and I am pleased that the Education Committee endorsed that approach. We will consider the point about the Food Standards Agency and we will see what we can do about it.

Alex Neil's key point was about status, which was also mentioned by Robert Brown, Adam Ingram, Elaine Murray, Eleanor Scott and Fiona Hyslop. There is a shared desire among members to ensure that the bill represents a generosity of spirit towards the language, a sympathetic approach to how the language should be treated and the need for esteem and respect for the language. I want to try to ensure that the bill further represents that spirit and we are wrestling with how we can do that. However, there is a difference between symbolism and law. Law has legal effect and we must try to strike the right balance. The legal sense of the word "validity" is causing us real challenges, but we will try to capture the spirit that I described as we go forward.

I welcome the support of Lord Seumas, if I may call him that, for the bill and I acknowledge the part that he played in supporting Sabhal Mòr Ostaig when he was Minister for Education at the Scottish Office. There is another side to the story that perhaps James Douglas-Hamilton does not know. I agreed to fund the project when I was finance convener of Highland Regional Council, in consequence of which I am sure that Scottish Office officials rushed back to Lord James to say, "You had better fund the project in case the council does; you take the credit." I am glad that between us we managed to ensure that the project was funded.

I assure members that Bòrd na Gàidhlig has agreed to support the development of a Gaelic dictionary. Lord James Douglas-Hamilton was the first member to highlight the importance to all our discussions of Gaelic-medium education and Gaelic education more widely. Robert Brown, Rosemary Byrne, Elaine Murray, Eleanor Scott, Adam Ingram, Wendy Alexander, Mary Scanlon, Ken Macintosh and John Farquhar Munro all spoke about the importance of education and I absolutely share their belief in the central significance of education if we are to ensure that

the language survives. Teacher supply is a critical part of that, which is why we are taking the actions that we are taking. We should not underestimate all that is already being achieved in Gaelic education, which is one of the great success stories in Scottish education.

Some 23 years ago, as Alasdair Morrison reminded me earlier today—pre-Michael Forsyth days, I have to say—there were activists in Highland Regional Council, of which John Farquhar Munro and I were part. John Farquhar Munro, the Rev Jack MacArthur, Duncan Grant from Skye, Donald Henderson from Lochaber and Neil MacKechnie from Dingwall all pushed forward Gaelic-medium education, of which there was virtually none at the time.

Here we are today: 140 playgroups are active across Scotland with 1,200 pupils in that system, and 60 primary schools teach through the medium of Gaelic with 2,000 pupils in that system. Efforts are being made to ensure that those pupils can continue their Gaelic-medium education in the virtual Gaelic school that we are creating through the Glasgow Gaelic School. Alasdair Morrison referred to that. The significance of that development is that Glasgow is the only part of Scotland in which the critical mass is such that a Gaelic school is viable. The school will act as a resource for the whole of Scotland and the rest of secondary education. We can move things forward in that way.

The question on rights in education raises a difficult issue. Although I appreciate why people ask for rights, the fact is that they ask for different rights. Some people ask for completely unqualified rights, which I simply cannot deliver—I would not tell people otherwise—whereas others ask for qualified rights. We are using the powers that we have under the Standards in Scotland's Schools etc 2000 Act, which legislated for Gaelic education. That act set out guidance for local authorities that requires them to come back to the Executive stating the level of reasonable demand at which they will give an entitlement to Gaelic-medium education at the local level. I believe that we can move forward in establishing that right without compromising the position in legal terms on the face of the bill. We are using the connections between the bill and the 2000 act to try to do so. We will keep pushing forward on the issue.

Robert Brown made the important point—it was also made by Alasdair Morrison—that it is not enough to improve Gaelic-medium education, important though that is; we must also ensure that Gaelic is the language of the home and the family. Gaelic needs to be reflected in all the culture of our communities and to be normalised in its use. As someone who uses the language every day,

Alasdair Morrison embodies the spirit of the bill. Indeed, I used to hear him speaking Gaelic every day when I shared an office with him. Gaelic is the everyday language of Alasdair's home; he speaks it with his children, who are in Gaelic-medium education. The way in which Alasdair Morrison uses Gaelic in his family life is the way in which we want more families to use the language. If they do so, it will give Gaelic a real chance of survival into the future.

A number of members mentioned the European Charter for Regional or Minority Languages and asked whether the Executive could accommodate some provision for the charter in the bill. We have looked at the issue, but we are not yet convinced that that needs to be done on the face of the bill. I understand completely the point that was made, but we think that we can achieve the provision by administrative means.

I am prepared to indicate today that we will require Bòrd na Gàidhlig to report to ministers annually on its compliance with the charter. That is the way in which we intend to move forward. Once we have developed our thinking on the matter, I will be happy to give the committee more detail. I believe that that proposal meets what the committee is looking for without the inclusion in the bill of something that might, in time, become too rigid if the European charter were to move on in one of a variety of ways.

Adam Ingram made a good point—on which our awareness needs to be raised—that our efforts to improve Gaelic and to ensure that it survives and thrives need to be seen in the context of a world in which English is the dominant language. English is the dominant language not only of our communities in Scotland but of world business and all modern television. One can wake up in a hotel room almost anywhere in the world today and tune into English-language TV programmes. Increasingly, English is also the language of the internet. The forces that are acting against Gaelic are immense. That is why we need to redouble our efforts and do all that we can do to ensure that we move the matter forward.

I want to pick up on another of Ted Brocklebank's points, in case the impression goes out from the chamber today that the bill will require people in Orkney and Shetland to speak Gaelic. That is absolutely not the case. The bill is constructed in a way that means that that will not happen in the parts of the country that have no affinity with Gaelic. The traditions in Shetland, for example, are very different; we do not want in any way to force people in Shetland to speak Gaelic.

The bill includes provisions that will allow Bòrd na Gàidhlig to prioritise its work. I simply do not expect it to go to Shetland Isles Council and ask it to do something that is clearly outwith the culture

in Shetland. I encourage people in the parts of Scotland where there are different traditions to pursue their own traditions. The Shetland dialect ought to be strengthened in Shetland, as is the case with dialects in Orkney, the north-east and so on. We need to pursue matters in that light.

The Presiding Officer is indicating that he wishes me to wind up. I will happily do so. Although I have not been able to cover all the points that members made, many more hours of committee time are still to come. I will continue to treat the matter constructively. I commend the bill to the Parliament.

Gaelic Language (Scotland) Bill: Financial Resolution

16:04

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S2M-2243, in the name of Cathy Jamieson, on the Serious Organised Crime and Police Bill, which is UK legislation—*[Interruption.]*

I ask members to forget what I just said. My script did not have this item in it, and if it is not in my script I usually make a mistake. The next item of business is consideration of a financial resolution. I ask Peter Peacock to move motion S2M-1819, on a financial resolution in respect of the Gaelic Language (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Gaelic Language (Scotland) Bill, agrees to any expenditure or increase in expenditure of a kind referred to in Rule 9.12.3(b)(ii) or (iii) of the Parliament's Standing Orders arising in consequence of the Act.—*[Peter Peacock.]*

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

Serious Organised Crime and Police Bill

The Deputy Presiding Officer (Trish Godman): We now move on to the proper script. The next item of business is a debate on motion S2M-2243, in the name of Cathy Jamieson, on the Serious Organised Crime and Police Bill, which is United Kingdom legislation, and one amendment to that motion. Before I call the minister, I remind opening speakers to stick very closely to their time limit, as I want to try to get in all the back benchers who want to speak and, at the moment, I may not be able to do so.

16:06

The Minister for Justice (Cathy Jamieson): I hope that I have the right script for this afternoon's debate.

I welcome the opportunity to open the debate on the Sewel motion seeking the Parliament's consent to the devolved provisions in the Serious Organised Crime and Police Bill. I hope that the debate will be about tackling the twin threats of international crime and terrorism, because Scotland is in no way immune to those threats. It would be an insult to those individuals and communities who bear the brunt of such crime—particularly some of our most disadvantaged communities, who bear the brunt of, for example, drug crime and immigration crime—if we turned this debate into a narrow argument about constitutional issues and Sewel motions. Powerful criminal entrepreneurs and international criminal networks are already preying on too many of our communities in Scotland. We must ensure that our police, our law enforcement agencies and our criminal justice services have the necessary powers at their disposal to bring down those criminal empires as effectively as possible. That is what the Sewel motion seeks to achieve and that is what members should have in mind as they cast their votes.

Criminal organisations have embraced our increasingly global world. They can, and do, operate in many different countries with many different spheres of interest, such as producing and supplying the drugs that blight our communities, people trafficking, customs crime and arms dealing. The criminals do not care about international boundaries, never mind internal ones, unless one jurisdiction is seen to provide a safer haven than its neighbours. We will not, and we must not, stand back and allow that to happen in Scotland.

I will focus on the five key benefits to Scotland that we believe the bill will bring. First, the bill will establish the serious organised crime agency.

SOCA—which will be a UK-wide body, not an English body—will bring together a number of existing agencies to operate as a single organisation. That will give rise to a number of benefits and should result in a more concerted and focused campaign against serious organised crime and those who perpetrate it. Of course, it is entirely within the remit of the UK Government to create such an organisation.

SOCA will bring together the existing National Criminal Intelligence Service, the immigration service's existing responsibilities in relation to organised crime and HM Customs and Excise's existing responsibilities for serious drug trafficking. Those organisations already operate in Scotland and already have a close working relationship with Scottish police forces and the Scottish Drug Enforcement Agency. SOCA will also include the existing National Crime Squad for England and Wales, which is broadly equivalent to our SDEA.

We said in response to the Queen's speech that we would seek to preserve those existing strengths and to ensure that the new combined UK agency operates in Scotland in a way that is fully consistent with Scots law and the Scottish context. We have achieved that by securing a number of important safeguards in the bill. SOCA will be able to operate in Scotland only if it does so in full accordance with the requirements of our criminal justice system, in exactly the same way as any other police or law enforcement organisation in Scotland. No SOCA agent will be able to use police powers in Scotland without the general agreement of Scottish ministers and the specific authorisation of a Scottish chief police officer. Further, SOCA agents operating in Scotland will be subject to the direction of the Lord Advocate. Those are important legal safeguards, but they will not impinge on the new organisation's ability to do what it is being created for, which is to hit criminals harder.

We have an opportunity to deliver for the people of Scotland a better and more co-ordinated structure for the fight against serious organised crime that will work effectively to utilise the strengths of our unique criminal justice system. The best way in which to ensure that SOCA's creation takes nothing away from the Scottish police service, but enhances the overall ability of the UK and Scotland to respond to international and serious crime, is to support the bill.

Secondly, the bill will create, for the first time, statutory UK-wide arrangements for the protection of witnesses. Scottish police forces and the SDEA currently provide a high-quality witness protection service, but crucial to the success of that service is the flexibility to move vulnerable witnesses and their families to new lives in other parts of the UK. The bill will put that arrangement on a statutory

footing, tie all public bodies in the UK into co-operating in the provision of protection and help to ensure that those who make a stand against crime by helping the police do not suffer for their courage and determination. I hope that all members support that.

Stewart Stevenson (Banff and Buchan) (SNP): Will the minister take an intervention?

Cathy Jamieson: No, I want to move on.

Thirdly, the bill will bring about improvements to child protection, as recommended by the Bichard inquiry. It will give Disclosure Scotland the right to access databases from elsewhere in the UK for information on those who are considered unfit to work with children. I do not need to remind members of the tragedy in Soham that led to that inquiry, nor do I need to point out the vital need for us to work in partnership, not in competition, with our partners elsewhere in the UK on that important matter.

Fourthly, the bill will introduce regulation of the private security industry in Scotland. That measure has widespread cross-party support. The most practical and effective means of achieving it today is to extend the powers of the Security Industry Authority to include Scotland. That will provide much-needed regulation to crack down on the rogue elements that use the industry as a cloak for their crimes.

Stewart Stevenson: Clause 11(3) states:

"the Secretary of State must consult ... the Scottish Ministers".

That phrase recurs throughout the bill. Does it equate to the Scottish ministers' having the right of veto?

Cathy Jamieson: The bill is clear that Scottish ministers will have considerable influence on certain matters. On some issues, we wanted to take powers to this Parliament, but some members did not think that that was appropriate. I will come to that in a moment.

Fifthly, it is important that the bill will give the Lord Advocate compulsory investigative powers in order to enhance police investigations of serious organised crime. The bill will also give the courts powers to impose financial reporting orders to reduce reoffending by those who are convicted of serious financial crimes.

Finally, I come to the proposals that were originally intended to extend specific protection to a small number of royal residences in Scotland and elsewhere in the UK. I set out our revised approach to that issue to the Justice 2 Committee yesterday. As I said, the Executive is committed to the right to roam that was achieved in the Land Reform (Scotland) Act 2003, but we also want to

ensure that the royal family has appropriate protection. In recent days, concerns have been raised about the approach that I initially intended to take to that matter. Therefore, the Executive will support Bill Butler's amendment.

Members should be clear that the debate ought to be about the five key elements of the bill that I have set out—they are the real priorities in the fight against crime and to lose those measures would benefit only one group in society. The dividing line is clear: do members want to vote to ensure that we have the powers to deal with serious and organised criminals or do we want the criminals to benefit? That is the hard choice for members today. I believe that all members should join me and the members of the Executive and the Labour and Liberal Democrat coalition in sending out a tough message to those criminals that there is no hiding place in Scotland for their activities and no safe haven from the forces of law and order, whether they are devolved to Holyrood or reserved to Westminster. Members should bear that in mind when they cast their votes, because the public will be watching.

I move,

That the Parliament recognises the importance of building safe and secure communities and agrees that the provisions of the Serious Organised Crime and Police Bill that relate to devolved matters and those that relate to the executive competence of the Scottish Ministers should be considered by the UK Parliament.

16:15

Bill Butler (Glasgow Anniesland) (Lab): My amendment, if agreed to, will remove from the bill the power of Scottish ministers to designate specific sites in Scotland in relation to Crown land, or land owned by the Queen or her heir in a private capacity. However, I wish to make it crystal clear to the chamber that that does not mean that I am convinced by the arguments of those who have sought in the past week to characterise the power as an attempt by the Executive to create a law of trespass or to undermine the right to roam under the Land Reform (Scotland) Act 2003. That is not the case.

I accept that members from all parts of the chamber, including Labour members of the Justice 2 Committee, have raised reasoned concerns about the power, specifically in regard to curtilage, the desirability of using the affirmative procedure and the time that a designation would be in place before the Parliament would be able to consider whether or not to revoke it. I am sure that those concerns were legitimate. They were raised by many members, including coalition colleagues in the Liberal Democrats and independents such as Dennis Canavan. I look forward to hearing the matters explored as the debate proceeds.

Nevertheless, I remain wholly unconvinced that the power to designate a site would have led to what some members feared regarding access. I remain convinced that the ministerial team's intent, as outlined by Hugh Henry in his evidence to the Justice 2 Committee on 25 January, has been consistent, clear and unambiguous. In answer to Stewart Maxwell, Mr Henry said that the power

"would not be a catch-all to stop people using their existing right of access to large areas of open countryside."

He added that the power

"would not automatically apply to a whole estate and stretch for miles and miles."—[*Official Report, Justice 2 Committee*, 25 January 2005; c 1371.]

That, to me, is crystal clear.

Mr Stewart Maxwell (West of Scotland) (SNP):

Will the member confirm that the bill says no such thing? The power is unlimited. It is not limited by the fact that the current minister says that it is. The bill allows that the minister could, if he so wished, apply the power to the whole estate. The bill does not say what Mr Butler claims it does, no matter what the minister says.

Bill Butler: Mr Maxwell is allowing his dogmatic interpretation of Sewel motions to get in the way of his reason. I regret that. It is very clear that what I said before his intervention is the case.

In answer to my committee colleague Maureen Macmillan, the minister stated:

"I give an assurance that the power will not cut across the general provisions of the Land Reform (Scotland) Act 2003."—[*Official Report, Justice 2 Committee*, 25 January 2005; c 1372.]

That, to me, is a comprehensive and unmistakable assurance.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD) rose—

Bill Butler: No thank you, Mr Rumbles.

The characterisation of the power as something other than it is has—as the Minister for Justice candidly admitted to the Justice 2 Committee yesterday—led to a situation in which continuing to pursue that one aspect could endanger the many other important provisions in the rest of the bill. My amendment seeks to ensure that those provisions—which will allow, as the minister said, for the building of safe and secure communities—will be agreed to and not swept away in the confusion over that one particular power. That confusion has been created by the Scottish National Party and the Tories for their own opportunistic party-political ends. That is absolutely clear.

The fact that the power of designation will not be ceded to Scottish ministers and the ability to scrutinise the operation of the power will not be

afforded to this Parliament is ironic. That has not happened because of the legitimate concerns of many members; it has happened because of the disingenuous and exaggerated scaremongering of the nationalists and the Tories. Neither of those parties will vote for the Sewel motion, even if it is amended. They are not interested in acquiring additional powers for this Parliament to exercise in the interests of the Scottish people. Narrow political self-interest is all that motivates them. It is shameful behaviour. It is to be deplored.

I move amendment S2M-2243.2, to leave out from "should" to end and insert:

" , apart from those currently contained in clauses 124, 125(3), 127 and 160(5) and (6), should be considered by the UK Parliament."

16:19

Mr Kenny MacAskill (Lothians) (SNP): We live in troubled times, but Scottish National Party members fully support our police and we prefer to take the advice of the general secretary of the Scottish Police Federation than to listen to the words of the minister.

The rights and wrongs of Sewel motions have been debated endlessly, within and without this chamber; the pros and cons—never mind the attitudes and positions of each party regarding their use—have been well rehearsed and are well known. Therefore, I do not propose to comment at length on the procedure and will concentrate on the substantive principles at issue. However, it would be remiss of me not to say that, given the significance of the proposals and their effect on a variety of critical areas of justice within our nation, a fuller debate and more in-depth scrutiny were and are surely deserved. Whether from a legal tradition or land aspiration perspective, there was and is considerable cause for concern, which must surely be reflected not just in the time allotted in the chamber, but in the nature of the scrutiny provided.

The Executive has withdrawn a major part of the grounds for objection. Its retreat in view of the clear hostility to the proposal that would have created a crime of trespass on Crown land in Scotland is welcome. The plan was unwanted and unnecessary. It was alien to our legal tradition and contrary to our desired direction on land use. The Executive's retreat is a sensible political move, but it is also the correct thing to do. Notwithstanding what Mr Butler said, the Executive should be applauded, not derided, for that.

However, the plan should never have been considered in the first place and the Executive would do well to take note of the position in which it placed itself by simply rubber-stamping London Labour's policies. We have a Parliament now and

the Executive must act as our Government. Power brings responsibility as well as rights. The Executive cannot regularly abrogate responsibility nor abdicate decision making. This institution is here to reflect Scotland's unique society and significant diversity from south of the border. The Executive's failure to do justice to serious issues in the chamber demeans it and devalues the Parliament.

Let us also dispel the myth that, by rejecting the imposition of a law of trespass on Crown lands, the Executive is denying itself and, consequently, this Parliament powers. The position was that it sought to be able to designate Crown lands as areas in which a crime of trespass could be committed. There might be inadequacies in the law of England, but there was none in the laws of Scotland. Offences of breach of the peace through to terrorism existed as charges and remedies. The Executive has declined the right to impose an unnecessary, unwanted and alien concept on us.

Bill Butler: Will the member give way?

Mr MacAskill: Not at the moment.

The Executive has not, as a consequence, ceded any powers that previously existed within the office of the UK Home Secretary to designate matters under the broader interests of national security.

The Deputy Minister for Justice (Hugh Henry): Will the member give way?

Mr MacAskill: Not at the moment.

Those powers still remain the Home Secretary's right and fiefdom. National security is and was a reserved issue, not simply under the Scotland Act 1998, but under these proposals. The Home Secretary did not have to consult Scottish ministers on a law of trespass on Crown lands. Thankfully, that law has not been created and therefore consultation is unnecessary. However, the power in relation to national security remains, as it was always, within the Home Secretary's prerogative. So much for a national Parliament or justice minister of any substance. We remain beholden to the grace and favour of a man not noted for his liberality and we are subject to unilateral and arbitrary actions, as he is one of the Blair regime.

Although we welcome the decision to remove the issue relating to trespass, our opposition remains. The Ramblers Association and the Scottish Police Federation are not noted for seeking political controversy, but the issues on which they have expressed concerns on behalf of their members are serious. Our objection remains, because although the concerns of one organisation might have been allayed, the fears of the other most certainly have not. All members

received a letter from the general secretary of the SPF. It was not simply a note of objections, but a three-page document. It was not written in umbrage; it was the result of serious concerns that arose. We would do well to treat it with the dignity and gravity that it merits. Members were also provided with a copy of the response from the minister, which neither answers the points that have been raised nor allays the fears that have arisen.

The Scottish police are not subject to political interference and the operational independence of the chief constable is sacrosanct—those are fundamental principles. We in Scotland have opposed a unitary police force and sought to preserve the independence of local services. The measure that Charles Clarke is driving forward, to impose his will, is against our position and is anathema. The minister stated in her response:

“No UK Minister can direct Scottish police forces. Only Scottish Ministers would be able to exercise this power.”

The minister might be more liberal and trustworthy than Mr Clarke, but that does not negate the point that the proposals constitute political interference and political direction. Whether that is from Mr Clarke or the minister, it is simply wrong and unacceptable.

The Deputy Presiding Officer: You must finish now, Mr MacAskill.

Mr MacAskill: I am just finishing.

There is no desire in Scotland for an organisation such as the CRS, the carabinieri or any other quasi-military outfit. For those reasons, the motion must be opposed. Amended it might have been; satisfactory it certainly is not.

16:25

Miss Annabel Goldie (West of Scotland) (Con): The Scottish Executive's handling of the Westminster Serious Organised Crime and Police Bill is a model of devolution in disarray. Not only does it call into question the ability of the Labour Party and the Liberal Democrats to understand what devolution is about, but it exposes serious fault lines in any coherent or sensible approach by the Scottish Executive to the principle of Sewel.

The mechanism and principle of Sewel motions are sound and are supported by my party. Sewel motions represent a workable arrangement by which Westminster can legislate on issues that are predominantly UK-wide in application. The additional safeguard at the Scottish Parliament end is that relevant committees can consider a Sewel motion by taking evidence, questioning ministers and reporting to the Parliament. However, the Executive's behaviour makes a mockery of that aspect of the process, which I

presume was conceived to provide the best information to the Parliament before we make a decision on a Sewel motion.

Such was the time limit that the Executive insisted on in this case—despite opposition last week to the business motion—that the Justice 2 Committee, of which I am convener, took evidence on the matter last week, considered six items of written evidence and was required yesterday to conclude a report for the purpose of today's debate. By any standards, that was a challenging proposition. However, when, during yesterday's committee meeting, there was delivered to my clerks a supplementary memorandum from the Executive—accompanied by an indication that the minister, appearing before the committee at that point in connection with another matter, was willing to speak to the memorandum and take questions from members—the situation became risible. I congratulate my committee colleagues on managing to produce any kind of report given that, by necessity, they had to consider a Sewel motion that the minister had indicated would be amended in terms that were not available to the committee prior to the final adjustment of the report. As a demonstration of responsible handling of legislation and respect for the committee system of the Parliament, the Executive's behaviour has been a lamentable charade.

However, that deals only with the process; let me turn specifically to the Serious Organised Crime and Police Bill. There is an argument that issues such as compulsory investigative powers, financial reporting orders and other measures included in the bill are technical adjustments and, as such, could properly be dealt with under the Sewel procedure and be supported. Ironically, however, those are not the issues that seem to have loomed large in the Executive's thinking. According to the Minister for Parliamentary Business in a broadcast on Sunday, the big issue is the regulation of private security in Scotland. If that is a justification for Seweling—

The Minister for Parliamentary Business (Ms Margaret Curran): Perhaps Annabel Goldie would be prepared to come to the streets of Glasgow and tell the people there why it is not a priority for her party to protect them by regulating private security.

Miss Goldie: The point that I was making was that it is bizarre if that is the justification for Seweling the bill, because the bill will simply apply the Private Security Industry Act 2001 to Scotland. Why did the Executive not use a Sewel motion when that legislation was being dealt with so that we could have had a debate on it at that point? Furthermore, at this point, why not let the Scottish Parliament debate the proposals?

The worrying feature of the bill is the proposed imposition of a serious organised crime agency.

Quite simply, that proposal is ill conceived. It is a recipe for tension and confusion. The Liberal Democrats have been distracted by the peripheral issue of trespass. They have been induced to roll over by the Labour amendment and have totally failed to see the substance of the issues and to oppose the Sewel motion. I believe in fighting crime and terrorism, but I also believe that we have excellent institutions in Scotland in our criminal justice system and our police forces. Furthermore, we have a devolved Government that is responsible for law and order. We now have the unbelievable irony of seeing the Liberal Democrats vote for a Labour amendment that will deny a role to Scottish ministers on the very issue that they are concerned about—the amendment will leave that matter in the legislative hands of Westminster.

However, if the position of the Liberal Democrats is untenable, what about the position of the First Minister? Last Thursday, in relation to the trespass issue, he said:

“The absolutely crucial point to make is that the Scottish Parliament will have the final say in any decisions that are taken on the matter.”—[*Official Report*, 27 January 2005; c 13988.]

Mr Butler's amendment shreds the First Minister's words of last week. What a mess. What a sorry day for devolution. My party will oppose the amendment and the Sewel motion.

16:29

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I say at the outset that, contrary to what Ms Goldie said, the Minister for Justice has approached the issue in an open way and has responded to concerns that have arisen as the bill has proceeded at Westminster. She deserves credit for that, as it shows that she not only listens but is responsive. Comments from Opposition parties such as, “This is a Sewel too far,” are intellectually unsound. The issue is not the number of Sewel motions but how they are used and the level of parliamentary scrutiny—either at Westminster or at Holyrood—of legislation that affects Scottish citizens.

We live in a united kingdom—that is the reality, even though some members oppose it. A balance is always required between the need to ensure that we have legislation in Scotland that is suited to our circumstances, which may well differ from those south of the border, and the fact that there is a cross-border interest in issues such as immigration, organised crime and customs. Criminals who operate in the UK will be the first to look for gaps in co-operation, fault lines in legislation or loopholes in police powers. A criminal organisation that is based in Glasgow or elsewhere in Scotland will know no boundaries

across the globe, never mind within the UK. Increasingly, crime has an international dimension. It is therefore important that the bill that is being taken through Westminster be passed.

Concern has been raised about the independence of chief police officers in Scotland and there is concern that the Police (Scotland) Act 1967 will be undermined by the definition of SOCA agents. Members will know that section 11 of the 1967 act allows ministers to intervene in police matters if it appears

“to be expedient in the interests of public safety or order that any police force should be reinforced or should receive other assistance”.

Mr Henry told the Justice 2 Committee that that power has not been used because negotiations and dialogue can resolve most of the tensions that may or may not exist. I understand the deployment of that principle to the relationship between SOCA, the Scottish ministers, the SDEA and the police. A service level agreement will be drawn up on the functions that the SDEA will carry out as a crime agency for SOCA. That is positive, but I ask the minister to consider the following area in which there will be differences under the bill from the situation with regard to internal Scottish discussions with chief police constables. If the relationship between SOCA, the police, the SDEA and ministers is to be effective, we will need transparent, accountable relationships between Scottish ministers and SOCA's sponsor department, which is the Home Office.

Mr MacAskill: Will the member take an intervention?

Jeremy Purvis: Not at the moment. The member will forgive me, but time is limited.

A service level agreement is required with the Home Office. As we know, SOCA will be a crime-first agency, but its responsibilities will cover immigration and customs, too. Because criminal law is devolved, clarity in relation to answerability, the direction of operations and public accountability is important. I acknowledge that the Deputy Minister for Justice said that the Executive is

“introducing a statutory requirement for those agencies to be accountable in an appropriate way through Scottish ministers to the Parliament.”—[*Official Report, Justice 2 Committee* 25 January 2005; c 1356.]

However, the Association of Chief Police Officers in Scotland, the Association of Scottish Police Superintendents and others have concerns about that. A clear memorandum of understanding between Scottish ministers and the Home Office, as SOCA's sponsoring department, would offer assurances that are more robust than a service level agreement.

The bill brings forward other measures that are positive, particularly on the regulation of the private security industry, witness protection and child protection. The revised memorandum on the designation of areas where an offence would be committed by an intruder is positive, as it allows further consideration not about the extent of areas to be designated, but about the necessity of such an offence in Scotland—both the necessity to secure prosecutions of intruders who enter areas that they should not be in and the necessity for a deterrent. I applaud the minister for seeking to work with the Parliament's justice committees to scrutinise the necessity of such an offence in Scottish law and I look forward to further discussions on the matter.

16:34

Dennis Canavan (Falkirk West) (Ind): I thank the Executive for agreeing to amend its original Sewel motion and for apparently persuading the Home Secretary to amend the Serious Organised Crime and Police Bill so that Scottish ministers will not have the power to restrict or abolish the right of public access to land in Scotland that belongs to the Queen or to the Prince of Wales in their private capacities.

When the Land Reform (Scotland) Bill was going through Parliament, I persuaded the Executive and Parliament to accept my amendment to extend the right of access to land that belongs to the Queen in her private capacity, such as Balmoral estate, which contains some of the most scenic countryside in Scotland. The mountains, glens, lochs and rivers of Scotland are not merely the property of royalty or landed gentry—they are part of our national heritage.

The right of responsible access was enshrined in the Land Reform (Scotland) Act 2003—one of the most radical and progressive acts that Parliament has passed. I welcome the fact that the Scottish ministers will not be given the power to undermine that act. I say to Annabel Goldie that the issue is not, as she claims, peripheral; rather, it is a great victory for the people and their right of access to the countryside.

Bill Butler's amendment would certainly be an improvement on the Scottish Executive's original position, but it does not go far enough, in my humble opinion. The Serious Organised Crime and Police Bill has other important provisions that apply to Scotland and which should be debated and decided in this Parliament, rather than be left to Westminster.

The way in which the Scottish Executive and the Home Office have handled the matter exposes a weakness and possibly an abuse of the Sewel convention. Even before this Parliament has

approved any relevant Sewel motion, the Westminster Parliament was amending the bill to cover devolved matters that are this Parliament's responsibility. By doing that, the Westminster Parliament has treated this Parliament with disdain. The question arises: are Sewel motions worth the paper on which they are written?

I hope that the Procedures Committee will study the matter in detail and that it will produce recommendations that will ensure that Parliament exercises the functions that it was established to exercise and that Westminster is never again allowed to treat the Scottish Parliament with contempt.

16:37

Stewart Stevenson (Banff and Buchan) (SNP): I was impressed by Jeremy Purvis's plea to abolish Scots law, the Parliament and the distinctive nature of Scotland, which are so inconvenient in the United Kingdom context.

Alternatively, as the opening words of the bill say, this Parliament can

"by and with the advice and consent of the Lords Spiritual and Temporal,"

legislate for Scotland. Ladies and gentlemen, I prefer to legislate by the democratic decision of the people in this place, who understand Scotland's needs and traditions.

I will highlight a few points that we would address if we were to discuss the content of the bill. Clause 2(3) refers to the Serious Fraud Office. Scotland has no serious fraud office, so SOCA's powers in Scotland will exceed its powers in England.

Clause 3(4)(c) appears to give water bailiffs power to act in a particular way under the bill and clause 6 says that

"SOCA must send a copy of the annual plan to ... the Scottish Ministers".

However, unlike in England, it is not required that local authorities in Scotland be shown the annual plan—I refer to clause 6(8). Similarly, under clause 7(5), local authorities will not see the annual reports.

Clause 55 refers to an offence under schedule 4 to the Proceeds of Crime Act 2002 and to common law thereafter. That raises huge issues, which we would discuss in Scotland if we could.

Clauses 59, 56 and 57 deal with restrictions on the use of statements and will take people outside the criminal justice system. The challenge is for Westminster to delete the iniquitous power to create an offence of trespass in this country.

16:39

Pauline McNeill (Glasgow Kelvin) (Lab): I have never had trouble with understanding where the SNP comes from. It is a nationalist party and does not support the UK, so why should it support the bill? However, only Stewart Stevenson would trivialise the debate by focusing on water bailiffs. Whether or not we agree about the borders, we should all agree that serious organised crime is so sophisticated in this country that we cannot afford to let borders prevent us from tackling it. I mean not only UK borders, but European borders and trans-national borders.

We must be sensible when we decide what we expect of our agencies. We should be talking about how best we can tackle the horrific extent of human trafficking, money laundering, child slavery and paedophilia rings. We need, in order to tackle those crimes, an organisation that has resources and which is backed by our commitment, but which does not need to resolve issues of borders. I do not for a second trivialise the need to sort out the important operational lines between England and Wales and Scotland. However, as politicians, we cannot afford to be frightened by that challenge. It is up to us. It is an alarming picture, and we are the ones who have to tackle it.

That is why I am pleased to support the amendment in Bill Butler's name, which allows us to focus on the serious issue in the motion that is before us. The amendment is the right way forward. I know that not all the issues will go away—it is nonsense to suggest that we will not continue to debate national security and our role in it. However, I record my support for the Executive's deleting from the Sewel motion the provisions that relate to ministerial powers over Crown land and land that is owned by the Queen. That will allow us to focus on those provisions, which are too wide. I would like more time to discuss them.

The Conservatives cannot have it both ways; they cannot say that there has been consensus across the parties—albeit among a minority of members—that we have not had enough time to debate the provisions that relate to the designated sites and then say, when the minister would delete those provisions from the Sewel motion, that it is "a shambles". They should make their minds up about what they want.

The process has not been satisfactory from the outset in terms of the time that has been available for debate. We need time to refine the provisions here; we were trying to have a genuine and mature debate about the matter, so I am pleased that at least we now have the time to do so. I hope that Parliament recognises that ministers have been attempting to secure in good faith what they thought was right, which is for Parliament to have

a statutory say in designation of sites. Unlike Kenny MacAskill, I believe that that decision shows that we have ministers of substance.

It may be that we will return to the subject in the future. I know that we will, as the Home Secretary has his own powers over national security. I also understand that Charles Clarke, the current Home Secretary, has been a member of the Ramblers Association for 30 years. I am sure that he will be sensitive to issues in the land reform laws in Scotland. I will take no lessons from anybody here, having supported and taken through the land reform legislation. I do not want to diminish any one's, or any party's, role in that—we all agreed that it was probably the most far-reaching legislation that Europe has ever seen. No one is interested in cutting across that.

In conclusion, I say that ministers have made the right decision. There are issues of concern, and the Justice 2 Committee's report is excellent. In the short time that was available to the committee, it was given the reassurances that Parliament expected. SOCA agents will be able to operate in Scotland only with the agreement of Scottish ministers and under the direction of the Scottish Drug Enforcement Agency—an organisation that has shown its maturity and how formidable it is.

I support the amendment in Bill Butler's name.

16:43

George Lyon (Argyll and Bute) (LD): I, too, support the amendment in Bill Butler's name and will speak to it. I pay tribute to the justice ministers, who have responded genuinely and pragmatically to concerns that were expressed by back benchers on both sides of the coalition. Those were genuine concerns about the creation of the new offence of royal trespass in Scotland through the Serious Organised Crime and Police Bill at Westminster. That is what we should be debating today. The whole land reform issue is, in some ways, a side issue. It is the creation of the new offence that gives ministers powers to delegate. The genuine concern is whether we need that new offence in Scotland at all.

There are genuine concerns about whether it is necessary to create such an offence, as the Executive's supplementary memorandum, which was submitted to the Justice 2 Committee, makes clear. It states:

"Scots law is generally sufficient as regards the operational powers of the police to deal appropriately with intruders on sensitive sites."

ACPOS seemed to say that it is also satisfied that its current powers are sufficient to protect royal residences from intruders. Given the uncertainty about that matter, the introduction of a new

offence and the lack of time that is provided by the Sewel convention, the proper response that ministers have accepted is to delay the clause at Westminster, bring it back to the Scottish Parliament and give the Justice 2 Committee time to take more evidence from interested organisations on whether there is a genuine need to legislate in Scotland and to strengthen police powers.

That is the genuine debate, rather than some of the opportunistic concerns that have been expressed by the Tories and the SNP today. I am sure that no member wants our Scottish royal residences to have less protection than those in England. However, that can be addressed only through a thorough review of current police powers followed by action taken by Parliament to address any shortfall, with the benefit of detailed and full knowledge of exactly where weaknesses lie.

I also point out that the Home Secretary will take the power to create the offence of trespass on designated sites throughout the United Kingdom on grounds of national security. That will happen regardless of whether the Scottish clause is in or out. That is the reality of being part of the United Kingdom; it is time the SNP accepted that.

The problems that members have had with this particular Sewel motion highlight the urgency for the Procedures Committee to complete its review of the timing as regards Sewel motions; rather than whether we need them at all. The Liberal Democrats are not opposed to the use of Sewel motions, but it must be clear to all members that the process must be improved, especially its timing. I hope that the Procedures Committee will be in a position to make constructive suggestions within the next few months.

We will support the amendment and the amended motion.

16:47

Bill Aitken (Glasgow) (Con): This is a complex matter. Perhaps it is not surprising that the debate has generated more heat than light, but to be frank we are left with a shambles that has resulted in a curtailed debate, and slightly fraught tempers that have resulted in ill thought out and bad legislation that might prove to be unworkable.

Lest I be seen to offer succour to the SNP, I make it clear that we are not prepared to play ducks and drakes with the devolution settlement. As Annabel Goldie said, Sewel motions are a perfectly appropriate way of dealing with things; that is not the issue. However, we have to consider how the matter has been dealt with, so I ask all members to consider in all seriousness whether what happened in yesterday's Justice 2

Committee meeting is an acceptable way for any Parliament to scrutinise and deal with legislation that will have such far-reaching consequences.

Cathy Jamieson: It is unfortunate that—*[Interruption.]* I wonder whether it would have been more disrespectful to the committee not to have given information as soon as it was available and to allow the committee—*[Interruption.]*

Bill Aitken: I am quite happy to acknowledge that the minister was put in a difficult position and that she had to handle the issue as she found it, as indeed did the Minister for Parliamentary Business. However, it is totally unacceptable that legislation is being railroaded through Parliament in a deck-clearing exercise prior to the next general election. That is totally and utterly unacceptable.

What happened yesterday that caused the great change of mind? Well, Mr Rumbles was rumbling and other Liberals, whose eyes were completely off the ball, made appropriate representations suggesting that the Executive could lose a vote. I say to George Lyon and the other Liberals that they have not grasped the main issue—the trespass issue is entirely peripheral to the main arguments.

George Lyon *rose*—

Bill Aitken: I do not have enough time. Bearing in mind the history of the Land Reform (Scotland) Act 2003, is not it the most incredible irony that I am standing here in an effort to defend one of the principles of that act?

I am rather disappointed that Dennis Canavan—whose intentions are perfectly honourable and clear—does not seem to understand that the net effect of the amendment with which he is disposed to agree will, in fact, be that the powers that he is afraid of will go to the Home Secretary down south without there being any input from Scottish Executive ministers. The Liberals have got things wrong in that respect.

The Minister for Justice, Cathy Jamieson, was correct to highlight a number of general justice issues that require attention, but she and Margaret Curran were completely wrong to highlight difficulties with the security industry in Scotland, highly problematic as that matter is. The matter has been debated in Parliament and there was total consensus that something must be done. Why on earth the Executive did not legislate by Sewel motion in 2001 when it had the opportunity to do so renders all its arguments completely void in that respect.

Finally, I return to last week, when the First Minister stated:

“The reality is that the proposals that will be put before the Scottish Parliament next week will extend the powers of

the Parliament and ensure that the Parliament remains in control of the situation. Ultimately, the proposals will ensure that decisions are not made by the UK Parliament in London.”—*[Official Report, 27 January 2005; c 13988.]*

The net effect of that statement is Bill Butler’s amendment. That is shocking.

16:51

Mr Stewart Maxwell (West of Scotland) (SNP): The passage of this Sewel motion through Parliament has been nothing more than an attempt by the Executive to rush through a series of contentious measures that should have been given full scrutiny in the Scottish Parliament—nowhere else but here. Instead, a timetable was put in place that made it impossible for the Justice 2 Committee to examine the issues properly.

I will deal first with trespass, which has certainly attracted much attention. The Deputy Minister for Justice appeared before the Justice 2 Committee to refute strongly the suggestion that what was being proposed was trespass. In fact, he said:

“We have been very careful to ensure that that word is not included.”—*[Official Report, Justice 2 Committee, 25 January 2005; c 1369.]*

Oh, what a tangled web they weave when first they practise to deceive. Unfortunately for the Deputy Minister for Justice, the cat was already out of the bag. The Minister for Justice had already sent a supplementary Sewel memorandum to the committee, stating that the policy intention was

“To create a new offence of trespass”.

George Lyon: Will the member take an intervention?

Mr Maxwell: No—I have no time.

Despite that, the Deputy Minister for Justice carried on with his assertion that it was not trespass, as the bill defined the offence as someone’s being on a site without legal authority. I must tell the minister that his definition of an act that he said was not trespass is almost word for word the “Chambers Dictionary” definition of “trespass”.

George Lyon: Will Stewart Maxwell tell us where Alex Salmond—the leader over the sea—was on 18 January when the amendment was moved in the House of Commons? As usual, he failed to represent Scotland and was nowhere to be seen.

Mr Maxwell: It is clear that I was mistaken in thinking that a Liberal Democrat would have a reasonable point to make.

Labour members of the committee valiantly attempted to come to the Deputy Minister for Justice’s aid by supporting his assertion that an

offence of trespass would not be created and Bill Butler did so again today. That is nothing more than “1984”-speak. No doubt they will argue that not only is trespass not trespass, but that

“War is peace ... Freedom is slavery”

and “Ignorance is strength.”

Yesterday, the Minister for Justice claimed that she was withdrawing the Executive’s trespass proposals because she had listened to the concerns that were expressed. If she had really been listening, she would have heard the concerns that were expressed not only about trespass, but about large sections of the bill. The bill is not just about the mess that the Executive has made of the bill’s attempt to introduce in Scotland a law of trespass—it has many more very serious flaws. Deep misgivings have been expressed by a number of police organisations. For example, there is the issue of political interference with the police. Wide-ranging concern about that has been expressed by the Association of Chief Police Officers in Scotland, the Association of Scottish Police Superintendents, the Scottish Police Federation and the Scottish police authority conveners forum. In its evidence to the committee, the forum stated:

“Such political direction is alien to the accepted practice of political disengagement from operational policing.”

Why is the minister not listening to those concerns?

The setting up of SOCA has also raised concerns among police representatives such as ACPOS, the Scottish police authority conveners forum and the SPF.

Jeremy Purvis: Will the member give way?

Mr Maxwell: I will not.

In its submission, the SPF states that it has significant concerns about the SOCA proposals. It goes on to say that SOCA

“threatens the present coordinated and integrated approach”.

However, the minister still refuses to listen.

This Sewel motion is not worthy of our support, because the bill is not worthy of our support. It is flawed, and police representatives have expressed many concerns about it. We should listen to what they have to say. If the Liberals are really concerned about this issue, they will not support the Sewel motion and will not be bought off by the U-turn on trespass. It is a simple choice for them: they can either join all the other parties, which are united in their opposition to the motion, and the various police organisations that have expressed concern and even dismay at the proposals, or they can join the Labour Party in voting in favour of political interference with the police and of non-

police officers being given the power of constables.

I wish to quote from a letter from the Scottish police authority conveners forum to the Justice 2 Committee, which sums up exactly the point that I am making. It states:

“The Conveners came to the view that the major constitutional issues raised in the Bill make it inappropriate that the Sewel convention is used for this legislation.”

They are not known to be nasty narrow nationalists of the sort to which Labour and Liberal Democrat members continually refer. The forum is not a nationalist organisation, but a police representative body. It says that it is inappropriate to use the Sewel convention for this legislation. This Sewel motion is opposed by most of the parties in Parliament and by organisations that represent the police. It is time to put an end to motions that will result in bad and inappropriate law being foisted on Scotland. This is about doing the right thing for Scotland and Scots law, not about avoiding embarrassment for the Labour Party. I urge all members to vote no this evening.

The Deputy Presiding Officer: Members who have been paying attention will know that we are having some problems with the microphones. I suspend the meeting until we have rebooted the system. The minister can sit down.

16:57

Meeting suspended.

17:03

On resuming—

The Presiding Officer (Mr George Reid): I apologise to members for the suspension. The system seems to be up and running again. I must ask members, though, to remove their cards and reinsert them. That being done, we will have the winding-up speech from Hugh Henry. You have six minutes.

17:04

The Deputy Minister for Justice (Hugh Henry): I hope that it is worth waiting for, Presiding Officer.

It is extremely regrettable that, during the debate, neither of the two main parties bothered to address the issue of crime. That is clearly their stated preference.

The debate has done Parliament a great service in that it has dispelled a myth once and for all: it is clear from his speech that Kenny MacAskill does have a sense of humour. However, the joke as far as he is concerned will be perpetrated upon the people of Scotland, who will have to take the

consequences of that irresponsible action. In his speech, apart from trying to kid us all on, Mr MacAskill mentioned a number of things and failed to explain matters in detail. He even tried to distort what the Minister for Justice said about the direction of the Scottish police forces. He quoted her as having said:

“Only Scottish ministers would be able to exercise this power”.

He failed to go on to read the rest of the sentence, in which the minister said that that would happen only rarely and only in “extremely specific circumstances” if at all, which will be consistent with the powers that ministers have under the current legislation from 1967. There is no difference.

As far as Annabel Goldie is concerned, I think that it was very unkind of certain people to refer to her as a gangster’s moll—Annabel has much more to contribute than that. She asked why the Sewel convention was not questioned when it was going through the UK Parliament. The UK consulted on that in 1999 as this Parliament was being established. In 2001, it legislated. At that point, we thought it best to consult on whether people wanted Scottish legislation and Scottish regulations and the outcome of the consultation was that there was a preference for regulating on a UK basis. We would have been criticised for doing so then without consultation, but we are being criticised now for responding to the outcome of consultation. In a sense, we cannot win.

Jeremy Purvis asked some legitimate questions about consultation. I assure him that we have started work on discussions between the Association of Chief Police Officers in Scotland, the Scottish Drug Enforcement Agency and the serious organised crime agency to establish robust arrangements. We will come back with more detail on that.

I confess that I was extremely disappointed with Stewart Stevenson’s speech. He is usually well prepared and accurate, but his whole contribution today was completely and utterly wrong. For example, clause 2(2) makes it absolutely clear that clause 2(3) does not apply to Scotland, so the bill makes it clear that the Serious Fraud Office will not cover Scotland.

Stewart Stevenson: Will the minister give way?

Hugh Henry: No.

I shall go on to sum up where we are with the motion that is before us today. I have to say that those who have been tempted to join the unholy alliance of Tories and SNP members ought to think twice. Where are we with the motion? The Tories and the SNP are voting against new powers to investigate serious organised crime.

They are against new powers to impose financial reporting orders on people who are convicted of serious financial crime. The Tories and the SNP are voting against ratifying the United Nations conventions against transnational organised crime and against corruption, and they are also voting against the European Union framework directive on asset freezing. When it comes to criminal records, the Tories and the SNP will not allow Disclosure Scotland access to databases elsewhere in the United Kingdom, so the Tories and the SNP are abandoning Scotland’s children.

When it comes to witness protection, the Tories and the SNP shamefully want Scots witnesses to have access to greater protection when they are moved to England and Wales, but they want to deny English or Welsh witnesses the same protection in Scotland. Shame! When it comes to the private security industry—when it comes to a choice between crooks and communities—the Tories and the SNP have yet again gone against our communities.

So when it comes to the vote, let the record of shame show that when they were asked to vote for safer communities, SNP members have yet again allowed their constitutional obsession to take precedence over protecting decent people in decent communities, and the Tories have once again shown that, just as with the legislation on antisocial behaviour, they are not prepared to take a stand against those who inflict misery on our communities.

Business Motion

17:10

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-2360, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 9 February 2005

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 3 Proceedings: Water Services etc. (Scotland) Bill

followed by Stage 3 Proceedings: Budget (Scotland) (No.2) Bill

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 10 February 2005

9.30 am Parliamentary Bureau Motions

followed by Executive Business

12 noon First Minister's Question Time

2.00 pm Question Time—
Enterprise, Lifelong Learning and Transport;
Justice and Law Officers;
General Questions

3.00 pm Ministerial Statement: Scottish Water's Objectives

followed by Executive Debate: Anti-Racism Strategy

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 23 February 2005

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 3 Proceedings: Fire (Scotland) Bill

followed by Preliminary Stage Debate: Edinburgh Tram (Line Two) Bill

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 24 February 2005

9.30 am Parliamentary Bureau Motions

followed by Non-Executive Business

12 noon First Minister's Question Time

2.00 pm Question Time—
Education and Young People,
Tourism, Culture and Sport;
Finance and Public Services and
Communities;
General Questions

3.00 pm Procedures Committee Debate: 2nd Report 2005, Final Review of Oral Questions

followed by Standards Committee Debate: 1st Report 2005, Replacing the Members' Interest Order

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business.—[*Ms Margaret Curran.*]

Motion agreed to.

Parliamentary Bureau Motions

17:10

The Presiding Officer (Mr George Reid): The next item of business is consideration of three Parliamentary Bureau motions. I ask Margaret Curran to move motion S2M-2345, on the approval of a Scottish statutory instrument, and motions S2M-2354 and S2M-2355, on the membership of committees.

Motions moved,

That the Parliament agrees that the draft Land Reform (Scotland) Act 2003 (Modification) Order 2005 be approved.

That the Parliament agrees that Mrs Nanette Milne be appointed to replace Mr David Davidson on the Health Committee.

That the Parliament agrees that Phil Gallie be appointed to replace Mrs Nanette Milne on the Equal Opportunities Committee.—[*Ms Margaret Curran.*]

The Presiding Officer: The questions on the motions will be put at decision time.

Decision Time

17:11

The Presiding Officer (Mr George Reid): There are seven questions to be put as a result of today's business. The first question is, that motion S2M-1812, in the name of Peter Peacock, on the general principles of the Gaelic Language (Scotland) bill, be agreed to.

Motion agreed to.

That the Parliament agrees to the general principles of the Gaelic Language (Scotland) Bill.

The Presiding Officer: The second question is, that motion S2M-1819, in the name of Andy Kerr, on the financial resolution in respect of the Gaelic Language (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Gaelic Language (Scotland) Bill, agrees to any expenditure or increase in expenditure of a kind referred to in Rule 9.12.3(b)(ii) or (iii) of the Parliament's Standing Orders arising in consequence of the Act.

The Presiding Officer: The third question is, that amendment S2M-2243.2, in the name of Bill Butler, which seeks to amend motion S2M-2243, in the name of Cathy Jamieson, on the Serious Organised Crime and Police Bill, which is UK legislation, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The result of the division is: For 104, Against 17, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The fourth question is, that S2M-2243, in the name of Cathy Jamieson, on the Serious Organised Crime and Police Bill, UK legislation, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: I am sorry, but I am afraid that the system has failed again. We must suspend again for a few minutes.

17:13

Meeting suspended.

17:18

On resuming—

The Presiding Officer: We are hopeful that we can rerun the vote. I will first answer the point that Mr Canavan made while the meeting was

suspended. If we were to have a show of hands, we would have a total, but there would be no names against the votes. The only alternative would be a roll-call vote, which would be quite lengthy, so we will give the system another go.

I am sorry to say that, for the third question, we have the figures but not the names, so we will have to rerun the vote on amendment S2M-2243.2, in Bill Butler's name. Yet again, I ask all members to ensure that they have lifted their cards out of their voting consoles and put them in again.

The third question is, that amendment S2M-2243.2, in the name of Bill Butler, which seeks to amend motion S2M-2243, in the name of Cathy Jamieson, on the Serious Organised Crime and Police Bill, which is UK legislation, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, 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)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 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, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)

Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollak) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, 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)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (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, 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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)

Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 105, Against 16, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The fourth question is, that motion S2M-2243, in the name of Cathy Jamieson, on the Serious Organised Crime and Police Bill, which is UK legislation, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 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)
 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, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, 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)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 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, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 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)
 MacDonald, Margo (Lothians) (Ind)
 Martin, Campbell (West of Scotland) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)

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)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 64, Against, 57, Abstentions 0.

Motion, as amended, agreed to.

Resolved,

That the Parliament recognises the importance of building safe and secure communities and agrees that the provisions of the Serious Organised Crime and Police Bill that relate to devolved matters and those that relate to the executive competence of the Scottish Ministers, apart from those currently contained in clauses 124, 125(3), 127 and 160(5) and (6), should be considered by the UK Parliament.

The Presiding Officer: The fifth question is, that motion S2M-2345, in the name of Margaret Curran, on the approval of a Scottish statutory instrument, be agreed to. Are we agreed?

Motion agreed to.

That the Parliament agrees that the draft Land Reform (Scotland) Act 2003 (Modification) Order 2005 be approved.

The Presiding Officer: The sixth question is, that motion S2M-2354, in the name of Margaret Curran, on the membership of a committee, be agreed to. Are we agreed?

Motion agreed to.

That the Parliament agrees that Mrs Nanette Milne be appointed to replace Mr David Davidson on the Health Committee.

The Presiding Officer: The seventh and final question is, that motion S2M-2355, in the name of Margaret Curran, on the membership of a committee, be agreed to. Are we agreed?

Motion agreed to.

That the Parliament agrees that Phil Gallie be appointed to replace Mrs Nanette Milne on the Equal Opportunities Committee.

The Presiding Officer: That concludes decision time. I will report back tomorrow on the state of the voting system.

Philip Lawrence Awards 2004

The Deputy Presiding Officer (Murray Tosh):

The final item of business today is a members' business debate on motion S2M-2178, in the name of Susan Deacon, on the Philip Lawrence awards 2004. The debate will be concluded without any question being put.

Motion debated.

That the Parliament congratulates the youth volunteer group at LGBT Youth Scotland for winning one of the eight 2004 community safety Philip Lawrence Awards for their contribution to the community grid and to improving the lives of others; notes that LGBT Youth Scotland was the only Scottish organisation to reach the finals of the community safety awards section; recognises the significant work done by LGBT Youth Scotland in tackling homophobia and bullying; believes that this work continues to make a crucial difference to the lives of young people in Scotland, and commends this work to all who are working to challenge prejudice in Scotland.

17:23

Susan Deacon (Edinburgh East and Musselburgh) (Lab):

I am grateful for the opportunity to have this debate tonight. I thank the many members from across the political spectrum who signed the motion. I am also grateful to the members who have stayed in the chamber for the debate. I appreciate that the delays in proceedings at decision time will have an impact on attendance tonight.

I am sure that colleagues will want to join me in welcoming to the public gallery a number of visitors from LGBT Youth Scotland, including Jamie Rennie, the chief executive, and Martin Henry, the convener of its board. I want to give a particularly warm welcome to Sarah Rowlinson, who is one of the Philip Lawrence awardees. She is also a member of the Scottish Youth Parliament and was recently appointed as the vice convener of the LGBT Youth Scotland board. I am certain that the members who attended the LGBT Youth Scotland reception that I hosted in the Parliament last year will recall the exceptional speech that Sarah Rowlinson made on that occasion. I welcome and congratulate our visitors.

Tonight gives us an opportunity to celebrate success, applaud achievement and put on record our appreciation of work done. It also gives us an opportunity to face up to some of the challenges and attitudes that exist in society and to reflect on what more can be done to address them. It is right that we should endeavour to do both.

It is estimated that around 50,000 to 100,000 young people in Scotland are lesbian, gay, bisexual or transgender. Most of those young people are aware of their sexuality before they reach secondary school, yet it is estimated that

around only 6 per cent have come out by the time they are 16. Indeed, a recent survey conducted by LGBT Youth Scotland found that the average wait between a young person wanting to come out to actually doing so was more than four years.

I continue to live in hope that as a society and as a Parliament we will become ever more at ease in discussing matters of sex and sexuality and how they relate to public policy. I hope that as we do so, we will acknowledge that coming to terms with sex, relationships and sexuality are major parts of everyone's life and everyone's development at every stage of the life cycle, but no more so than in those early years.

As someone who is celebrating a forty-something birthday today—

Members: Ah!

Susan Deacon: Thank you.

I am conscious that my teenage years are quite a way behind me, but I am sure that we would all agree, from our personal experience of that stage and our experience now as parents and grandparents, that adolescence is a particularly challenging time. It is a time of one's life when the support of family, friends and many others really matters—all the more so when individuals encounter ignorance, prejudice or even verbal and physical abuse. That is one of the reasons why the work of LGBT Youth Scotland is so important and deserves to be commended, because the organisation has played a major and ever-increasing role in supporting lesbian, gay, bisexual and transgender young people throughout Scotland.

As an organisation, LGBT Youth Scotland is a success story. Since its inception in 1989, it has grown from a group of volunteers in Edinburgh to become a major national youth organisation with a turnover of £0.5 million and 27 staff. The group has a network of support groups stretching the length and breadth of Scotland. More than 3,000 people are part of its e-network, and its website, I am reliably informed, has had 474,000 hits in just the past four months.

Alongside all the support that the organisation has given to young people, those of us who have seen its work at close quarters cannot fail to be impressed by how effective it has been at working with agencies—the police, education authorities and the health service, to name but a few—local authorities, Government and other policy makers to help to shape policy and practice, to raise awareness and to change attitudes. It has done so much to ensure that LGBT young people in Scotland get a voice and get support.

The organisation's most recent accolade—the Philip Lawrence award—is well deserved and is

further recognition of what it has achieved. I am sure that some members will be familiar with the award scheme, but let me share just a little about it. I know that we will all remember with sadness the tragic death in December 1995 of Philip Lawrence—a man widely recognised as an inspirational head teacher in a secondary school in London, who was murdered outside the gates of his school while going to the aid of a pupil. The award scheme that has been set up in his name seeks to reward and recognise efforts that are being made to ensure that youngsters throughout the country can grow up in a safer, more secure environment. The awards recognise outstanding achievement by young people aged 11 to 20 in their local communities. The youth volunteer group of LGBT Youth Scotland was successful in winning one of the eight 2004 community safety Philip Lawrence awards for its work. It is worth noting that the organisation was the only Scottish one to reach the finals of the community safety awards.

Today is a day to congratulate the organisation and the individuals who have made the achievement possible and to celebrate success and progress. It is also important to mark and chart the progress that has been made over the years in Scotland and in the Parliament to promote equality, celebrate diversity and ensure that young people are given a voice and the best possible start in life. However, I am sure that we all agree that there is an awful lot more still to do to build a society in which tolerance and respect are the hallmark of our words and deeds and in which every young person has the opportunity to fulfil their potential. In that regard, I can end on no better words than those of Philip Lawrence, who said:

“Every child is capable of greatness”.

I am pleased that we have had an opportunity to acknowledge the achievements of some of Scotland's young people in ensuring that more of Scotland's young people go on to ever-greater achievements.

17:31

Margaret Smith (Edinburgh West) (LD): I congratulate Susan Deacon on securing the debate and LGBT Youth Scotland volunteers on winning a Philip Lawrence award for community safety for the valuable contribution that they make to communities throughout Scotland. The volunteers, who often work with partners in government, the police, the national health service and other agencies, are exceptional and special young people. At a time when we hear so much about the small minority of young people who cause problems in our society and on our streets, it is great to acknowledge the crucial work that the

volunteers and the staff of LGBT Youth Scotland do with young people and the wider community to educate people about the issues that affect LGBT young people in Scotland, to increase awareness and understanding and to reduce homophobia and bullying.

LGBT Youth Scotland's helpline—youthline—on Tuesday nights and its website, outreach team, events and youth council all help young Scots who are under 26 to come to terms with their sexuality, in all its richness and with all its challenges. That work is particularly useful for young people in rural parts of Scotland, who have less access to gay venues, friends and networks and who can feel particularly isolated. At any age, it is difficult for people to come to terms with being different and with the creeping realisation that they are not like the norm; that others will hate and persecute them even if they have never met them; and that they will hurt people whom they love just by being who they are. It is difficult to come to terms with that at 40; I can only imagine how difficult it is to come to terms with that as an adolescent. That is why the volunteers are particularly exceptional young people. They have gone through those experiences and then turned round and decided to help others who are going through the same difficulties in the growing and coming-out process. That is why the support that young people receive from LGBT Youth Scotland volunteers is so important.

Susan Deacon alluded to the advances that we have made. To name a few recent milestones for the gay community in Scotland, we have repealed section 2A and Westminster has equalised the age of consent and passed legislation on civil partnerships. However, while young gay people in Scotland remain among the most at-risk groups of adolescents, there is a lot more to do. The 2000 Scottish crime survey showed that young gay men were almost four times more likely to be the victim of violent crime than their straight counterparts were. A recent Stonewall study showed that 90 per cent of LGBT under-18s have experienced verbal abuse as a result of their sexuality and that 77 per cent have suffered bullying at school.

As a result of homophobia and discrimination, young people are forced to live a lie, which affects their self-esteem, confidence and health and often leads to self-harm, attempted suicide, substance abuse, mental health problems and academic underachievement. Not surprisingly, most young LGBT people decide not to come out at school, often leaving themselves isolated and unsupported. Hiding such a significant part of their identity is one of the first things that many young LGBT people learn to do—to protect not only themselves but often their families and friends. The fight for equality and against homophobia is not over. It is important that young people have

somewhere to turn for help—whether it is because of bullying, unsympathetic parents, or a lack of self-esteem, or whether it is to find ways of contacting other young LGBT Scots.

Discovering that one is gay can be a highly traumatic time, but with support and growing confidence it can also be a fantastic time. LGBT Youth Scotland—through Matthew Middler and Sarah Rowlinson, their two members of the Scottish Youth Parliament, and through its youth council—has engaged with MSPs and articulated the needs of young gay people.

All of us in the Parliament have to stand up and say that homophobia is wrong. We have to speak out against it as clearly as we do against racism and sectarianism. If we do that, we will build a better future for young gay Scots and—who knows?—perhaps LGBT Youth Scotland volunteers might be as proud of us in future as we are of them today.

17:36

Lord James Douglas-Hamilton (Lothians) (Con): I warmly congratulate Susan Deacon on her success in securing the debate. I welcome the opportunity to add my congratulations to those that she and Margaret Smith have expressed to LGBT Youth Scotland on winning one of the Philip Lawrence awards for community safety in 2004.

The members of LGBT Youth Scotland have shown admirable initiative in organising peer education and training events to raise awareness of LGBT issues—including homophobic bullying, identity, self-harm, suicide, substance abuse and sexual health. By educating other young people and the wider community, LGBT Youth Scotland is taking active steps towards reducing homophobia and prejudice and towards making communities safer for all young people.

In 1996, during his term as Home Secretary, Michael Howard announced the intention of setting up an annual awards scheme in memory of Philip Lawrence. The Philip Lawrence awards were established to recognise outstanding achievements of good citizenship by the young. That happened in the wake of the tragic death of Philip Lawrence who, as we have heard, courageously intervened in a fight between pupils.

The awards have helped to build young communities throughout Scotland. Last year's Scottish winner was Castlehead High School's paired reading club. That programme has raised reading ages, eradicated some of the bullying of people with reading difficulties and increased the self-esteem and confidence of the young people involved.

The awards aim to help vulnerable young groups of all kinds—for example, the young

lesbian and gay community. The group that has won this recent award has lobbied very hard on issues of importance to all young people. As its top priorities, it has highlighted changes to the education system and offered support to local LGBT youth groups around Scotland. Actions that help to combat lawlessness and violence and to promote safe and integrated communities, and actions that demonstrate good citizenship, are to be strongly congratulated.

I welcome and commend the bravery and initiative of these young people, who have improved safety and helped to build confidence in their communities. They provide a positive example to their peers. I hope that, in future, we will encourage more young people to participate in the Philip Lawrence awards scheme—to promote the development of responsible, thoughtful and active citizenship.

Michael Howard said of the awards:

“The purpose is to recognise outstanding achievement of good citizenship by the young.”

Susan Deacon rightly asked us to remember the words of Philip Lawrence, who said:

“Every child is capable of greatness”.

17:39

Tricia Marwick (Mid Scotland and Fife) (SNP):

I offer my sincere congratulations to Susan Deacon on securing this debate. This is precisely the kind of debate that members’ business should be used for. Sometimes, we do not get the unanimity that we should at members’ business. As a business manager and chief whip, I feel that this is exactly the kind of debate that we should be having at this time of night. I also congratulate Margaret Smith on a very fine speech. Obviously, she spoke from her own experience. Her speech was heartfelt and I am sure that it contained words of encouragement for many people.

LGBT Youth Scotland also deserves all our congratulations and support, because it supports other young people in tackling homophobia and bullying and it helps young people at their most vulnerable, when they are adolescents. They have many problems to deal with at that stage without the pressure under which society puts them to adopt what it views as norms. That is why the work of the LGBT Youth Scotland volunteers deserves recognition, not just in relation to the Philip Lawrence awards scheme, but every day of the week, because they support other young people every day of the week. The work that they do is amazing and I cannot praise them enough.

The Philip Lawrence awards scheme is about the outstanding achievement of young people. Young people throughout our communities are

working hard, although they get a bad press. I know about the work that young people do from my experience and, judging by the fact that members are nodding their heads, I think that they have similar experience. We should try to encourage more youth organisations and young people to put themselves forward for the awards next year. It is good to see young people getting the recognition that they need and deserve.

The debate has been extremely thoughtful. I apologise that I have to leave immediately after my speech, but we are running late tonight and I have something else to attend to. I offer LGBT Youth Scotland every congratulation and I hope that the work that it does will continue in the years ahead. It is an inspiration to us all and I am grateful for the opportunity to pass on my thanks.

17:42

Dr Elaine Murray (Dumfries) (Lab): I too congratulate Susan Deacon on securing the debate. I agree with some of Tricia Marwick’s comments about the relevance of the topic to a members’ business debate. I also thank Susan Deacon’s office for drawing to my attention an LGBT event that will be taking place in my constituency shortly. In my brief contribution I will draw attention to the LGBT Youth Scotland national gathering, which will be held in Dumfries from 18 to 20 February, and an associated event.

At the national gathering, the LGBT Youth charter of rights will be launched and endorsed by Kathleen Marshall, the commissioner for children and young people, and elections will be held to the Scottish Youth Parliament on the Sunday. I am looking forward to taking up my invitation to go along and give advice to the prospective members of the Scottish Youth Parliament, although I suspect that they might be able to give me advice. There will also be elections to the youth council and a range of funding activities, which are described on LGBT Youth’s website and which will “range from trash drumming, games and drama to workshops on subjects like the scene and feeling good ... to dancin’, prancin’ and generally muckin about”.

I might give the last bit a miss, but I am pleased to hear that these groups of young people are coming to the gathering.

I was particularly impressed to see that LGBT—I actually find it easier to say the longer term, lesbian, gay, bisexual and transgender—Youth Scotland will not just pay for the accommodation for young people under 26 in friendly bed and breakfasts in Dumfries, but will help with their travel costs and that the event is completely free to the young people who are taking part. That is excellent.

I hope that the young people get a friendly and warm welcome from the people of Dumfries. From the town's point of view it is good to have a number of people coming to stay in bed and breakfasts at a time when the tourist trade is not at its height. I draw to members' attention the fact that I have a motion wishing the event every success. I hope that everyone here who has not signed it yet will do so, as that would send a good message to the young people.

The event is preceded by a community planning event, which was organised by LGBT Youth Scotland and Dumfries and Galloway's inclusive communities forum at Browne House at the Crichton university campus. Among other things, it will focus on services and facilities for lesbian, gay, bisexual and transgender people of all ages in Dumfries and Galloway and will include a presentation by local lesbian, gay, bisexual and transgender young people. It is a good event to be happening.

Susan Deacon mentioned her birthday, in relation to which we wish her all the best. I am a wee bit older than she is, unfortunately, and entered my sixth decade at the end of last year. My age enables me to reflect on the considerable advances in the promotion of equality and the celebration of diversity that have taken place since I was young. In those days, there were gay bars in Edinburgh and Glasgow, but there were no events in places such as Dumfries such as the one that will take place there this month and no discussions between community planning partners on services for lesbian, gay, bisexual and transgender people in predominantly rural areas such as Dumfries and Galloway. Although, as Margaret Smith says, there is still much to be done, much progress has been made. I welcome that and congratulate organisations such as LGBT Youth Scotland that have been part of the process of making those improvements.

17:46

Patrick Harvie (Glasgow) (Green): I would like to put on record the apologies of my colleague, Robin Harper, who would have liked to speak this evening, but who has been taken unwell.

I add my congratulations to my friends at LGBT Youth Scotland on their award and to Susan Deacon on securing this debate. However, I hope that members will forgive me if I speak in more general terms about LGBT youth issues, as I used to earn my living working to support an LGBT group in Glasgow.

I am also pleased that Johann Lamont is here to close for the Executive, as this is not the first time I have discussed LGBT youth issues with her in the Parliament. Before my election to the Scottish

Parliament, I gave evidence to the Equal Opportunities Committee, of which she was a member at the time. It was during that unpleasant period that I remember as the war of the clause. Just after it finished—and we had claimed victory—the youth group that I was working for had a competition to design their tee-shirts for the next Pride Scotland event. I am sorry to say that I cannot remember the design that was eventually chosen, but I kept with me my favourite—which never made it near the shortlist—because, although it was not colourful or visual, I loved the sarcasm of the tone. In simple text, it says:

“Brian Souter and the Daily Record made it hard for me to come out, and all I got was this lousy T-shirt!”

I will clip it to my lectern as my mascot for this evening.

As a youth worker, for about eight or nine months during that unpleasant period, I went to bed every night thinking, “What kind of a news day was that for us?” That was not what I was supposed to be doing. I was supposed to be considering and working on some of the issues that Susan Deacon mentioned in her opening speech. An important one of those issues is the four-year delay that she talked about and the feelings and experiences that people have when they know who they are and that they want to come out but fear doing so, even though they know that it should not even be an issue. Those concerns were why I was giving evidence to the Equal Opportunities Committee—instead of a member of the youth group who had decided, on the morning that we were coming through, that he did not feel able to appear in such a high profile and high pressure situation, which many young people should be able to cope with. I am delighted that there are many people in LGBT Youth Scotland who, with that organisation's support, are able to speak about their experiences with the passion and articulacy that, unfortunately, eluded that member of my youth group.

A colleague of mine from down south, a black youth worker who had worked with black young men and gay young men, once described to me what he saw as the main difference between those two groups. He said, “If you're black, you never have to tell your mother.” The feelings around the process of coming out for the first time—very often, people come out to their mothers first—are important. Coming out is something that stays with us. For people who are part of a minority group that was, originally, defined by quite overt oppression, the issue of coming out never goes away; people have to do it again and again throughout their lives.

The main point that I want to make tonight is that as the oppression becomes less overt and the amount of discrimination reduces and, I hope,

becomes more trivial, the identity that was formed in the first place by the oppression begins to blur around the edges and sexual identity is no longer so fixed and immutable.

I am hopeful that the Executive's work as part of the sexual health strategy around challenging stigma and discrimination will, as the draft strategy suggested, address sexuality and sexual identity, for as long as we send a number of our young people to school to be educated by an organisation that considers them morally disordered, the issues will remain current in many young people's lives.

17:50

Nora Radcliffe (Gordon) (LD): I offer apologies from Margaret Smith. She has people coming in to see her, which is why she could not stay for the end of the debate.

I too commend Susan Deacon, not only for lodging the motion and giving the Parliament the opportunity to say thank you and well done to LGBT Youth Scotland but for all the work that she does to highlight the issues, of which she is an excellent champion.

I am sure that LGBT Youth Scotland does not do what it does in order to be thanked, but it is encouraging to have one's efforts recognised. The Philip Lawrence award is a truly significant accolade, so I am delighted to add my congratulations and to thank LGBT Scotland for its tremendously good work in disseminating information and advice and providing support to young people. I think its website must be exceptionally good, because I can navigate around it. It contains an enormous amount of information and I think it is wonderful, so I give a special mention to that, in passing.

As Susan Deacon said, LGBT Youth Scotland helps young people at a difficult time of life, which is the transition from childhood to adulthood. That is when people are beginning to explore their sexuality and ask how they fit into the world as adults. That is difficult for everybody, but it is especially difficult for LGBT youth, and Susan Deacon's description of these issues was excellent.

My aunt is a teacher. I remember hearing her say—probably about 30 years ago—how excellent it was that people felt able to say that they were gay or lesbian. I remember thinking that that was not excellent, because people should not have to identify themselves or say it. It should just be completely acceptable and normal. People should not have to come out; their sexuality should just be something that they are, and it should be as unremarkable as having a big nose or red hair.

I hope that, in the fullness of time, being lesbian or gay will be completely acceptable and unremarkable and we will not need organisations such as LGBT Youth Scotland. However, we need them at the moment and they do superbly good work to support young people who face homophobia and bullying. There are two strands to that work, because in addition to supporting people it involves highlighting the issues, challenging people's attitudes and forcing them to deal with the issues properly. It also involves providing a safe outlet for people who are suffering mistreatment, and offering a place where they can go to get informed sympathy and proper help.

The work that LGBT Youth Scotland does as the voice of LGBT young people is also tremendously important. As a society, we are so dependent on volunteering. It is like the beer that gets to places that other beers cannot reach. Volunteers depend on the quality of the core support, and that involves not just money, but people. I commend the excellent, highly competent leadership that LGBT Youth Scotland gets from Jamie Rennie and his team.

I received a nice e-mail from Jamie Rennie:

"The work of the parliament has had a major impact on how many LGBT people related to political processes and politicians. The Scottish Parliament and its members are accessible, approachable and enthusiastic about meeting young people – long may this continue."

It is a two-way street. I think that LGBT Youth Scotland's readiness to engage, its competence and the way in which it engages make our lives as politicians, and our work, that much easier. I thank the organisation and its team again for the excellent work that they do. I say to them: keep it up, and I hope that you will be redundant in the not-too-distant future.

17:55

The Deputy Minister for Communities (Johann Lamont): I welcome the opportunity to sum up the debate, although the chamber is emptying—I will try not to take that personally. The award is a great achievement for LGBT Youth Scotland. I am delighted to add the Executive's congratulations to those that others have expressed and to recognise the significance of an award that carries the name of Philip Lawrence, who understood much about the needs and potential of young people. The award is an honour for those who have received it and it is a delight and a pleasure for us to congratulate them on receiving it.

I commend LGBT Youth Scotland for supporting young people to make a difference in their communities through volunteering. As Nora Radcliffe said, we learn yet again about the significance of volunteering and how important it is

in our society that people seek to meet an identified need for no reason other than that that need must be met.

I welcome the opportunity that Susan Deacon's motion provides to outline the Executive's commitment to such important work and I commend all those who made powerful speeches in the debate. I reflect again on the power of those who experience discrimination when they speak out about that discrimination. When they give their experience a voice, it is powerful in shaping how we as a society tackle that discrimination. We do not just hear of that experience; it shapes and drives our response.

The Executive has worked closely with LGBT Youth Scotland for several years. We consider it to be a key partner in delivering our equality strategy and in our work to tackle prejudice and discrimination and to promote equal opportunities. We have provided a grant of £150,000 over three years for the organisation's core running costs and a further £65,000 to develop mechanisms for consultation and engagement with LGBT young people. I am particularly pleased to announce tonight that we have just agreed a further £105,000 from April 2005 for a three-year project to strengthen further our engagement with LGBT young people and ensure that their voices are heard. Listening directly to the voices of LGBT young people—to their concerns, experiences and aspirations—will help us to deliver services that tackle the problems and barriers that LGBT young people face.

Since the repeal of section 2A of the Local Government Act 1986, a new commitment has been made in Scotland to embracing equality in sexual orientation and gender identity. With Patrick Harvie, I recall those difficult days, the emotion and difficulty of the debate and the noise and clamour. However, in the middle of that, the clear voice of reason emerged about why the Parliament had to take the decision that it did in the name of justice and equality.

In partnership with the national health demonstration project, healthy respect, LGBT Youth Scotland has contributed to that culture change. Together, they have progressed many training opportunities for professionals and young people. Since 2001, healthy respect and LGBT Youth have achieved work with young people that includes awareness sessions in secondary schools and a theatre in education project called "Them & Us: whose side are you on?", which is designed to challenge homophobia. Work with professionals has included training sessions with teachers and school nurses on LGBT awareness and homophobia. The organisations have also worked with parents and carers and produced a

guide on LGBT issues for teachers that went to all Lothian secondary schools.

We are also working with LGBT Youth Scotland on other projects to tackle homophobia and bullying in education. We are committed to ensuring that children in Scottish schools benefit from equality of opportunity and demonstrate respect for themselves and one another. In that context, the needs of LGBT young people and other young people who are affected by the issues must be addressed.

We acknowledge that homophobia continues to be a problem in our schools and that it must be tackled. We have therefore commissioned LGBT Youth Scotland, in partnership with the centre for education for race equality in Scotland, to undertake work to ensure that homophobic bullying or harassment in our schools is dealt with consistently and effectively. Any form of bullying in schools is unacceptable, including homophobic bullying and attacking people on the ground of their sexuality. The Executive, local authorities and schools are working hard to ensure not only that bullying is tackled wherever it arises, but that our young people are instilled with values of tolerance and respect and an appreciation of diversity, which will help to prevent bullying.

The recent national anti-bullying competition highlighted discrimination as a theme of bullying and addressed homophobia, racism and disability. The competition asked young people to think about the importance of being friendly and helpful and about how we should embrace the differences between people. The entries that we received proved that those values already exist among our young people. We have a responsibility to nurture those attitudes and to ensure that our young people grow up to be responsible, caring citizens.

We must also ensure that young people who are the victims of homophobic bullying feel supported in seeking help and advice. New anti-bullying resources for schools address homophobia in detail, so that young people can identify it and know what help is available to them if necessary. That information recognises LGBT Youth Scotland as a key contact for those young people.

February 2005 is the first LGBT history month, and the Executive is delighted to support that initiative. We believe that Scotland will be stronger and more successful if we celebrate diversity and the ways in which different cultures, ideas and experiences enrich Scottish life and have defined us all as Scots. I am delighted that my ministerial colleague, Malcolm Chisholm, will host a reception for LGBT communities at Edinburgh castle later this month to recognise and celebrate the contribution of Scotland's LGBT communities and to recognise in particular the work of LGBT Youth Scotland. I understand that some of the young

people from LGBT Youth Scotland have been invited to attend that reception.

We all agree that there is no place in Scotland for homophobic prejudice or discrimination. It is the commitment of the Scottish Executive to continue to work in partnership with Scotland's LGBT communities to recognise their key role in helping us to deliver services that meet their needs and shape the action that we, as a society, must take in the future.

I again congratulate Susan Deacon on securing the debate and thank everybody who has contributed to making it worth while. I also congratulate the young people who have secured this prestigious award and wish them all the best in their continuing efforts to support the LGBT communities.

Meeting closed at 18:01.

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