

MEETING OF THE PARLIAMENT

Wednesday 23 February 2005

Session 2

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DEPUTY FIRST MINISTER—Right hon Jim Wallace QC MSP

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DEPUTY MINISTER FOR JUSTICE—Hugh Henry MSP

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DEPUTY MINISTER FOR EDUCATION AND YOUNG PEOPLE—Euan Robson MSP

Enterprise and Lifelong Learning

MINISTER FOR ENTERPRISE AND LIFELONG LEARNING—Right hon Jim Wallace QC MSP
DEPUTY MINISTER FOR ENTERPRISE AND LIFELONG LEARNING—Allan Wilson MSP

Environment and Rural Development

MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT—Ross Finnie MSP
DEPUTY MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT—Lewis Macdonald MSP

Finance and Public Service Reform

MINISTER FOR FINANCE AND PUBLIC SERVICE REFORM—Mr Tom McCabe MSP
DEPUTY MINISTER FOR FINANCE AND PUBLIC SERVICE REFORM—Tavish Scott MSP

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MINISTER FOR HEALTH AND COMMUNITY CARE—Mr Andy Kerr MSP
DEPUTY MINISTER FOR HEALTH AND COMMUNITY CARE—Rhona Brankin MSP

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MINISTER FOR TRANSPORT—Nicol Stephen MSP

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PRESIDING OFFICER—Right hon George Reid MSP
DEPUTY PRESIDING OFFICERS—Trish Godman MSP, Murray Tosh MSP

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MEMBERS—Robert Brown MSP, Mr Duncan McNeil MSP, John Scott MSP, Mr Andrew Welsh MSP

PARLIAMENTARY BUREAU

PRESIDING OFFICER—Right hon George Reid MSP
MEMBERS—Bill Aitken MSP, Mark Ballard MSP, Ms Margaret Curran MSP, Carolyn Leckie MSP, Margo MacDonald MSP, Tricia Marwick MSP, Tavish Scott MSP

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Education	Robert Brown	Lord James Douglas-Hamilton
Enterprise and Culture	Alex Neil	Mike Watson
Environment and Rural Development	Sarah Boyack	Mr Mark Ruskell
Equal Opportunities	Cathy Peattie	Nora Radcliffe
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Finance	Des McNulty	Alasdair Morgan
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Justice 2	Miss Annabel Goldie	Bill Butler
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Procedures	Iain Smith	Karen Gillon
Public Petitions	Michael McMahon	John Scott
Standards	Brian Adam	Mr Kenneth Macintosh
Subordinate Legislation	Dr Sylvia Jackson	Gordon Jackson

23 February 2005

Scottish Parliament

Wednesday 23 February 2005

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

Time for Reflection

The Presiding Officer (Mr George Reid): Good afternoon. Our first item of business, as it is every Wednesday, is time for reflection. Our time for reflection leader today is Miss Irene Jovaras, the joint co-ordinator of the Focolare Movement in Scotland.

Miss Irene Jovaras (Focolare Movement in Scotland): Thank you for the privilege of allowing me to be here with you this afternoon.

My parents were “aliens”, or at least that is what their identity cards said. They came to Scotland as DPs, or displaced persons, in the 1940s as they fled from Lithuania to escape Russian occupation. We grew up with a deep sense of gratitude to the Scottish people, and for simply having food on the table and a roof over our heads. My father often reminded us, when we were tempted to complain about something, how lucky we were to live in a democracy: in a country where we were free to say without fear what we believed. That was a gift not to be wasted. We had to become responsible citizens and make a positive contribution to our new homeland. Sometimes I ask myself if I still appreciate enough what it means to live in a democracy.

As I reflect on the meaning of the word “democracy”, the three principles of the French revolution come to my mind: liberty, equality and fraternity. If freedom alone is emphasised it can become the privilege of the strongest or of those who speak the loudest. If equality alone is emphasised it can result in a cold mass collectivism, where the creativity of the individual is suffocated. Surely it is only where there is the warmth of genuine fraternity that we find the true meaning and purpose of freedom and equality.

Economic imbalance, climate change and the growing diversity of our culture are just some of the challenges that I believe call us more than ever to the idea and practice of fraternity.

The words of Jesus—

“Father, may they all be one”—

have been a source of inspiration to Christians and others over the centuries. In revealing God as our Father, Jesus makes us all brothers and sisters, breaking down the walls which separate those who are the same from those who are different.

Mahatma Gandhi reminded us that

“The golden rule is to be friends with the world and to consider the whole human family as one”.

Chiara Lubich, president of the worldwide Focolare Movement, spoke to parliamentarians in Westminster last June. As she outlined her work for dialogue between people of different faiths, cultures and backgrounds, she offered the art of loving, which consists of four simple guidelines that are key to dialogue. The first is to be the first to love others and to take the initiative in building relationships and in welcoming others. The second is to love everyone regardless of where they are coming from—even to love the people of other political parties as you love those in your own. [*Laughter.*] The third is to put ourselves in the shoes of others and to see things from their point of view, which might even be close to our own. Finally, when the going gets tough, it is a chance to make the obstacle a springboard and to be open to new ideas.

What is my wish and prayer for the politicians of Scotland? It is that you will find much energy, light and joy from the fraternity among you so that you can be truly yourselves and together continue to be a model for a new politics: a politics that is charity in action, and which is servant and not master of the common good.

Parliamentary Bureau Motions

14:34

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-2464, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Fire (Scotland) Bill.

Motion moved,

That the Parliament agrees that during Stage 3 of the Fire (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time-limits indicated (each time limit being calculated from when the Stage begins and excluding any periods when other business is under consideration or when the meeting of the Parliament is suspended or otherwise not in progress):

Groups 1 to 4 – 20 mins

Groups 5 to 10 – 45 mins

Groups 11 and 12 – 1 hour.—[*Ms Margaret Curran.*]

Motion agreed to.

Fire (Scotland) Bill: Stage 3

14:34

The Presiding Officer (Mr George Reid): The next item of business is stage 3 of the Fire (Scotland) Bill. Members should have the bill as amended at stage 2, the marshalled list of amendments that I have selected for debate and the groupings.

I will allow an extended voting period of two minutes for the first division. Thereafter, I will allow a voting period of one minute for the first division after a debate on a group. All other divisions will be 30 seconds long.

Section 11—Emergency directions

The Presiding Officer: Amendment 1, in the name of the minister, is grouped with amendments 2, 7, 8, 14, 18, 19, 30, 24, 25 and 26.

The Deputy Minister for Justice (Hugh Henry): The amendments in the group are minor and consequential. Amendments 1, 2, 7 and 8 are aimed at improving the grammar and drafting of sections 11, 18 and 35A. Amendment 14 will correct an oversight from stage 2, whereby section 52 was not included in the group of amendments that replaced the words

“in the event of fire”

with

“safety ... in respect of harm caused by fire”.

Amendments 18, 19 and 30 are minor amendments that will correct references in section 65 to part I of the Health and Safety at Work etc Act 1974 to ensure that orders as well as regulations that are made under part I of the 1974 act are preserved if an enforcing authority under the bill is also an enforcing authority within the meaning of the 1974 act.

Amendments 24, 25 and 26 will amend schedule 3 and make minor and consequential amendments to other legislation. The amendments will replace references in statute to “fire authorities”, “fire brigades”, “joint fire boards” and other terms that are used in the Fire Services Act 1947. It will no longer be appropriate to use such references when the 1947 act has been repealed and the proposed legislation comes into force. It is therefore necessary that we replace those terms with the updated terminology that the bill uses.

I move amendment 1.

Mr Stewart Maxwell (West of Scotland) (SNP): I agree with the minister that the amendments are minor and consequential—we have no problem with them. However, I seek clarification on one matter. Amendment 24 will insert new section

54(4)(b) into the Civic Government (Scotland) Act 1982. The new section refers to the

“fire-fighting functions of any other employer of fire-fighters”.

Would the provision include, for example, BAA Ltd? Will he clarify to which other employers of firefighters the provision refers?

Hugh Henry: I do not have access to the full details, but I will clarify the matter for Stewart Maxwell.

Amendment 1 agreed to.

Section 18—Agreements in relation to water supply

Amendment 2 moved—[Hugh Henry]—and agreed to.

After section 20

The Presiding Officer: Amendment 3, in the name of the minister, is in a group on its own.

Hugh Henry: In its stage 1 report, the Justice 2 Committee considered that there was merit in Scottish Water’s having responsibility for maintaining fire hydrants, but wanted clarification of the financial implications for the fire service were such a transfer of responsibility to be effected. The committee drew my attention to evidence that was taken and invited me to consider the issue further. I am sympathetic to our trying to do what we can to rebalance the costs that are associated with maintenance of hydrants.

Mike Pringle lodged two amendments at stage 2 that would have transferred all the costs to Scottish Water, but he withdrew the amendments to enable me to consider further the available options. Ultimately, we are talking about shifting costs. We did not expressly consult on the issue when we drew up the legislative proposals, so it would be wrong to place new burdens on organisations without the necessary prior consultation. I see no benefit in simply moving costs between two public services—fire services and water services. Such an approach would have no positive effect and would raise questions about funding if, for example, there were a transfer of funds from fire grant-aided expenditure allocation or if bills for all water customers were allowed to increase to meet the new costs, which would be contrary to the principle that the charges that users face should generally reflect the costs that they impose on the system.

Amendment 3 therefore represents a sensible and flexible solution. It will allow the implications of any policy on hydrant costs to be fully considered. Thereafter it will allow—which is important—consultation of all the relevant and interested parties, in order to identify whether a change in the

existing legal provisions is necessary. For example, in the case of new housing or new industrial or commercial developments, we would consult on whether there was support for a way of requiring the developer—on newly developed or on redeveloped sites—to meet the costs of installing hydrants.

I move amendment 3.

Mr Maxwell: I support amendment 3 and I acknowledge the minister’s comments. Difficulties arose because the possible transfer of responsibility for fire hydrants between the fire authorities and Scottish Water was not included in the original consultation. I am disappointed that the issue was not dealt with then.

The minister says that we will consider the issue in the future, which is a positive step. There are many logical reasons why fire hydrants should be transferred between fire authorities and Scottish Water. Those reasons might come up in the debate later on; I am sure that they will come up during any consultation by the minister of the various authorities.

The details should be left to ministerial powers, as amendment 3 suggests. The circumstances of defraying of costs to other bodies will be largely administrative. Liabilities will change over time and it is perfectly reasonable to put them within ministerial powers.

Amendment 3 agreed to.

Section 23—Powers of authorised employees in relation to emergencies

The Presiding Officer: Amendment 4, in the name of the minister, is grouped with amendments 5 and 6.

Hugh Henry: Amendments 4, 5 and 6 are minor tidying amendments that will remove unnecessary wording from the powers in sections 23 and 24 and will bring those provisions into line with section 24(2)(a) and section 57, in which similar powers are conferred. The meaning of the affected subsections is unchanged.

I move amendment 4.

Mr Maxwell: I wish to raise a minor point in relation to section 23(2)(b). The amendments in this group will affect section 23(2)(a) and section 23(2)(c) by removal of the words

“without the consent of the owner”

and

“without the consent of its owner”

respectively. However, in section 23(2)(b), the words

“without the consent of its owner”

have been left in.

I understand that that was done because there was not absolute clarity that force would be used on the occasions that are covered by section 23(2)(b). Will the minister confirm that that is the reason? I feel that it would have been better for clarity either to leave the words in all three paragraphs, or to take them out of all three.

Hugh Henry: Stewart Maxwell has, in essence, described why we have done what we have done. We think that it made sense for us to make the proposals in the three amendments.

Amendment 4 agreed to.

Amendment 5 moved—[Hugh Henry]—and agreed to.

Section 24—Powers of constables in relation to fires

Amendment 6 moved—[Hugh Henry]—and agreed to.

Section 35A—Amendment of Emergency Workers (Scotland) Act 2005

Amendments 7 and 8 moved—[Hugh Henry]—and agreed to.

Section 35B—Assaulting or impeding employees discharging certain functions

The Presiding Officer: Amendment 9, in the name of the minister, is grouped with amendments 10 to 13.

Hugh Henry: Amendments 9, 10, 11, 12 and 13 address an overlap in the bill in section 35B. In that section, “enforcing” authorities are identified as being separate entities to “relevant” authorities. In fact, an enforcing authority can also be a relevant authority. Amendments 9, 10 and 11 will therefore remove the references to “enforcing” authorities from section 35B. The intention of section 35B is to deal with offences that may be committed against employees of relevant authorities. Reference to relevant authorities is therefore, I believe, adequate.

Amendments 12 and 13 will improve the references in section 35B(2) to persons operating under arrangements made under section 34. Section 33 is concerned with those who assist relevant authorities; section 34, however, is concerned with those who carry out the functions of relevant authorities. The amendments will therefore remove the existing reference to section 34 and insert a new subsection that will cover persons carrying out functions under section 34 arrangements.

I move amendment 9.

Amendment 9 agreed to.

Amendments 10 to 13 moved—[Hugh Henry]—and agreed to.

Section 45—Statutory negotiation arrangements

14:45

The Presiding Officer: Amendment 27, in the name of Bill Butler, is grouped with amendment 28.

Bill Butler (Glasgow Anniesland) (Lab): Amendments 27 and 28, which are in my name, concern trade union involvement in statutory negotiating arrangements.

During the stage 1 evidence sessions and in the stage 1 debate, the view was expressed by many of my colleagues on the Justice 2 Committee and by members in general that the bill should contain an express duty to consult recognised trade unions. However, as members will know, union recognition is a matter for employers. The fact that a union sits on a national negotiating body does not mean that each employer that is represented on the national body recognises that union. Conversely, a union can be recognised by an employer but have no seat on a national negotiating body.

During stage 2, committee members were right to continue to express concern on the matter; indeed, my committee colleague Colin Fox lodged seven amendments to sections 45 and 46. Following the defeat of his first amendment, Colin Fox did not move his six subsequent amendments, but I recall that he expressed the hope that “a middle way” could be found at stage 3. As a Labour Co-operative MSP, I support the politics of a progressive third way and I hope that my two amendments will provide that acceptable middle way.

Sections 45 and 46 provide that statutory negotiation bodies and relevant negotiation bodies shall include

“persons representing the interests of some or all employees of relevant authorities”.

That definition includes representatives of trade unions who represent employees of relevant authorities. However, amendments 27 and 28 will make it clear on the face of the bill that sections 45 and 46 enable inclusion in the statutory negotiation bodies and the relevant negotiation bodies of representatives of trade unions

“whose membership consists of or includes employees of relevant authorities.”

I stress that my amendments would not exclude any trade unions or representative bodies, such as bodies that had not previously been recognised for negotiating purposes.

I hope that the Executive will accept my amendments and that Parliament will support them. I believe that they address concerns that members and trade union representatives expressed during earlier stages of the bill's consideration and they have been lodged for the avoidance of doubt.

I move amendment 27.

Mr Maxwell: I support all the comments that Bill Butler made on amendments 27 and 28—

Jackie Baillie (Dumbarton) (Lab): Including his remarks about a third way?

Mr Maxwell: I agree with all his comments except those about a third way, and I thank Ms Baillie for that reminder.

The Justice 2 Committee was concerned about the lack of official trade union recognition in the statutory negotiating arrangements—all members were worried because such an omission had occurred. I hope that I am correct in saying that, at the time, the minister stated that he felt that it was not necessary to have such recognition on the face of the bill, and that he sought to reassure the committee about that.

It is important that the trade unions be mentioned in sections 45 and 46, so the Scottish National Party will support amendments 27 and 28. I am glad that Bill Butler supports statutory arrangements and I hope that he will support statutory arrangements for other bodies when we come to deal with later amendments.

The Presiding Officer: I call Duncan McNeil.

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): I am sorry; I must have pressed my button by mistake.

The Presiding Officer: Mr McNeil's name was showing on my screen.

Hugh Henry: I welcome Bill Butler's amendments. Consultation with recognised trade unions was the subject of a great deal of discussion at stages 1 and 2, as Stewart Maxwell and Bill Butler both said. I listened with interest to the strong arguments that were made for the bill's having an express duty to include trade union representatives in any statutory negotiating bodies that are established under section 45(1).

I believe that amendments 27 and 28 will put it beyond doubt that sections 45 and 46 incorporate provisions that will enable any statutory negotiation body set up under section 45, or any relevant negotiation body as defined in section 46, to include representatives from trade unions

"whose membership consists of or includes employees of relevant authorities."

It was never our intention to exclude trade unions—we gave a commitment on that. However,

Bill Butler's amendments 27 and 28 will give added advantage and I am happy to support them.

Bill Butler: I welcome the Executive's support and that of the Scottish National Party. I welcome the minister's words and hope that all parties will see amendments 27 and 28 as being coherent and responsible and that they will support them.

Amendment 27 agreed to.

Section 46—Guidance

Amendment 28 moved—[Bill Butler]—and agreed to.

Section 49—Duties of employers to employees

The Presiding Officer: Amendment 29, in the name of Colin Fox, is grouped with amendment 33.

Colin Fox (Lothians) (SSP): I am glad that there has been consensus so far in the debate—I hope that it continues.

Amendment 29 seeks to draw on recent European health and safety legislation, which has repeatedly and rigorously tested the criterion that measures should be "reasonably practicable" and preferred instead to apply a much stiffer test on health and safety matters with regard to the duties of employers to their employees. European Union directives and regulations make it clear that, for example, with control of or handling of substances that are hazardous to health, or in respect of manual handling practices, a risk assessment must be carried out and a calculation or computation made of the perceived dangers therein. The legislation makes it clear that, after a health and safety calculation has been made, it is insufficient for precautions to be ruled out on the ground of cost as measured against low risk. The European directives overrule the economic-test approach in favour of a far higher standard of safety assessment.

Amendment 29 would delete the discredited phrase "reasonably practicable" from the bill. Mr Snedden, the head of the fire services division of the Justice Department was, in a letter of 10 February to the Justice 2 Committee, at pains to explain the terms of the debate at greater length. He pointed out that only one instance of the phrase "reasonably practicable" remains in the bill, which, I believe, supports my point. Mr Snedden reminded us that

"Scottish Ministers are required to act compatibly with ECHR when making regulations that impose such requirements or prohibitions."

However, in considering what is reasonably practicable, the expense of safety measures is balanced against the magnitude of the risk.

Amendment 29 is necessary to ensure that the bill is EU compliant and that employers provide their employees with the higher standard of health and safety cover. Amendment 33 is consequential on amendment 29.

I move amendment 29.

Hugh Henry: I note Colin Fox's point about achieving consensus, which can often be helpful. In the spirit of consensus, perhaps he will reflect on the fact that his suggestion received no support from members at stage 2.

Colin Fox says that the concept of being reasonable is discredited—I do not know what that says about Colin Fox's thinking process, but the word "reasonably" is important in the bill. Mr Fox questions whether the bill is EU compliant but, as members know, we could not propose legislation that was not compliant. We have met our obligations. The bill is not, as Colin Fox suggests, in contradiction of any European legislation. I have put it on the record a number of times, and I will do so again today, that we are content that the approach that is adopted in the bill will correctly implement the high standards that are placed on employers in respect of workers' health and safety, as set out in the EU framework directive. I repeat that the bill is within the Parliament's legislative competence.

Part 3 reflects the duty that is placed on employers in relation to other aspects of health and safety at work in the Health and Safety at Work etc Act 1974, which the United Kingdom regards as the legislation that implements the 1989 European Council directive in that regard.

There are important reasons why amendment 29 should not be agreed to. The Executive does not have difficulty with the proposition that employers should be required to apply the strictest possible standards to the safety of their employees in this area. The United Kingdom's record on health and safety at work is among the best in Europe, but amendment 29 goes too far in that it would impose an unfair burden on employers. If the amendment were agreed to, employers would be required to take measures where it was practical to do so, but with no assessment of whether those measures were reasonable in the circumstances. If employers were unable to conduct some sort of balancing exercises against countervailing circumstances, that could in some cases lead to absurd results. Employers could be required to take extra steps even if they were manifestly disproportionate to the risk. I accept that the matter is difficult, but I strongly believe that the bill strikes the right balance between the rights and the responsibilities of employers and the paramount safety of their employees. The Executive therefore does not support amendments 29 and 33.

Colin Fox: It is my intention to press amendment 29. The minister says that he does not wish to place an unfair burden on employers. The Executive has never shown a tendency to put unfair burdens on employers—it has put very few burdens on them.

As the minister knows full well, the phrase "reasonably practicable" that he tries to trivialise has been tested repeatedly in European Union legislation and has failed those tests on economic grounds. All the other references to "reasonably practicable" in the bill as it was introduced have been omitted. If the minister is on the record as saying that he wants the highest standards to be protected, he is duty bound to support amendment 29.

The Presiding Officer: The question is, that amendment 29 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Sheridan, Tommy (Glasgow) (SSP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 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)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (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)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)

The Presiding Officer: The result of the division is: For 6, Against 90, Abstentions 5.

Amendment 29 disagreed to.

Section 52—Duties of employees

Amendment 14 moved—[Hugh Henry]—and agreed to.

Section 54—Scottish Ministers' power to make regulations about fire safety

15:00

The Presiding Officer: Amendment 15, in the name of the minister, is in a group on its own.

Hugh Henry: Amendment 15 ensures that regulations that are made under section 54(1) can allow persons with fire safety duties in respect of relevant premises to enter into arrangements with owners or occupiers of other parts of the building in which their relevant premises are located. The amendment will enable co-operation and co-ordination on fire safety matters among occupiers and owners of a multiple-occupied building where perhaps only part of the building is defined as relevant premises. It reflects the whole-building approach that was provided for in the Fire Precautions Act 1971 and which will be repealed by the bill. Such an approach would, for example, enable maintenance arrangements that are made under the bill to cover a system or precaution as a whole, not only those parts of it that are located in relevant premises.

I move amendment 15.

Amendment 15 agreed to.

Section 56—Enforcing authorities

The Presiding Officer: Amendment 16, in the name of the minister, is in a group on its own.

Hugh Henry: Amendment 16 allows relevant authorities to enter into arrangements with a person prescribed in regulations to carry out such part 3 functions of the authority as specified. The exercise of the power would enable arrangements to be made with prescribed persons in a similar manner to arrangements that can be made under section 56(5), which is limited to the making of arrangements with the Health and Safety Commission. We intend to exercise the power to prescribe the proposed new Office of Rail Regulation as such a person.

I move amendment 16.

Mr Maxwell: I ask the minister to confirm the limits of the amendment. The SNP has some concerns about the amendment, as, on the surface, it appears to open up the possible definition of an enforcing authority from only the HSC to the HSC and anybody else that ministers decide. I ask the minister to confirm what organisations he has in mind. He mentioned the Office of Rail Regulation, but are we talking about prescribing in regulations organisations that are like the HSC? I ask him therefore to confirm that the amendment does not introduce a wide-open power that could be used to identify anybody as an enforcing authority.

Hugh Henry: The exercise of the power in amendment 16 would mirror the exercise of the power in section 56(5), under which the relevant authority

“may make arrangements with the Health and Safety Commission”

for specified functions

“to be carried out (with or without payment) on its behalf by the Health and Safety Executive in relation to”

specified workplaces. We would seek to use the powers within those parameters and if anything moved in a direction that we have not described today, I would inform the Parliament of that through the Justice 2 Committee. Our intent is specific.

Amendment 16 agreed to.

Section 60—Alterations notices

The Presiding Officer: Amendment 17, in the name of the minister, is in a group on its own.

Hugh Henry: Amendment 17 sets out a number of requirements that an enforcing authority may impose on a person in an alterations notice. They include: the keeping of records on the assessment of risk; the recording of arrangements that are made for the planning, monitoring and review of fire safety measures; and, when notifying the enforcing authority of a proposed change to fire safety measures, the provision of a copy of the assessment and a summary of the changes proposed. The amendment strengthens the provisions on alterations notices and clarifies the requirements that can be placed on persons in such notices.

I move amendment 17.

Amendment 17 agreed to.

Section 65—Consequential restriction of application of Part I of Health and Safety at Work etc Act 1974

Amendments 18, 19 and 30 moved—[Hugh Henry]—and agreed to.

Section 67—Offences

The Presiding Officer: Amendment 20, in the name of the minister, is grouped with amendment 21.

Hugh Henry: Amendments 20 and 21 extend the protection that is afforded to enforcement officers in the carrying out of their functions under part 3 of the bill to those who accompany and assist them. The amendments insert a new offence and penalty provision that will protect those whom an enforcement officer takes on to premises for the purposes of assisting the officer in the carrying out of fire safety functions.

I move amendment 20.

Mr Maxwell: I am glad to see amendment 20. There had clearly been a potential loophole in that, although an enforcing officer would have been protected and it would have been an offence to obstruct them intentionally, somebody accompanying that enforcing officer to assist them in carrying out their duties would not have been protected. I am glad that the Executive is closing that loophole. It would have been a rather strange situation if the enforcing officer was protected but the person accompanying them was not. I am glad to accept the amendment on behalf of the SNP.

Dr Sylvia Jackson (Stirling) (Lab): Amendments 20 and 21 more than adequately deal with the concerns that were raised by the Subordinate Legislation Committee on section 67. The committee is pleased that these two amendments, as well as other amendments that will follow later in the bill, go further than the Subordinate Legislation Committee suggested, and the policy is now clearly stated in the bill.

Hugh Henry: I welcome the positive comments made by both Stewart Maxwell and Sylvia Jackson, who is right to refer to amendments that we will be coming to shortly as well as to amendments 20 and 21, through which we have gone beyond what the Subordinate Legislation Committee wanted us to do. I hope that Parliament finds that acceptable.

Amendment 20 agreed to.

Amendment 21 moved—[Hugh Henry]—and agreed to.

The Presiding Officer: The next group is on fire safety and concerns defences, the burden of proof and other regulation-making powers. Amendment 31 is grouped with amendments 32, 34, 22, 36 and 23.

Hugh Henry: The Executive amendments in this group respond to the concerns referred to by Sylvia Jackson, which were raised by the Subordinate Legislation Committee following its consideration of the supplementary delegated powers memorandum after stage 2. Amendments 22 and 23 make the powers at sections 55(2)(c) and 72(7) subject to the affirmative procedure, as the committee recommended.

The Subordinate Legislation Committee was also concerned that the powers at section 67, subsections (9A), (11) and (12), were too wide. The committee proposed that those powers should be linked and that the powers under subsections (11) and (12) should be made subject to the affirmative procedure. On further reflection, we considered that the policy can be achieved in a different manner, involving the removal of the delegated powers and a clarification of situations

in which due diligence defences will not apply and of those in which a reverse burden of proof will apply.

We concluded that, in light of the Subordinate Legislation Committee's recommendations and comments, it would be better to make the policy intention very clear in the bill rather than in regulations, as we had intended. Accordingly, amendments 31 and 32 remove the power under subsection (9A) and include in the bill provisions to make clear the circumstances in which the defence of due diligence will be removed.

Amendment 34 replaces subsections (11) and (12) with a provision creating an automatic reverse burden of proof whenever the regulations under sections 53 or 54 impose

"so far as is practicable"

or

"so far as is reasonably practicable",

a duty or requirement resulting in an offence being committed under section 67(3).

I am aware that the timing of the recent recess brought added pressures to bear on the Subordinate Legislation Committee's consideration of the bill as amended at stage 2 and that amendment 36 has been lodged on behalf of the committee on a contingency basis. I believe that the Executive's amendments, which remove the relevant powers, narrow the range of potential situations in which the disapplication of the due diligence defence and the reverse burden of proof can apply. The amendments clearly display the link between the defence and the reverse burden of proof.

I hope that the measures are satisfactory to Sylvia Jackson and the Subordinate Legislation Committee and that, having listened to the detail of our response, the committee's members are satisfied that our amendments make amendment 36 redundant.

I move amendment 31.

Dr Jackson: We are more than adequately pleased with what the minister has recommended. The Executive's amendments indeed make the Subordinate Legislation Committee's amendment 36 redundant.

Mr Maxwell: I welcome the minister's comments and commend the work of the Subordinate Legislation Committee in this area. The committee, of which I am a member, had a number of concerns, particularly in relation to section 67, subsections (9A), (11) and (12), and the other provisions that the minister mentioned, which prompted amendment 36. I agree that the Executive has made that amendment redundant, and I am pleased that it has gone further and has

included the provisions in the bill itself. My only concern is that the Executive will make the Subordinate Legislation Committee redundant, too.

Hugh Henry: I am afraid that that is outwith my competence, Presiding Officer.

The Presiding Officer: What is within our competence is putting the question. The question is, that amendment 31 be agreed to.

Amendment 31 agreed to.

Amendment 32 moved—[Hugh Henry]—and agreed to.

Amendment 33 not moved.

Amendment 34 moved—[Hugh Henry]—and agreed to.

Section 78—Abolition of Scottish Central Fire Brigades Advisory Council

The Presiding Officer: Amendment 35, in the name of Colin Fox, is in a group on its own.

Colin Fox: Amendment 35 seeks to ensure that the replacement for the Scottish Central Fire Brigades Advisory Council has the requisite powers to advise the Parliament and demand the direct involvement of the minister. The SCFBAC has played precisely that role since 1947, and the minister has said on the record that he wants the new body to be more dynamic than the body that it will replace. Amendment 35 would provide for the establishment of just such a reputable and dynamic body.

Extra powers are afforded to the minister under the bill, yet the body that has existed in statute since 1947 to advise ministers on strategic matters is to be replaced with a much less authoritative body that will have no teeth and will not be required to have input from, or direct access to, the minister. The bill proposes many new and additional powers for the minister in areas such as fire safety, yet it reduces the requirement for him to have to hand the necessary expertise and advice on the operational requirements that will be placed upon him.

I recognise that a consultation is taking place on the replacement of the SCFBAC but my amendment seeks to ensure that the replacement body that is agreed to—whoever sits on it, whatever its agenda and approach and however frequently it meets—is meaningful and not a toothless tiger that the minister may ignore if he so chooses. My amendment seeks to set parameters for the replacement advisory body to work within. A non-statutory body in which the minister plays no part would be a diminution of what we have at present and would be much less able to advise the Parliament on fire safety.

I move amendment 35.

Mr Maxwell: I am sure that the minister is aware of my opinion on the matter as we have discussed it many times. It is clear that the Scottish Central Fire Brigades Advisory Council is in need of updating and perhaps even modernising, and perhaps it is best to abolish it and start with a clean sheet. However, the bill states only that the council will be abolished. It is silent on any possible replacement. I believe that it is important to replace the SCFBAC with a new body, and provision to do so should be in the bill. In other words, there should be a new statutory body to replace a statutory body that is now long past its sell-by date.

Colin Fox's amendment 35 is not prescriptive. It does not determine the size or make-up of the body and will not cause the Executive any problems. It should give ministers wide flexibility. The important point is that the new body should be statutory; it should have the power and the teeth to deal with the issues that it faces and should be able to talk to the minister face to face. Therefore, we will support amendment 35.

Hugh Henry: As members have indicated, the matter was discussed extensively at stages 1 and 2. It is significant that at stage 2 the committee voted against an identical amendment. As Colin Fox is aware, the Executive is consulting on the most appropriate advisory structure for the future and the consultation period will not conclude until early March. In the consultation paper we make it clear that we do not intend to place the advisory structure on the same statutory footing as that of the Scottish Central Fire Brigades Advisory Council. Our experience is that, contrary to Colin Fox's assertions, the council is too restrictive and inflexible and it does not allow for change quickly or easily.

Colin Fox suggested that any new body will be toothless. I am not sure what he thinks that the current body has in the way of powers, nor do I think that having an advisory body that requires the minister to chair it is necessarily capable of offering objective advice to the minister. I believe that there should be a body that is capable of giving advice to the minister. We want to consult on who should be on that body. We are open to considering what that body should discuss and how it should be constructed. Far from removing the necessary expertise—as was asserted—our proposals for the body would draw in the widest expertise to provide objective and adequate advice on fire matters in Scotland.

Colin Fox accused the Executive of not being specific in the bill, but his amendment is vague. It leaves open a variety of matters that would normally be addressed in establishing a body in legislation. The amendment specifies neither

whom ministers should consult nor the circumstances in which advice must be given. Therefore, the amendment would provide no framework on which to hang the regulatory detail.

Our position is clear. We do not believe that we need to establish the advisory body on a statutory basis. Far from leaving us where we are in legislation, Colin Fox's amendment would cause more problems than it seeks to solve. I hope that he will reflect on that and withdraw his amendment. If not, I hope that the Parliament will reject his proposal.

15:15

Colin Fox: The minister apparently wants to have it both ways. We have a consultation, which will draw out the detail, and the amendment would make it clear that that consultation should take place within the parameters that the body will be statutory and that it is necessary not to ignore the conclusions of the people with expertise whom the minister talked about.

The new body needs to protect the essence of the advisory council that was established 50 years ago. As the minister knows, I welcome the consultation, but it is important that the Parliament send the message that the consultation must ensure that a statutory body replaces the advisory council and that the Parliament gives that body credibility. I will press the amendment.

The Presiding Officer: The question is, that amendment 35 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)

Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)

Scott, 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)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 33, Against 70, Abstentions 0.

Amendment 35 disagreed to.

Section 81—Orders and regulations

Amendment 22 moved—[Hugh Henry]—and agreed to.

Amendment 36 not moved.

Amendment 23 moved—[Hugh Henry]—and agreed to.

Schedule 3

MINOR AND CONSEQUENTIAL AMENDMENTS

Amendments 24 to 26 moved—[Hugh Henry]—and agreed to.

The Presiding Officer: That ends our consideration of amendments.

Fire (Scotland) Bill

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-2421, in the name of Cathy Jamieson, that the Fire (Scotland) Bill be passed.

15:20

The Deputy Minister for Justice (Hugh Henry): I am pleased to have the opportunity to open this debate. Today marks the culmination of an extensive process of consultation and parliamentary consideration, which began as long ago as April 2002 with the publication of the document entitled "The Scottish Fire Service of the Future". Our partnership agreement gave a clear commitment to taking forward the 2002 white paper by introducing a fire bill to modernise the service, meet local needs, increase local decision making and improve consultation with the workforce. The Fire (Scotland) Bill is the outcome of that process.

The bill's parliamentary passage has been assisted by a great many people, and before I proceed to comment briefly on the bill's key provisions, I want to thank a number of them. I thank those who took time to respond to the various consultations; those who gave evidence to the committees; members of the Finance Committee and the Subordinate Legislation Committee and, in particular, members of the Justice 2 Committee for considering the bill so carefully and constructively; and the clerking teams of those committees. I also want to record in the *Official Report* my appreciation of the Scottish Executive bill team, which has worked hard to support ministers and has given advice and information to MSPs as requested. The team has done an exceptionally good job. I am also happy to confirm that Her Majesty has given her consent to the application of part 3 of the bill to the Crown in Scotland.

Some complex issues were inherent in the bill, particularly in relation to part 3, and we needed fortitude to work through the intricacies of fire safety legislation. Specifically, we have had to address the reserved-devolved divide between general fire safety and process fire safety and how the fire safety regime in Scotland will apply to so-called reserved premises. I can confirm that an order under section 30 of the Scotland Act 1998 is being used to transfer legislative competence for fire safety on special premises and construction sites to the Scottish Parliament. I can also confirm that we have in-principle agreement from Whitehall departments—subject to reaching detailed policy agreement and satisfying the statutory tests—to progress other issues, such as fire safety on Ministry of Defence premises and on

certain ships and hovercraft and including the Health and Safety Executive and the Ministry of Defence fire services as enforcing authorities through a section 104 order under the 1998 act. Work is continuing at official level with Whitehall counterparts on a number of other issues.

The bill will deliver modern legislation for a modern fire and rescue service that responds to the demands of the 21st century. At times, the bill has been portrayed in some quarters as a vehicle for centralisation and micromanagement of the service by ministers—in effect, a takeover by the Scottish Executive. There have also been allegations that the bill will breach our European obligations and will make it an offence to take strike action—members will have heard that in previous discussions. That the Parliament's rigorous scrutiny process ably demonstrated that the bill will do none of those things is comforting. Above all, the bill will achieve a statutory framework that places fire prevention and fire safety at its heart. For a country that—unfortunately—continues to have the worst fire fatality record in the United Kingdom, driving down the risk of fire, especially in the home, which is where many fatalities happen, must be a priority.

Through the national framework, there will be clear strategic direction for the service, which will ensure local democratic accountability and the local delivery of a key service to meet local needs. The clarification and strengthening of fire and rescue authority powers will provide the means and flexibility for authorities to achieve the best delivery for their areas.

Shona Robison (Dundee East) (SNP): I want to ask about local delivery, although the issue is not covered by the bill itself. The minister will be aware of concerns about local control rooms. In the debate on 18 November, he gave an assurance that there would be further consultation on control rooms and that the issue would be referred back to the Parliament through the proper mechanisms. What further consultation has been carried out? What will the proper mechanisms be? Will the Parliament have the final say on local control rooms?

Hugh Henry: We are still working on issues that were identified in responses from a number of stakeholders. Consultation will take place with key stakeholders, including trade unions, local authorities and the fire boards once we have all the information to hand. We still have some way to go. We have made it clear that we will come back to Parliament, and the committee will have further discussions before anything further happens. We are still some way from any decision or conclusion. It is right that we should take our time to consider the specific concerns that have been raised about the need for local geographic

knowledge and about the financial robustness of certain proposals. Once that information is to hand, there will be full consultation with all stakeholders, including the trade unions.

The bill will also enable a co-ordinated and Scotland-wide response to significant and even unprecedented emergencies. In the post-September 11 environment in which we all live, the provisions to ensure resilience are, sadly, necessary and I hope that they will be welcomed.

I hope that the various amendments that we made at stage 2 and today have given some assurances to those who were a bit uncertain and unclear. Where we can, we have attempted to accommodate and clarify. I hope that we can consider the bill as being just one part of a change process that is moving the fire service forward. I am clear that the bill is a central plank in that process and I am confident that it will stand the test of time. The process has been long, deliberate and rigorous and I warmly commend the bill to the Parliament.

I move,

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

15:26

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

I start by supporting the minister's comments and praising many of those involved in the process. I particularly praise the fire service. The work done by operational firefighters, fire safety officers and non-uniformed support staff clearly creates the most effective and efficient public service in the country. That opinion might be slightly biased, given my 10-year service in Strathclyde fire brigade. However, it is an excellent service that responds when the public call and is there to save lives and property. We are all very thankful for that.

I support the bill because we believe that it is essential to have a modern fire service at the start of the 21st century. The fire service requires modern legislation and there is a lot to commend in the bill.

One of the smaller things that has not been mentioned so far but is worth referring to is some of the name changes. For example, firemasters are now chief fire officers. The term "firemaster" is an old term and suggests that the person at the top of the fire brigade will always be a man. Although that is only a small change, it is welcome. Changing the term "fire brigades" to "fire and rescue services" means that the name much more accurately reflects the work that the service does. It does not just deal with fires; it deals with a range of other incidents.

On that point, I welcome the inclusion of road traffic accidents in the bill. That is a positive step. I also applaud the emphasis on protecting firefighters that is included at chapter 5A of the bill. Again, that is a positive step.

As the minister has just said, modernisation of fire safety legislation is central to much of the bill. It is one of the most important shifts in emphasis in the bill. The idea that we consider causes and do not just deal with problems once they have arisen is an important step in the right direction. The emphasis on fire safety legislation in the bill is therefore very welcome.

I am also very pleased to acknowledge Bill Butler's amendments to include the trade unions in any negotiating body and I am pleased that those amendments have been agreed to. Again, that is a good move and I thank Bill Butler for those amendments.

I was disappointed by some aspects of the bill. A replacement body for the Scottish Central Fire Brigades Advisory Council is not in the bill. I will certainly be paying close attention to the consultation in that area and to any regulations that the Executive proposes to create a new non-statutory body. I hope that the minister will be as good as his word and will create an effective, efficient and powerful body to advise him and his team.

I am also slightly disappointed that only RTAs, along with firefighting, have been included on the face of the bill, as there are other emergency incidents that could and, possibly, should have been included. Chemical and nuclear incidents, flooding and rail emergencies are well-known examples of incidents that could have been included on the face of the bill, instead of being left to ministerial order. I hope that the issue will be cleared up by ministerial order and that provision will be made for all such incidents.

It is also unfortunate that the opportunity has not been taken to consider who should be responsible for the maintenance of fire hydrants. We discussed the issue during consideration of stage 3 amendments a moment ago, but I think that the current system lacks logic and is basically inefficient. It is not just about transferring resources from one organisation to another. At the moment, when Scottish Water identifies a broken fire hydrant, it informs the fire service. When the service has inspected the hydrant and agreed that it is broken, it raises an order with Scottish Water, which sends out someone to replace it. The bill is sent to the brigades, which pay Scottish Water. In my view, that is not a particularly logical or efficient system. The whole matter must be looked at again.

I put on record our reservations about where fire services in Scotland may end up. Although we support the bill in general terms, it is important that I indicate our concerns for the future. If there is an attempt in the future to contract out fire brigade services, we will oppose it. If there is an attempt to cut control rooms, staff and safety, we will fight such proposals. If there is an attempt to undermine a first-class public service through privatisation, we will do everything in our power to prevent that from happening. I hope that the minister and the Executive will not go down that road. Down south, privatisation, contracting out and cuts have been mentioned as possibilities, but I hope that the idea that those will improve the service will have no place in the Parliament.

With the general reservations that I have expressed, I welcome the bill and the move forward that is being made. I welcome the fact that we are emphasising fire safety legislation and putting it at the heart of our fire safety work. The Scottish National Party will support the bill at decision time this evening.

15:32

Miss Annabel Goldie (West of Scotland) (Con): Today we are dealing with an important piece of legislation. As I did in the stage 1 debate, I pay tribute to our fire service in Scotland for the work that it does. At stage 1, I said that I have been the beneficiary of the service's skill and expertise. We should be under no illusions about how vital the service is to Scotland.

In consideration of any legislation, it is important that we are clear that attempts to modernise services are proceeding in a reasonably transparent and readily understood fashion. I thank the minister for his comments in respect of the Justice 2 Committee and repeat my thanks to members of the committee, of which I am the convener. The committee found the bill an interesting piece of legislation to scrutinise and we had good debates. At stage 2, the Executive made considerable progress in allaying legitimate concerns that existed at stage 1.

The Conservative party was sufficiently unclear about the Executive's intentions in the text on the face of the bill to feel unable to support the bill at stage 1. We lodged an amendment that was not agreed to, which left us unable to support the bill at that stage, because of genuine concern about lack of clarity. However, I am grateful to the minister for emphasising at stage 2 his desire to achieve a degree of transparency and for giving members of the Justice 2 Committee certain welcome reassurances that we accepted in the spirit in which they were given. As our doubts have been reasonably dispelled, Conservative members intend to support the bill this afternoon.

As has been mentioned in the debate and during consideration of amendments, there are some residual concerns about the bill. I refer to the briefing from the Fire Brigades Union. The FBU may be surprised to hear this from someone such as me, but I thought that its briefing, as a model of lucidity, took some beating. It was a very clear piece of work. I might not have agreed with everything in the document, but I certainly felt that it was very well prepared.

Shona Robison has referred to control rooms, and so shall I. The minister said in his response that the consultation is still to happen, but he said specifically that the matter would come back to Parliament via the committee. Although that is reassuring in a general sense, we would all welcome a slightly more specific indication of what form that return of information will take. Perhaps the minister will expand on that when he winds up.

The other relevant issue that the FBU raised concerns the national framework document. I expressed concern during the stage 1 debate that the content of that important and significant strategic document was still pretty vague at the time of the bill's drafting and that it would be subject to consultation and final clarification before the Parliament. I accept that that parliamentary scrutiny will be a safeguard, but the FBU makes some legitimate points about the need to ensure that the document reflects slightly greater diversity in policies and procedures. I was sympathetic to some of the points that the FBU raised in that regard and I draw to the minister's attention the need to be sure that the document takes a truly comprehensive and holistic approach. If we want the legislation to provide the most modernised service that we can achieve, the content of that document will be pivotal in trying to attain that objective.

Some of the Executive's amendments at stage 3 did a lot to dispel residual concerns. I am pleased to see that there will be a reliance on affirmative rather than negative procedure in the Parliament for certain provisions. That is a conciliatory sign from the Executive and I receive it as such.

In short, my party welcomes the bill—it is a solid piece of work for the future. I hope that it will create the type of modern conditions that we all want for our fire service personnel. My party will support the bill.

15:37

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I rise to support the bill. I pay tribute to my colleague Mike Pringle who, with the Justice 2 Committee, saw the passage of the bill through stage 1 and stage 2 of the legislative process. As a former member of the Finance

Committee, where the bill was first considered—I will touch on that in a moment—it is my pleasant duty to support the bill this afternoon as it nears its final stage.

As the minister said, this is the first dedicated Scottish legislation for the fire service in 50 years. The bill will allow the streamlining of fire safety legislation in devolved areas; it will provide a statutory footing for a wider role for the fire service; it recognises the developments over recent years, especially in areas such as serious flooding; and it responds to terrorist incidents and road traffic accidents. Those are all areas in which firefighters have acquitted themselves admirably over recent years. They have been proactive and up for new challenges, as other members have said, and for that they deserve our thanks.

Even with the new bill, I hope that we do not move the service down the line towards working purely within statutory duties, even though it is beneficial to have some of those duties emphasised in the bill. Our fire service is outstanding because of its flexibility and the ease with which firefighters co-operate with the other emergency services. After visiting firefighters in Galashiels and the retained officers in Penicuik in my constituency, I have seen that at first hand. We all wish to be confident that the fire safety regulations are consensual and that they have the confidence of all firefighters.

Firefighters are at the forefront of joint working on fire safety. For example, the community safety forum in the Borders would not function as well as it does without the time and dedication of firefighters there. As an example, today I spoke to Jim Fraser, a senior fire officer in the Borders. It was his day off, and he was spending it briefing the planning officers in Scottish Borders Council on the new sprinkler regulations that this Parliament introduced. Jim Fraser's team in the Borders has installed 100 smoke detectors in houses across the region; leafleted and knocked on doors; and linked in with social workers to provide benefits to the community while diligently performing its core role, which the bill will extend. I hope that, if there has been a tendency in the past to take for granted or not to recognise such additional work, the bill will lead to proper respect for the profession's work and its wider benefit to the community.

Much of the debate within and outwith the committee has centred on fire control centres, which is another area in which regulations outside the bill will be important to the service. When I visited the force communication centre for Lothian and Borders police in Bilston just outside my constituency, I saw at first hand the major teething problems that are faced by a rationalised contact centre and control room. I understand that,

although the major reforms that were introduced in the fire service all those years ago have by and large worked well, it was right to review existing practice. For example, the Strathclyde control room, which 20 years ago replaced five control rooms, currently takes 48 per cent of 999 calls in Scotland.

Scottish ministers are carrying out further consultation following the Mott MacDonald report. I hope that, after that consultation is concluded, we will have a considered debate on the effectiveness and efficiency of control rooms that will cover not only their number but their function and links with other emergency services. I also hope that the consultation that the minister has indicated will take place with trade unions and fire boards will be extended to other emergency services and, crucially, to communities. At the start of this process, the Finance Committee raised a number of issues about proposed short-term and long-term savings, and the FBU highlighted those matters in its briefing.

I am confident that the minister has addressed the concerns that have been expressed about ministerial powers. As with other existing powers, such powers are prescribed in the bill. Instead of seeking to centralise decision making, the bill seeks to devolve it, which is the right approach.

Ultimately, the bill seeks to shape the fire service in Scotland in a way that will equip it properly to save lives. After all, Scotland has a very poor record in that area. Many firefighters to whom I spoke during the dispute remarked that their constructive relationship with the Scottish Executive was better than the relationship that colleagues south of the border had with the Westminster Government. The bill secures and takes forward that relationship. Its aims are to save more lives; reduce the number of accidental fires in the first place; and allow the service to be equipped for more modern challenges. With the Executive's continuing financial support, our fire service will be equal to those challenges.

I support the bill.

The Deputy Presiding Officer (Murray Tosh): I have three members on the screen, and I will be able to call them all if they restrict their comments to the four minutes available.

15:42

Jackie Baillie (Dumbarton) (Lab): I join other members in welcoming the Fire (Scotland) Bill and record my thanks to the clerks of the Justice 2 Committee, everyone who gave evidence, the bill team and ministers. Although the process has been complex and has sometimes resulted in arguments, it has been worth it just to hear the consensus that has emerged. Even the SNP—or

at least Stewart Maxwell—now accepts that a third way is desirable and should be supported.

Mr Maxwell: Will the member give way?

Jackie Baillie: No.

The previous piece of legislation on the fire service was passed almost 60 years ago, in 1947. As it is quite clear that the service has changed dramatically and that its range of responsibilities is diverse, it is appropriate that we reflect the new realities that firefighters face. I join other members in paying tribute to the men and women who work in the fire service and who sometimes risk their lives to protect us in our homes and communities. They deserve our thanks.

The bill seeks to give the fire service flexibility in how it deploys its resources and in finding out how it can best serve our communities. For a start, it sets out a range of core functions that better reflect current duties including, for the first time, dealing with road traffic accidents and offshore firefighting.

Let me spend a minute on the subject of offshore firefighting. Considerable work has been undertaken at UK level on what is called the sea of change project to ensure that fires that happen on vessels at sea can be dealt with appropriately. Given the extensive coastline that we enjoy, it is only common sense that we make provision for firefighting at sea. However, I understand that some concerns have been expressed, principally about no-fault insurance liability cover for firefighters who are involved in events that happen on a vessel that, for example, might be owned in one country but registered in another. I trust that the minister will continue his dialogue with the trade unions to resolve those matters.

I want to raise another concern that I have discussed previously with the minister. For the benefit of members, let me explain that section 67(2) of the bill will make it an offence for an employee to fail to co-operate with his employer in carrying out his duties in terms of part 3. The duty to co-operate is set out in paragraph (b) in section 52. The Executive's helpful amendments at stage 2 put it beyond any doubt that section 67(2) would not apply in the event of strike action. However, it is unclear whether official industrial action short of strike, such as working to rule or a go-slow, would be similarly exempt. Will the minister confirm that section 67(2) is not intended to apply to an employee who does not so co-operate by reason of otherwise lawful industrial action, including industrial action short of strike?

In my concluding minute or two—

The Deputy Presiding Officer: You have only one minute.

Jackie Baillie: Thank you, Presiding Officer.

In my concluding minute, I want to deal with what I consider to be the essence of the bill, which is the greater emphasis that it places on fire prevention and community fire safety. In the tragic event of a fire, especially those that break out at night, the fire service—no matter how fast it is—often arrives too late and fatalities result. Therefore, we should see enormous benefit from the greater emphasis that the bill will place on prevention. Risk assessment must be used as a key tool by building on the risk-based approach that is contained in the Fire Precautions (Workplace) Regulations 1997, which require employers to identify risks and to take steps to remove or reduce them. In that way, the bill will affect virtually all those who are responsible for non-domestic premises, including shops, offices, educational establishments and care homes.

We all want to see a modern 21st century fire service with a framework that recognises and values our firefighters, provides flexibility to develop the service in the interest of our communities and has prevention of fire at its heart. The bill will provide an essential foundation on which we can build.

15:47

Mr Kenny MacAskill (Lothians) (SNP): As my colleague Stewart Maxwell said, the Scottish National Party is happy to support the bill. We pay tribute not only to those who were involved in drafting the published document that is before us, but to those who put in a great deal of hard work in research and consultation both before and after the bill went to the committee. All those involved, from the top to the bottom, deserve our thanks and the credit that is due to them.

The bill has been introduced not so much because the fire service has changed, but because society has changed around it. There is no suggestion of any fault on the part of the service—indeed, quite the opposite is true, given that all members have voiced their thanks for the current service. We are well served by the fire brigades, both by those who are involved in the control rooms and at auxiliary level and by the front-line firefighters and divisional officers. All of us, in the Parliament and in the country of Scotland, owe them a debt of gratitude.

However, life has changed and society is much more complicated. As Jackie Baillie pointed out, the bill will update existing legislation. Schedule 4 to the bill indicates the extent to which existing legislation will be repealed. For the Fire Services Act 1947, the repeal applies to

“The whole Act except sections 26 to 27A.”

For the Fire Services Act 1959, it applies to

“The whole Act except sections 8 to 10.”

Those sections were the basis on which the current fire service was organised, but it is clear that our society has changed in many ways, radically and irrevocably, since those times. We need to change with society and to ensure that our fire service is able to deal with matters.

Often, such change in society has not been for the better. Given the need to address matters such as fire officers who are assaulted in the line of duty, it is clear that some changes in our society have been significantly for the worse. However, such issues must be addressed both in the bill and in other legislation that is working its way through the Parliament.

In response to Ms Baillie, let me clarify that the SNP views the bill not as a third way so much as the modern Scottish way to bring our fire service up to date for the 21st century. We are utilising the Parliament that has been restored to the people of Scotland to provide the fire service with the necessary facilities and legislative framework.

Jackie Baillie: Does the member agree that the modern Scottish way is, in fact, the Labour way?

Mr MacAskill: The member may well regret saying that. There has been an element of consensus and there is no suggestion that one party has a greater claim than any other over the fire service. The service benefits all people in Scotland irrespective of who they are, how they vote and whether they are rich or poor. That is as it always should be and no one party should lay any claim to such a service.

The SNP pays tribute to the fire service. We welcome the bill because it introduces the facility and the framework that will allow the fire service better to serve not only us as legislators but the whole of our community.

We have mentioned two specific points, which are not about matters that are contained within the bill but relate to where the bill and, ultimately, the act may go. First, we have put on record, through Mr Maxwell and through my colleague Shona Robison, our worries about control rooms. Those concerns have been elaborated on previously and we reserve our right to return to the issue. Secondly, we feel that it would have been better for the central authority to have some form of statutory basis. I take on board the points that the minister has made, but we feel that it is necessary to ensure that there is a framework around which the authority can operate and of which ministers have some ownership and control so that it is not made into a quango or agency, or put out and sidelined.

With those two caveats, we are more than happy to support the bill at decision time.

15:51

Colin Fox (Lothians) (SSP): Deputy returning officer—[*Laughter.*] I mean Deputy Presiding Officer—I will get your title right if it kills me, and it probably will.

Like the other members of the Justice 2 Committee, I thank the clerks to the committee for the part that they played in the scrutiny of the bill.

In my concluding remarks in the stage 1 debate on the Fire (Scotland) Bill, I said that the Scottish Socialist Party would support the general principles of the bill because it attempts to modernise the fire service and to update the legislation, but that we intended to lodge amendments during the later stages of the bill. I lodged 19 amendments during stage 2 and stage 3, but none of them was accepted by the minister. There have been a number of welcome developments and the minister has given welcome assurances during the process, but some parts of the bill still leave me dissatisfied and suspicious enough to abstain at 5 o'clock when we have the opportunity to vote.

Like other members, I pay tribute to the firefighters—the men and women throughout Scotland who provide a first-class service that is held in high regard by the population of Scotland. I welcome, as did Annabel Goldie, the work that has been put into the bill by the Fire Brigades Union Scotland, although I confess that if Annabel Goldie has been won over to the union's side, I must reassess my relationship with those comrades. Nonetheless, I have concerns that the bill represents a sea change in the Executive's attitude to the fire service compared with that before the strike. As the minister knows, I believe that the bill faces in an entirely different direction from the pathfinder report and the Executive's "The Scottish Fire Service of the Future" document, which was published in 2002. To me, the bill is an amalgam of the much-criticised Bain report on the one hand and the report by the Office of the Deputy Prime Minister, which was published after the strike.

I have similar concerns to other members, the most obvious of which is the contentious possibility of cuts in the number of control rooms from eight to three, two or one. There was pretty clear unanimity in the body of evidence that was presented in favour of retaining the current eight control rooms and providing a better service to the public rather than have a lowering in the standard of the service, which would be the danger if we moved to having fewer than eight, or one in each fire authority.

I have concerns, which I expressed during the consideration of amendments, about the advisory council and its lack of teeth. I also have concerns

about the extra power that the minister is handed by the bill. The Scottish Socialist Party has concerns about those matters so we still have concerns about the bill, although we hope that many of those fears will not materialise. We will not oppose the bill, but neither will we support it at 5 o'clock as we intend to abstain.

15:54

Hugh Henry: Despite Colin Fox's unwillingness to assume any responsibility for improving legislation in this country, the process has, in general, been a positive one with constructive suggestions being made at various stages.

It is right that members of all parties have recorded their appreciation of the work of fire service staff throughout Scotland. The staff are dedicated and professional and their dedication and professionalism have saved many lives. It is unfortunate that sometimes people's habits and attitudes let our fire service down. Many people are still not prepared to assume the appropriate degree of responsibility for fire safety and work on education remains to be done to improve fire safety in this country.

If dedicated professionals are to deliver a service, it is right that the legislation should reflect the reality of modern Scotland, as the bill does. During the debate members raised a number of issues, which I will try to address. Stewart Maxwell asked whether BAA would be an example of

"any other employer of fire-fighters".

The answer to his question is yes. He also rightly talked about equal opportunities and the need for greater diversity in the fire services. The chief officer would not necessarily be a man and it is right that we change our attitudes in that regard.

Stewart Maxwell said that he was disappointed that certain powers are not mentioned in the bill. However, we need flexibility to be able to respond to changing circumstances and the approach that we have taken enables us to move more quickly than would otherwise be the case. That approach, rather than the inclusion of rigid provisions in the bill, is appropriate to the circumstances that confront us.

I was disappointed that, notwithstanding the consensus on the bill, Stewart Maxwell took the opportunity to create a degree of fear and alarm by making outrageous and unfounded comments about the contracting out of services and privatisation. There is no truth whatever in his allegations.

Annabel Goldie asked about control rooms. When the information has been collated and consultation has taken place, we will inform the Justice 2 Committee in writing of the outcome of

the consultation. Annabel Goldie also raised specific issues about diversity, but I believe that we have addressed matters to do with diversity.

I will try quickly to address the points that Jackie Baillie made. We listened carefully to what was said about strike action and fire safety provisions. I make it absolutely clear that no provisions in the bill make the taking of lawful industrial action illegal. The amendments that were made to the bill at stage 2 made it clear that an offence would be committed only if a fire service employee failed to carry out his responsibilities for fire safety in the workplace while he was at work. In many respects, the provisions reflect those on health and safety at work for other employees. The approach is in no way out of step with the broader aspects of health and safety at work, which apply to employees in a range of services.

Gordon Jackson (Glasgow Govan) (Lab): Will the minister give way?

The Deputy Presiding Officer: No, the minister is out of time.

Hugh Henry: There has been very good scrutiny and people have worked hard. We have tried to allay fears and make helpful amendments. I hope that we have put in place a bill that, when it is enacted, will reflect the needs of modern Scotland, make modern Scotland safer and ensure that our fire service staff have access to legislation that makes their job much more effective.

Edinburgh Tram (Line Two) Bill: Preliminary Stage

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a debate on motion S2M-2412, in the name of Bill Aitken, on the general principles of the Edinburgh Tram (Line Two) Bill and whether the bill should proceed as a private bill.

15:59

Bill Aitken (Glasgow) (Con): On behalf of the Edinburgh Tram (Line Two) Bill Committee, I am pleased to speak to the motion. Before I discuss the committee's report on the preliminary stage of the bill, it might be helpful to provide members with a brief background to the bill and our work.

The bill was introduced on 29 January 2004 and is promoted by the City of Edinburgh Council. The bill's principal objective is to secure authorisation from the Parliament for the promoter to construct and operate a tramline in Edinburgh. The proposed route starts at St Andrew Square, travels west along Princes Street, goes past Haymarket station to South Gyle, then goes north to Gogar roundabout and then north-west to the airport, with a shuttle service to Newbridge from Ingliston park and ride.

The bill would give the promoter power to acquire the land that it needs to build and run the tramline. It would also authorise a number of consents—such as planning permission and listed building consent—as well as avoiding claims in nuisance for both the construction and operation of the tramline.

The bill also provides the promoter with the power to purchase land compulsorily—which, as members can imagine, has generated a great deal of concern among those who would be directly affected by such a power. I will say more about such objections in due course.

Given the often highly technical nature of the bill, the committee has had to plough through a veritable forest of paperwork. I must therefore thank our advisers—Bond Pearce Ltd, Casella Stanger and Ove Arup & Partners Scotland Ltd—for the effort that they have put in to help the committee untangle some extremely complex issues.

I must also thank the promoter and the objectors for their hard work and input, and my fellow committee members for their diligence thus far. It has been said before in the chamber that the existing system for dealing with bills of this type is not satisfactory. It speaks volumes for the commitment of members that they have given so much time and effort to their complex task.

I would also thank Graeme Elliot from clerking, but sadly he cannot be with us tonight as he is on a secondment to Australia. As I look outside, I am very envious indeed.

In producing the report that we are discussing this afternoon, our committee had three main functions. First, we had to consider the bill's general principles. Secondly, we had to consider whether the bill should proceed as a private bill and whether the general principles should be agreed. That meant deciding whether the bill's purpose was to obtain for the promoter particular powers or benefits in excess of, or in conflict with, the general law, and deciding whether the accompanying documents were satisfactory and allowed for proper scrutiny of the bill. Thirdly, we gave preliminary consideration to the objections that we received.

I will deal with each of these functions in turn, but I want to make it absolutely clear from the outset that the committee is agreed that this bill should proceed as a private bill. I can therefore devote more time to highlighting the substantial issues in our report, rather than going into the technical minutiae.

We gave preliminary consideration to the 85 admissible objections lodged to the bill, then determined whether objectors had demonstrated that they would clearly be adversely affected by the bill. We agreed that all objections relating to specified provisions should go forward for detailed consideration at the consideration stage. However, we agreed that none of the objections—or parts of objections—to the whole bill was based on a reasonable claim that the objectors' interests would clearly be adversely affected by the bill. Therefore, they were all rejected.

We then considered whether the bill should proceed as a private bill. The committee was content with the technical explanations given by the promoter as to why a private bill was necessary for this project.

The committee then had to decide whether the accompanying documents were adequate. Again, the short answer is that the committee was content with the documents. However, I should mention briefly that some particular issues arose to do with the environmental statement. The committee has highlighted those issues to the promoter and other relevant bodies.

Our third consideration was the general principles of the bill. The committee took a broad look at the policy behind the bill and its objectives. In doing so, we felt it necessary to consider the levels of public expenditure involved in the proposed route.

To help members' understanding, the promoter's view is that there are many benefits to be gained

from constructing this route. The promoter feels that it will contribute to a maximisation of economic growth by relieving congestion, providing connectivity within and beyond the city, reducing pollution and increasing social inclusion.

The promoter believes that the tram should be seen not as the solution to Edinburgh's transport problems, but as part of a wider strategy of transport improvements, including those in rail, bus and guided bus services and park-and-ride facilities.

As members can imagine, the committee has placed a great deal of importance on evaluating thoroughly the promoter's substantial claims. If the bill proceeds, examination at the consideration stage will be far more forensic and we will take detailed evidence from those people who have objected to the detail of the bill.

To help shape our deliberations, we took evidence from the National Audit Office on its extremely helpful and relevant report, "Improving public transport in England through light rail", which assesses a number of light rail projects. Crucially, it includes consideration of the extent to which the benefits that scheme promoters had identified were delivered.

Generally speaking, the study found that existing tram projects have been able to offer a fast, frequent and reliable service, that they have scored highly in passenger surveys and that they have provided greater passenger comfort and safety. In addition, all systems are viewed as having enhanced the image of their cities and towns. The committee can identify no reason why trams in Edinburgh could not bring the same benefits.

However, the NAO placed some question marks over the ability of schemes to deliver a number of other benefits. In heeding the NAO's conclusions, the committee agreed to focus its oral evidence taking on four broad headings: economic development and regeneration; congestion; social inclusion; and the environment. I may leave the detail of our discussions on those broad headings to my colleagues. Suffice it to say that although we fully acknowledge the potential pitfalls that the NAO flagged up, we are satisfied with the promoter's arguments that benefits will materialise.

I want to highlight two areas on which the committee had serious reservations, both of which relate to the economic case that the promoter provided. The first of those relates to the impact on the tramline of the proposed Edinburgh airport rail link, which is known as EARL. To put our concerns simply, we were worried that the patronage of the proposed tramline was to some extent dependent on customers not being taken by

EARL. We were concerned to note that the promoter's own documentation says that

"the impact of heavy rail on tram can be large".

For the tram to be viable, passengers must be encouraged to use, and to continue to use, the tram. To entice people out of their cars, there must be proper co-ordination between different public transport modes and good through-ticketing and park-and-ride facilities. The promoter appears to have given that due consideration. However, although the promoter has stressed that EARL and tramline 2 will serve substantially different markets and overall purposes, we remain sceptical about the assertion that heavy rail will not have a significant impact on tram patronage. Therefore, we cannot give an unqualified endorsement of the promoter's case at the preliminary stage. We feel that there are scenarios in which EARL could undermine the case for line 2 to such an extent that it would no longer be a viable proposition. The committee has asked for clarification on the impact of EARL as regards competition for passengers and has received assurances from the promoter that that will be provided.

Our second main concern is about the robustness of the preliminary financial case. To put the matter in context, the Executive has given a commitment to provide £375 million towards the cost of the Edinburgh tram network to secure, at least, the completion of the north Edinburgh loop. Provided that it receives a robust business case, the Executive will come up with the money, but the Minister for Transport has been adamant that no funding beyond the £375 million will be available.

The promoter has indicated that line 2 will receive £165 million of capital. Given that the cost of the entire line is £266.5 million, we are naturally keen to establish where the missing £100 million is to be found. Moreover, we asked the promoter whether the stretch of the line from the airport to Newbridge could be jeopardised if sufficient funding were not in place. Our fears have been partially allayed by the promoter's assurance that it is committed to completing the full line. It has also made a commitment to provide us with an update on the progress that it makes in securing additional funding through other sources.

To conclude, I have made it clear that the committee is content that the criteria for the bill to proceed as a private bill have been met. I have outlined some of the concerns that the committee still has, which we will examine in more detail at consideration stage, if the Parliament agrees to the motion today. During that stage, we will take detailed evidence from objectors on their concerns and from the promoter on whether and how those concerns can be addressed and, I hope, allayed.

I move,

That the Parliament agrees to the general principles of the Edinburgh Tram (Line Two) Bill and that the Bill should proceed as a Private Bill.

16:10

The Minister for Transport (Nicol Stephen):

The debate is important, as it is the first time that the full Parliament has had the chance to consider proposals to build a new tramline in Scotland. It does not always feel this way for members who sit on private bill committees, but the project is an exciting one for Edinburgh and the whole of Scotland. Bill Aitken and his committee members—Jeremy Purvis, Marilyn Livingstone, Kate Maclean and Alasdair Morgan—are to be congratulated on their hard work so far in hearing evidence on the principles of the bill. I am pleased that they have recommended that the bill should proceed.

It is vital that we create a modern public transport system in Scotland. If we are to tackle congestion, we must invest in high-quality, reliable and sustainable options. The Executive has made clear its commitment to expand the public transport network and invest more in public transport. We must reduce congestion, improve accessibility and encourage connectivity throughout Scotland. The Edinburgh Tram (Line Two) Bill meets all those objectives, which is why the Executive supports the tramline proposals.

Stewart Stevenson (Banff and Buchan) (SNP): I draw attention to one of my registered interests: my membership of a flying club at Edinburgh airport.

If there must be a choice between the Edinburgh airport rail link and tramline 2 because there is insufficient traffic for both, which will the Executive back?

Nicol Stephen: The Executive backs both projects and has made provision in its budgets to support both. I will come later to issues that relate to those points.

I turn to the key points. First, west Edinburgh is an area of significant economic opportunity, not only for the capital city, but for the whole of Scotland. Tramline 2 will contribute to tackling congestion in west Edinburgh, as part of the city's wider transport strategy. Secondly, the scheme will help to protect our environment and to improve health by minimising emissions and the consumption of resources and energy. Thirdly, tramline 2 will make journey planning and ticketing easier, thereby ensuring connectivity between all forms of public transport, which will encourage more people to leave their cars at home. Fourthly, the tramline will bring more indirect social inclusion benefits by opening up wider employment, education and leisure opportunities to people throughout the communities that the line will serve.

The committee heard clear evidence in support of the proposal from the City of Edinburgh Council and from Scotland's business and financial communities. They made clear the need for the tramline to support and sustain the strong economic growth that is taking place in the area, especially at Edinburgh Park, Gogarburn and Edinburgh airport.

We are clear that the scheme must lead to improved public transport overall and that it should not simply displace existing users from other forms of public transport, such as the bus. We expect the scheme to add to the number of people who travel by public transport and we have made it clear that that will be a key factor in determining the scheme's success. Everyone accepts the need for improvements to the transport system to support the future growth of west Edinburgh, which is an important part of Scotland.

The case for the principle of the tramway is strong and is supported widely by local businesses, people and communities. The project is an exciting one that will bring a modern 21st century tram network to Scotland's capital. It is exactly the sort of scheme that will help to transform the quality and reliability of public transport in Scotland. Clearly, a lot of detailed work still needs to be done before a final decision can be made on the tramline. However, I believe firmly that the case has been made for the general principles of the bill and that the committee should proceed to consider the bill in detail. During the consideration stage, objectors to the bill will rightly be given a full and proper hearing.

I strongly support the committee's recommendation that the general principles of the bill be agreed to.

16:14

Alasdair Morgan (South of Scotland) (SNP): I speak as a member of the bill committee and as someone who, for reasons of age and geography, had the early practical experience of travelling to school on a tram for five years. That was in what is now the city of discovery but was then more noted for jam, jute and journalism. I am glad that the committee was able to recommend that the bill proceed, not on the basis of sentiment about trams but on the basis of the sound arguments that we discussed during our consideration of the bill.

Regardless of what happens to the bill, it strikes me that we should regret the short-sightedness of those of our municipal authorities in the 1950s and early 1960s that scrapped the tram systems that we had then. If they had had more foresight we might not be undertaking this procedure now. European capital cities such as Helsinki, Vienna

and Prague have retained and expanded their pre-war tram systems and cities such as Strasbourg and Lyon have new systems that are an integral part of their good public transport systems. We in Edinburgh, and elsewhere in Scotland, can only look with envy at the position that those cities are in.

Having mentioned all those cities, I should add that it is to the committee's credit—I say this because I was not a member of the committee at that stage—that when it wanted to see a modern tram system in action, it went not to Vienna, Strasbourg or Lyon but, restrainedly and unaccountably, to Nottingham. I hope that when the press notes that fact it will be as lavish in its praise as it is ready in its criticism of parliamentary visits.

I do not want to take up too much time in what is largely a consensual debate, but the final point that I want to make is about the burdensome procedure that we have had to go through and will have to go through some more, because the worst is yet to come at the consideration stage. I note that the Procedures Committee is considering the procedure for private bills. We are dealing with two private bills on trams and a third is still to come. We are spending an inordinate amount of parliamentary time on trams, yet we have the anomaly that the M74 extension, which even by the Government's estimates costs far more than any single line—and probably far more than both lines 1 and 2 put together—is not subject to any parliamentary procedure whatever. We must sort out the system whereby there is one rule for trams, which takes up so much parliamentary time and does not give the people who are either for or against the project any better say in the matter, and another for projects such as the M74 extension.

The other anomaly is that next week we will be discussing financial resolutions because, as I understand it, the standing orders provide that if a private bill is likely to result in Government expenditure we must have a financial resolution for it, yet the Finance Committee, which considers all other financial resolutions, does not have as part of its remit the consideration of the financial resolutions for these bills. That is yet another anomaly in the system, which we should sort out.

Having said all that, I look forward—with trepidation given the time involved—to further consideration at the next stage of the bill.

16:18

Lord James Douglas-Hamilton (Lothians) (Con): The Conservative party is glad to support the principles of the bill, but, like the committee, we have our reservations. We support moves to

improve transport in Edinburgh, in which trams could play an important role. The current scheme has merits and difficulties. We share the concerns about the funding of the bill, the likely usage of the trams and the scale of the benefits that they will bring. The consultancy firm Ove Arup & Partners Scotland Ltd, which was charged with scrutinising the bill, claimed that lines 1 and 2 faced a significant shortfall in funding. Line 1 could cost £324 million, which is considerably more than the official estimate of £274 million. Arup has priced line 2 at up to £370 million, which is well ahead of the official estimate of £256 million. It also questions the forecast that passenger numbers would increase by 50 per cent over 15 years, branding the estimate high. We are still to be convinced about the financing of the project. A business case is yet to be presented and, until then, the City of Edinburgh Council is not going to vote on the project.

We must be certain that there will be enough passengers to cover the cost of financing the line. It is clear that attracting passengers on to trams and keeping them is the single most important factor in securing the long-term viability of any light rail project. In addition, the council is receiving suggestions for alternative routes—such as merging lines 1 and 2—from the public and the transport industry and those suggestions deserve to be listened to.

I am glad to know that the rail line to Edinburgh airport will not be affected and will be in place before the tramline. The national benefits of that rail link were debated in the Parliament last year, but the Edinburgh airport rail link might undermine the case for tramline 2 to such an extent that the tramline no longer remains a value-for-money proposition. The impact of the Edinburgh airport rail link will have to be analysed carefully before any final stage debate.

I ask the minister to tell us in his closing speech why the current tram scheme is better than the original tram scheme, which I understand would be much faster and more effective.

The Conservative party gives a cautious welcome in principle to the bill, which has merits—for example, reducing pollution—but the small print will have to be examined in detail. We seek to act as guardians of the people's best interest in public transport and in this case in particular.

16:21

Marilyn Livingstone (Kirkcaldy) (Lab): Like Alasdair Morgan, I am a member of the Edinburgh Tram (Line Two) Bill Committee and support the motion in the name of Bill Aitken. The consideration of the Edinburgh Tram (Line Two) Bill has been a new experience for many

members. At times, ploughing through the paperwork has been a challenge for us all.

I thank the clerking team for its help and support during the preliminary stage. As the convener indicated, that support has been invaluable, due to the highly technical nature of the bill and the amount of paperwork that is involved in considering it. I also thank all those who gave us advice, which was important and extremely helpful to me and other members, and those who gave us evidence, whether oral or written.

Bill Aitken outlined the bill's principal objectives and its delegated legislative powers, so I will not go into those. However, it is important to point out, as others have done, that the final decision on the tramline and all associated components—such as tram halts, stops and overhead lines—will be taken at a later stage.

The promoter's memorandum states that the bill is being promoted as part of a package of transport improvements and we have heard from all speakers how important that is. The bill is designed to improve and increase choice, as well as to help to deliver the City of Edinburgh Council's local transport strategy. The promoter's memorandum says that the tramline

"will make a significant contribution to transport ... that will have knock-on effects in terms of reducing congestion and pollution, increasing social inclusion and stimulating regeneration."

I agree with Alasdair Morgan—that is twice in one day—about the excellent integrated transport and tram systems that some of our European counterparts have. The committee places a great deal of importance on the evaluation of such issues. As has been said, if the bill is approved today, we will examine rigorously and find out how robust those important factors are.

As Bill Aitken said, the NAO report outlined four main areas in its first category. I will concentrate on access for mobility. I am a member of the Equal Opportunities Committee, which is carrying out a disability inquiry, and it is important that, when we set up new services, we ensure that all in our communities have access to it. The promoter is confident that Edinburgh would be able to benefit in the four main areas in which the trams down south exceeded expectations.

In my last minute, I will talk a bit about social policy and welcome the assurances of improved connectivity and through-ticketing. I make a little, 30-second plea about concessionary fares. The promoter has said that it desires to incorporate local, and indeed national, concessionary fare schemes for the tram. That proposal is perhaps something for the minister to address, and I would urge those responsible to proceed with it. That would be an important measure to take in the context of social inclusion.

I agree with the motion before us, and I urge the Parliament to support it.

16:25

Margaret Smith (Edinburgh West) (LD): I welcome the opportunity to speak in the debate. The provision of public transport options is one of the most important issues for my constituency of Edinburgh West and for the city as a whole. I thank the Edinburgh Tram (Line Two) Bill Committee for its hard work to date, and I have much sympathy with the points that Alasdair Morgan made about procedure. I welcome the bill's passage to this stage of the parliamentary process.

I have had a number of meetings with the promoter—the City of Edinburgh Council—BAA and constituents about tramline 2, and I am particularly concerned to ensure that those constituents who will be affected by the plans will be able to voice their concerns for scrutiny at the consideration stage, when Transport Initiatives Edinburgh Ltd—TIE—will probably be in a position to offer greater detail and certainty in its answers than has been the case so far. I have consistently supported the Edinburgh Tram (Line Two) Bill in its entirety, and I am pleased that the bill committee supported the bill's general principles.

The tram scheme has an integral part to play in fulfilling the huge potential of west Edinburgh and in consolidating Edinburgh's reputation as a dynamic business location. A modern integrated transport system is crucial to sustaining the strong period of economic growth that the city has enjoyed and to helping it to compete in the international marketplace. Doing nothing about our transport problems is not an option. However, yesterday's referendum result showed that the people of Edinburgh feel that the way to tackle congestion is first to provide people with viable alternatives to using their cars. The tramline 2 scheme is an example of one such alternative.

I believe that, through the scheme—along with that for line 1, the Edinburgh airport rail link, extended park-and-ride facilities and other initiatives—and by working together, central and local government can provide a public transport framework capable of encouraging drivers out of their cars. The National Audit Office report suggests that trams can be at the forefront and are more likely to attract drivers than many other forms of public transport. There are important social inclusion benefits to the scheme. The committee recognised the improved connectivity in the city, which has the potential to deliver greater benefits in relieving social exclusion.

Despite my support for the bill, I share some of the concerns that colleagues have already

outlined. I welcome the fact that the promoter is currently refining the outline business case, which is to be scrutinised in detail. I am anxious that the current funding gap could lead to the stretch of line to Newbridge being dropped in due course. I indicated earlier that I support line 2 in its entirety. I am anxious to express that view in relation to the section of tramline from Ingliston to Newbridge. It is essential for the successful economic regeneration of the area that that section of line goes ahead. I am encouraged that the committee has recognised the importance of that section and the need to ensure that sufficient funding is secured. Without the stretch of line to Newbridge, the economic aims and the important social inclusion objectives of the tramline would be significantly weakened. I am content that the line will be financed by a mix of public and private funding, and I am delighted that the Scottish Executive is supporting public transport in west Edinburgh through a £375 million contribution to both tramlines.

The Deputy Presiding Officer: You have one minute remaining.

Margaret Smith: The biggest problem that has been encountered by similar tram projects has been that of patronage, and that brings us to the relationship between EARL and tramline 2. I echo the views of the Edinburgh Tram (Line Two) Bill Committee, which stated:

“It is clear that attracting passengers onto tram ... is the single most important factor in securing the long-term viability of any light rail project”.

The committee added that the most important reason for many of the failures of the past was the limited extent of integration with other modes of transport. I have some concerns about EARL and tramline 2. However, I believe that the two projects can co-exist. It is important that we proceed with good joint working from now on, involving all the partners including BAA. The projects can complement each other. At first glance, they seem to offer the same service, namely a link to the airport. However, that overlooks one of the key benefits of the EARL proposals, which is the inclusion of Edinburgh airport in Scotland's rail network, while line 2 will serve key places such as Edinburgh Park and the Gyle centre. Therefore, I think that the projects can proceed together.

I echo Marilyn Livingstone's comments about concessionary travel, and I support the bill at this stage.

The Deputy Presiding Officer: I hope that the trams travel as quickly as the member just spoke.

16:29

Mark Ballard (Lothians) (Green): I welcome the growing recognition that trams can move large numbers of people quickly and reliably with

minimal congestion and minimal impact on local air pollution. However, we must recognise that integration is the key to a successful transport system. Without congestion charging and the funds that it could and should have fed into public transport, we are in danger of having two tramlines as opposed to a tram system. We must also recognise that tramline 2 will, on its own, have only a minimal impact on congestion on key routes into the city—for example, a reduction in traffic on the A8 of just 0.3 per cent.

To tackle pollution, we need both a world-class public transport system and a system of traffic restraint such as congestion charging. We should not be wedded to trams more than to any other mode of public transport. We must remember that the name of the game is not tram patronage but enabling people from all walks of life to access decent public transport options—that is what will make the difference.

The debate is on the overall policy and principles and I support the principle of tramline 2. We should recognise that most of the objections are about the detail of the line. There are lessons to be learned from the referendum on congestion charging. We should not forget that when the City of Edinburgh Council first consulted on its local transport strategy, 62 per cent of respondents were in favour of road user charging to fund major public transport improvements. In my experience, the no vote was based partly on confusion about what the proposal amounted to and partly on genuine reservations about the details of the proposals. We need proper engagement with communities to ensure that the proposal for tramline 2 gets proper support, understanding and detailed scrutiny and goes on to benefit those communities.

The Scottish Green Party supports the principles of the bill. We think that Edinburgh needs a world-class public transport system as part of the process of tackling traffic congestion and pollution in Edinburgh. I welcome Bill Aitken's promise of detailed scrutiny of the bill; in particular, I ask the committee to scrutinise the proposed route. I share many of the concerns that members expressed about the proposed Edinburgh airport rail link. We should reflect on where the trams will pick up most passengers; as the promoter's documents confirm, the only major tram market that is not served by the proposed heavy rail link to Edinburgh airport is the Ingliston park-and-ride stop. We need detailed scrutiny of that. I challenge Transport Initiatives Edinburgh's assumption that the charge for the rail link to the airport will be substantially more than the charge for a trip that goes past the airport to Linlithgow. It costs £5.10 to get to Linlithgow. I cannot believe that it will cost substantially more than £5.10 to make a journey of half that length to the airport.

There are other issues, such as cyclists, concessionary fares and access for people with disabilities. We support the bill in principle, but we welcome the fact that the committee will undertake detailed scrutiny of it.

16:33

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I strongly support the general principles of the Edinburgh Tram (Line Two) Bill and I am pleased that the committee has also reached that decision. I applaud the work that the City of Edinburgh Council has done to develop proposals for a tram system in Edinburgh and indeed to develop radical plans to address the transport challenges that face our capital. I also recognise the Executive's commitment and support, both financial and otherwise.

I note that many members referred to the line 2 proposals and some referred to "both" tramlines but, to echo a point that Mark Ballard made, I note that the council's plans are for three tramlines. I express a particular interest in line 3, which would serve the east of the city and, in particular, the Edinburgh royal infirmary. I note that the funding for that line has suffered a serious setback in the light of yesterday's referendum result. It is important for us to make that connection. However, I am pleased that the council has indicated its continued desire to take forward plans for line 3. I hope that it will secure support and, in due course, the necessary resources to develop the line.

I will add my tuppenceworth on the decision-making process for the proposals. I echo strongly and will add to Alasdair Morgan's comments. As some colleagues know, many documents have emerged from consideration of line 2 and there are many other documents for consideration for next week's debate on line 1. Those documents are only the preliminary stage reports.

I greatly sympathise with members of the Edinburgh Tram (Line Two) Bill Committee, who have also had to wade through the papers that fed into their preliminary stage report. I say simply that there must be a better way. What matters is not just the number of rainforests that have been destroyed or the number of person hours that MSPs or parliamentary support staff have worked. The serious issue is the duplication of discussion and effort, given the work that has been done locally and the work that the Executive will do in due course.

As Alasdair Morgan said, the Procedures Committee has undertaken work on private bills. I strongly urge those who are in a position to do so to develop that work with urgency. I do not have time to go into the alternative options that the

Procedures Committee has set out. Options include a similar arrangement to that under the Transport and Works Act 1992, which applies in England and Wales. That reduces the need for the parliamentary process that we are following but still enables proper scrutiny and discussion to take place in proceeding with transport infrastructure projects. Change sooner rather than later is a serious issue.

We are talking not just about the Edinburgh trams but the Glasgow and Edinburgh airport rail links, the Airdrie and Shotts line and many more projects. We all want good and effective scrutiny, but I stress that the national Parliament's job is ultimately to add value to the decision-making process. The danger at the moment is that we will add years to the decision-making process, which we cannot afford to do.

If change on the scale that the Procedures Committee has considered is implemented, that will take years to put in place, so I urge those who are examining the tram bills to consider how to adopt a lighter touch in the short term and to think about the fact that hard-pressed transport officials who work on the projects in the City of Edinburgh Council must give input time and again, often on the same issues. All of us want much-needed transport and other infrastructure projects to proceed quickly. We can all play a part in ensuring that that is done better than at present. I support the motion and commend the work that has been done but hope that we can find a better way in future.

16:37

Sarah Boyack (Edinburgh Central) (Lab): I am glad that we have reached the point that we are at. Like Susan Deacon, I have followed the debate from the sidelines. I am not a member of the Edinburgh Tram (Line Two) Bill Committee because, as a local MSP, I cannot join it. I have two views about that and they are totally contradictory, as would be expected.

In some ways, I am relieved not to have had to undertake the process. I do not envy the committee's job, but it is vital. Susan Deacon is right to say that we need the right system. Perhaps the present system is not the right one. However, we still need proper accountability and scrutiny of the process, so I welcome the hard work of the committee and of all those from the promoter's side, the local community and businesses who have appeared before the committee and taken part in a process that is confusing because it is unlike the traditional land-use planning approach that most communities and businesses are used to. The process has been difficult.

The big picture is that we are in a serious catch-up situation. Our agonising choice over trams or the Edinburgh airport rail link reflects the fact that we are far behind all our major European competitors, which did such work years ago. Most of the other major European capitals, their airports and their growing financial sectors already have such infrastructure in place. Most of them are modernising their existing equipment; they are not debating where lines should go.

We are playing catch-up, but we must still get the projects right. I represent many constituents who have many detailed questions, comments and objections that it is right for Bill Aitken and his committee to deal with at the consideration stage. The process is not transparent for my constituents because we have not followed the process before.

Tramline 2 is important because it links some of Edinburgh's key growth sectors. Edinburgh is a compact city, but it is also a growing and successful city. We must be able to link people up without having the huge congestion that comes with more cars coming into the city—I mean not just into the centre but around the suburbs. The tram proposal will not fix that problem, but with better buses, the south suburban railway and park-and-ride facilities around the whole city, it will begin to help us to fix it. Therefore, the proposal is important.

It is crucial that the tram should link in with other forms of transport—colleagues in the chamber have made spot-on comments about that. The National Audit Office report recommended that that point should be properly considered. The timetabling, ticketing and concessionary fares schemes of trams should link in with those of bus services. We must ensure co-ordination of routes and I think that there will be scope for reconsidering Edinburgh's traditional bus network. There is an opportunity to rethink whether every bus should be forced to go along Princes Street.

Park-and-ride routes on the outskirts of the city and access for car drivers will be fundamental to the project's success. We have seen the demand across central Scotland and Fife for car drivers to go part of their routes by car and other parts by high-quality, affordable and comfortable public transport. Furthermore, we should not forget pedestrians and cyclists, for whom part of the route will be critical.

The process is difficult. To some extent, my constituents have found the fact that we are having an hour-long debate on the bill's principles to be difficult to deal with, as the issue is so big. It can be seen from the background reports that a huge amount of work has been done. However, we are in a position to accept the committee's work and to look forward to the consideration stage, which will be critical.

I share Susan Deacon's concerns about whether we are doing things in the best way in respect of setting a framework for compulsory purchase orders, detailed planning issues and the critical issue of getting the design right. Edinburgh is a world heritage city and trams will offer huge social and economic benefits. We must ensure that they also offer design and environmental benefits.

Labour members fully support the principle of improved public transport and the bill is an important part of that process for Edinburgh. It is also important for Scotland, given that Edinburgh is Scotland's economic driver. I hope that members will support the process and look to the consideration stage.

16:42

Lord James Douglas-Hamilton: If I may say so, a man of few words does not have to take many of them back. I have already made my position clear and rest my case.

However, I mention a final point. Local MSPs, including list MSPs, were not allowed to serve on the committee that considered this private bill. The committee was ably convened by my good friend Bill Aitken, who is a regional MSP for Glasgow, and he and the other members of the committee are to be warmly congratulated on their excellent work. However, if the opportunity and need arise for a similar bill for somewhere else in Scotland, Lothian MSPs will not be weighed in the balance and found wanting.

16:43

Mr Kenny MacAskill (Lothians) (SNP): I agree with other members that there are no difficulties with the bill's principles but, as with many things, the devil is in the detail, which will be considered at the next stage.

Alasdair Morgan, Susan Deacon and Sarah Boyack mentioned the methodology, with which it is clear there are difficulties. To the minister's credit, that matter has been raised previously—it was raised when the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill was considered. The difficulties will continue. We have them with respect to the Waverley Railway (Scotland) Bill. Alasdair Morgan's point is correct. We do not use this methodology for roads and it is impeding us. As Sarah Boyack has said in the chamber and elsewhere, we must address how we deliver things as a country, but we are not doing things in the best way. Members are facing an excessive workload, which they are not best qualified to deal with. We have reporters and assessors because they are trained and schooled. MSPs have 101 other things to consider and are not necessarily trained in such a way.

It is clear that there are practical matters that must be addressed and dealt with in great detail at the consideration stage. Individuals who face intrusions in their homes, gardens and whatever else have raised significant concerns about the routes, which must be addressed, and there are arguments about whether a tramway running parallel to a rail line is the best route.

The fundamental point that I wish to make relates to the bill's principles. The minister and Margaret Smith were correct to say that what happens in the west of Edinburgh is vital for the city of Edinburgh, and that what happens in the city of Edinburgh is vital for the Scottish economy, as Edinburgh is the engine and the dynamo driving forward the economy.

Everyone is in favour of trams; I do not know anyone who says that they are opposed to trams. However, even those who are not opposed to trams say that, first and foremost, they want the potholes filled in, they want the buses to come on time, and they want the trains not to be delayed because there is snow. We clearly live in a land of finite and limited resources and we have to have vision, structure and strategies.

I accept that we have to work towards the kind of society that exists on the continent where there are trams. However, the tramlines there are built on a heavy rail network, a bus network, a regulated transport system and pothole-free roads—all of the things to which we aspire.

We have to have the vision, but we then have to have the structures and strategies. I believe that we have to move towards a regional transport authority and partnership that has powers, teeth and a revenue stream. We have to allow that authority to make the choices that have to be made. If a tram system is brought in but we have not filled in the potholes, we have not got the bus network up to scratch and we have not delivered in other areas such as the Bathgate to Airdrie line or the Borders railway, questions will be asked about whether we have done the best thing.

I would like the minister to clarify whether he will allow the transport authorities, if they are created correctly, to be able to choose how they spend the money and how they work towards building a tram network. Susan Deacon commented on tramline 3, which is as important, if not more important, than line 2. If all things were equal, we would do line 3 before we did line 2.

However, let us get to grips with the practicalities. Let us work towards delivering the projects while acknowledging that, although we want to catch up with the European model at some stage, it will take us some time to do so. Perhaps utilitarianism is best and we should use some money to fill in the potholes so that cars run

smoothly and pedestrians do not break their ankles. Every bus service in Edinburgh should be akin to the 22 not the 42 or the 41 that some of us have to put up with. We have to get the rail network running all the time, even when there are leaves on the line and snow is falling. Let us have the powers to use the money for the best for all Edinburgh.

16:47

Nicol Stephen: The members of the Edinburgh Tram (Line Two) Bill Committee will have noted the many important points that have been made this afternoon. The committee has accepted that the proposed new project is an important step forward in delivering much-needed transport infrastructure for Edinburgh.

I support the Edinburgh Tram (Line Two) Bill. I believe that it will bring significant benefits to central and west Edinburgh and to all Scotland. However, much is still to be done to realise those ambitions and I will touch on some of the key issues that remain to be worked up in more detail.

Public transport works such as this tramline are major undertakings and it is right for the committee to be concerned that the works will be delivered on time and on budget. It is also right that people are concerned about the scheme's financial viability, especially its overall costs and the anticipated passenger numbers. As the bill progresses, we all need to be assured about those and other major aspects of the scheme. Given the significant scale of the funding involved, it is also important that the promoter gives us all in the Parliament and the Executive confidence in those issues in its final business case.

People are right to be concerned about the key issues, particularly given the problems that there have been with some of the tram systems in other parts of the UK. However, all available evidence indicates that the financial case for tramline 2 is still a good one.

The Edinburgh airport rail link is an associated issue that has been raised by members. The rail link is likely to have an effect on the patronage of tramline 2; that is evident to all members. It is important to appreciate that the Edinburgh airport rail link is a national scheme of major strategic significance, as Lord James said. Tramline 2 is of great importance to the region and to the city area. The two schemes are intended to complement each other and build on each other's advantages. They will offer greater flexibility and create greater opportunities for people to switch between tram, rail and bus, but we clearly require a full and detailed assessment of all the issues in the final business plan.

It is vital that the tramline is seen as part of an integrated transport network in Edinburgh. As

Kenny MacAskill pointed out, we are moving towards regional transport strategies and, for the first time, a national transport strategy, which is much needed. Trams have an important role in all those developments.

The Executive considers that the tramline will make a significant contribution to reducing congestion in Edinburgh; to encouraging and sustaining economic development in the west of the city, in particular; and to widening the range of employment and education opportunities for people throughout Edinburgh.

Edinburgh has a strong and growing economy. It is already one of the most dynamic cities in Europe. New tramlines, a new airport rail link, expanded bus and rail services and the major upgrade of Waverley station add up to a major commitment by the Executive and the Parliament—an investment of well over £1 billion to ensure that Edinburgh has a transport system to match its other successes. That is why the bill and the other transport initiatives in the city are so important and should be supported.

16:51

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): At the beginning of his opening speech, the minister said that this is an important day for the Parliament, as we are considering the preliminary stage report on the Edinburgh Tram (Line Two) Bill. The committee report on the Edinburgh Tram (Line One) Bill will be debated next week. In line with the best public transport clichés, the Parliament has waited six years for a tram bill and then two have come along at once.

As the convener and the minister stated, the promoter has presented its case for the tramline as part of a broad transport strategy for the city of Edinburgh. The promoter claimed that the case for the line was strengthened by the fact that it will act as an economic stimulus to what is arguably already a vibrant, dynamic economy—not only in the Edinburgh city region, but in Scotland as a whole. That is supported by a key point that the minister, Kenny MacAskill and others made during the debate.

Given that the tramline is breaking new ground in the Parliament, the committee sought to analyse thoroughly the key assumptions behind the tram proposals. As Alasdair Morgan indicated, we visited Nottingham. Far from feeling short-changed because we did not visit Lyon, Strasbourg or other European cities, we found our visit to a scheme that is comparable to that which is proposed for Edinburgh to be beneficial. We also found that the National Audit Office report was useful as a base indicator for our work. It enabled us to establish some basic principles against which some of the

promoter's assumptions could be judged. Our site visit to Nottingham also provided context. We are grateful to all committee clerking staff, witnesses, people in Nottingham and others who have assisted us in our work.

The evidence that we received from the National Audit Office was helpful, as it provided us with a basis on which to judge the promoter's view that trams offer fast, frequent and reliable services. In the five systems that were assessed by the NAO, trams generally scored highly in passenger surveys, compared with buses.

Although the promoter accepts that in Edinburgh the airlink bus operation to the airport is able to match journey times overall, it argues that trams benefit from running off road and are therefore not susceptible to delays that result from congestion. Almost all schemes have afforded the passenger greater comfort and safety, which has influenced positively the perception of light rail as a travel option.

All tram schemes that were examined by the NAO provided better access than buses for people with mobility problems. The committee witnessed at first hand in Nottingham the benefits of trams in improving access for such people.

The committee agreed that all systems were viewed as having enhanced the image of cities and towns in which they provided services. The promoter of tramline 2 has confidence that in the broad areas to which I have referred the scheme will be able to achieve all the benefits that have been delivered by light rail networks in other cities. On the basis of the evidence in the NAO report concerning tram systems that are already operational in the United Kingdom, the committee is satisfied that the promoter's confidence is well founded and that those benefits can be achieved if line 2 proceeds.

However, it is worth noting that the NAO report expressed less confidence in schemes' ability to deliver a number of other significant benefits. The committee was keen to explore those purported benefits in greater detail, in order that it might take a view on how real or attainable they would be in the case of line 2. Lord James mentioned some of those benefits: economic development and regeneration, reducing congestion, social inclusion and environmental benefit. As those who followed the committee's scrutiny will have seen, we paid particular attention to the financial case for the scheme and its potential for economic regeneration; and to the reduction in congestion and the consequent improvement of the environment of the city and benefit to passengers on public transport.

The committee notes that the promoter's documentation confirms that there will be a limited

direct contribution to the stimulation of economic growth. The committee believes that the nature of the promoter's case for economic development and regeneration is aspirational, but it agrees that, by and large, the case is based on prudent and conservative assumptions. The committee accepts that the tram is likely to have significant indirect benefits as regards sustaining current growth projections and that it has the potential to contribute positively to economic development and regeneration in west Edinburgh, as Margaret Smith and the minister stated.

Although the Scottish transport appraisal guidance 2 report confirms that the effect of the tram will be to reduce congestion only marginally along some of the routes, against a background of worsening congestion, the committee believes that overall the promoter's objective of maintaining present levels of congestion throughout the lifetime of the project will have considerable success.

The committee gave due consideration to the impact of other major transport developments that are likely to be introduced, such as the Edinburgh airport rail link, as well as to the possibility of a competitive bus response, although even with good partnership working in the city of Edinburgh, the committee thought that that would be unlikely. The committee also considered the potential impact of concessionary fares, which Marilyn Livingstone and Margaret Smith raised in the debate.

At the end of the evidence taking on the general principles of the bill, the committee still had some reservations about specific issues that materially affect the promoter's patronage estimates. Although the committee recognises that the promoter has been able to address many of the issues about which the committee was initially sceptical, the committee did not consider it appropriate, given the level of public funding that the scheme would attract, to give an unqualified endorsement of the promoter's case at the preliminary stage.

The extent to which benefits will be achieved will depend on the extent to which trams are used. Mark Ballard, Susan Deacon and Sarah Boyack among others raised points not only about the route of the line, the voluminous evidence that we received and the necessity of having transparency and openness, but about the parliamentary process. Most members of the committee will have sympathy with those points and the Procedures Committee and the minister will develop those considerations further.

Lord James said that a man of few words seldom has to take them back. However, a Government that fails to invest in public transport will have much to regret. Therefore, the committee

recommends that the Edinburgh Tram (Line Two) Bill should continue as a private bill and that the Parliament should agree to its general principles.

International Organisations Bill

The Deputy Presiding Officer (Trish Godman): The next item of business is consideration of motion S2M-2330, in the name of Cathy Jamieson, on the International Organisations Bill, which is United Kingdom legislation.

Motion moved,

That the Parliament recognises the need for the United Kingdom to implement the international obligations for which the International Organisations Bill makes provision, and agrees that those provisions in the Bill that fall within the legislative competence of the Scottish Parliament and have the effect of conferring functions on the Scottish ministers should be considered by the UK Parliament.—
[*Hugh Henry.*]

16:58

Stewart Stevenson (Banff and Buchan) (SNP): I thank you, Presiding Officer, for indulging me and allowing me a few seconds to speak.

First, although it is unusual for the Scottish National Party to support a Sewel motion, in this case, as ever, we have considered the detail of the motion and we see that we have acquired new powers. That is useful and we always think positively about such matters.

Secondly, I draw to the attention of members who have not had the benefit of reading the *Official Report* of last week's Justice 1 Committee meeting the fact that the new powers extend to an ability to veto orders in council in relation to the powers in the bill. In due course, the Procedures Committee might wish to consider incorporating that in the standing orders of the Parliament so that we do not miss a trick in relation to how things happen.

16:59

The Minister for Parliamentary Business (Ms Margaret Curran): I thank Stewart Stevenson for his constructive approach to the Sewel motion. It is obvious that he is having a positive influence on the SNP. I would be grateful if he would stay as the member for Banff and Buchan and not return the other person, who is perhaps a bit less constructive.

Business Motion

16:59

The Deputy Presiding Officer (Trish Godman): The next item of business is consideration of business motion S2M-2457, 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 2 March 2005

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 1 Debate: Transport (Scotland) Bill

followed by Financial Resolution: Transport (Scotland) Bill

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

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 3 March 2005

9.30 am Parliamentary Bureau Motions

followed by Scottish Socialist Party Business

12 noon First Minister's Question Time

2.00 pm Question Time—
Environment and Rural
Development;
Health and Community Care;
General Questions

3.00 pm Stage 1 Debate: Prohibition of Female Genital Mutilation (Scotland) Bill

followed by Financial Resolution: Edinburgh Tram (Line One) Bill

followed by Financial Resolution: Edinburgh Tram (Line Two) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 9 March 2005

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 1 Debate: Charities and Trustee Investment (Scotland) Bill

followed by Financial Resolution: Charities and Trustee Investment (Scotland) Bill

followed by Business Motion
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business
 Thursday 10 March 2005
 9.30 am Parliamentary Bureau Motions
followed by Scottish National Party 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 Executive Business
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business—[*Ms Margaret Curran.*]

Motion agreed to.

Parliamentary Bureau Motions

The Deputy Presiding Officer (Trish Godman): The next item of business is consideration of five Parliamentary Bureau motions. I ask Margaret Curran to move motion S2M-2388, on the approval of a Scottish statutory instrument.

Motion moved,

That the Parliament agrees that the draft Remote Monitoring Requirements (Prescribed Courts) (Scotland) Regulations 2005 be approved.—[*Ms Margaret Curran.*]

17:00

Margaret Mitchell (Central Scotland) (Con): I serve notice that the Conservatives are opposed to the introduction of these unfortunate and misguided regulations not merely because of their main thrust, which concerns the use of remote monitoring to enable the release of a person on bail who would otherwise have been refused bail, but because they seek to extend the pilot scheme from two to four courts. Quite simply, the cases in Glasgow sheriff court and the High Court alone would provide a sufficiently representative sample to test the pilot without potentially putting more of the public unnecessarily at risk. As a result, we will vote against the regulations.

17:01

The Deputy Minister for Justice (Hugh Henry): This is yet another example of the Conservatives' twisted and inexact logic on so many such issues. Margaret Mitchell conveniently forgets to mention that, far from creating any more danger or problems, the provisions of section 24A(2) of the Criminal Procedure (Scotland) Act 1995 will be used only in rape and murder cases to tighten the conditions attached to bail orders where a decision on bail has already been made. In other words, any judge who is disposed to allow someone out on bail must consider monitoring for murder and rape cases.

Let me sum up the Conservatives' attitude to different crime issues. When gangs of people were terrorising local neighbourhoods, they refused to back what we were doing. When we attempted to tighten up regulation of the security industry and to take action against some criminal elements, they refused to back us. Now they are refusing to back regulations that would impose further conditions on the release of people who have been accused of or who have committed acts of murder or rape. Shame.

The Deputy Presiding Officer: I ask Margaret Curran to move motions S2M-2450, on a committee remit, and motions S2M-2451, S2M-

2452 and S2M-2453, on the designation of lead committees.

Motions moved,

That the Parliament agrees that the remit of the Communities Committee be amended to—

To consider and report on matters relating to housing and area regeneration, poverty, voluntary sector issues, charity law, matters relating to the land use planning system and building standards and such other matters as fall within the responsibility of the Minister for Communities.

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the draft Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 2005.

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the draft Advice and Assistance (Financial Conditions) (Scotland) Regulations 2005.

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the draft Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2005.—[*Ms Margaret Curran.*]

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

Points of Order

17:03

Robin Harper (Lothians) (Green): On a point of order, Presiding Officer. This afternoon, during a vote at stage 3 of the Fire (Scotland) Bill, a glitch or confusion in the electronics meant that my vote was confused with Annabel Goldie's vote. With due respect to Miss Goldie, I do not want to be recorded as voting against my own party and I am quite sure that she would not like to be recorded as not having voted at all. I draw the Presiding Officer's attention to the matter and ask whether it can be dealt with in some way. If not, perhaps we should find a way of dealing with such electronic glitches in future.

Bill Aitken (Glasgow) (Con): On the same point of order, Presiding Officer. I confirm that what Mr Harper says is entirely correct. I do so on behalf of Miss Goldie, who has had to leave the chamber on other business.

This is not a great issue, although I imagine that it would have caused some excitement if the Executive had lost a vote by one. In the circumstances, might it be in order to report back at least to business managers on what exactly went wrong and on the action that should be taken to avoid this situation in future?

Margo MacDonald (Lothians) (Ind): On a point of order, Presiding Officer. I hesitate to take the chamber's time, but has the matter not already been recorded through the two members' points of order?

The Deputy Presiding Officer (Trish Godman): I have noted what was said in the points of order. We will get back to those concerned.

Decision Time

17:05

The Deputy Presiding Officer (Trish Godman): There are eight questions to be put as a result of today's business.

The first question is, that motion S2M-2421, in the name of Cathy Jamieson, on the Fire (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 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)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)

Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 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)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)

ABSTENTIONS

Fox, Colin (Lothians) (SSP)
 MacDonald, Margo (Lothians) (Ind)
 Sheridan, Tommy (Glasgow) (SSP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Deputy Presiding Officer: The result of the division is: For 102, Against 3, Abstentions 4.

Motion agreed to.

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

The Deputy Presiding Officer: The second question is, that motion S2M-2412, in the name of Bill Aitken, on the general principles of the Edinburgh Tram (Line Two) Bill and whether the bill should proceed as a private bill, be agreed to.

Motion agreed to.

That the Parliament agrees to the general principles of the Edinburgh Tram (Line Two) Bill and that the Bill should proceed as a Private Bill.

The Deputy Presiding Officer: The third question is, that motion S2M-2330, in the name of Cathy Jamieson, on the International Organisations Bill, which is United Kingdom legislation, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 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)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marilyn (North East Scotland) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)

Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 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)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Sheridan, Tommy (Glasgow) (SSP)

ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Deputy Presiding Officer: The result of the division is: For 102, Against 5, Abstentions 2.

Motion agreed to.

That the Parliament recognises the need for the United Kingdom to implement the international obligations for which the International Organisations Bill makes provision, and agrees that those provisions in the Bill that fall within the legislative competence of the Scottish Parliament and have the effect of conferring functions on the Scottish ministers should be considered by the UK Parliament.

The Deputy Presiding Officer: The fourth question is, that motion S2M-2388, in the name of Margaret Curran, on the approval of a Scottish statutory instrument, be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 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)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)

McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 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)
 Peattie, Cathy (Falkirk East) (Lab)
 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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 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)
 Davidson, Mr David (North East Scotland) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Leckie, Carolyn (Central Scotland) (SSP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

The Deputy Presiding Officer: The result of the division is: For 83, Against 13, Abstentions 12.

Motion agreed to.

That the Parliament agrees that the draft Remote Monitoring Requirements (Prescribed Courts) (Scotland) Regulations 2005 be approved.

The Deputy Presiding Officer: The fifth question is, that motion S2M-2450, in the name of Margaret Curran, on the remit of a committee, be agreed to.

Motion agreed to.

That the Parliament agrees that the remit of the Communities Committee be amended to—

To consider and report on matters relating to housing and area regeneration, poverty, voluntary sector issues, charity law, matters relating to the land use planning system and building standards and such other matters as fall within the responsibility of the Minister for Communities.

The Deputy Presiding Officer: The sixth question is, that motion S2M-2451, in the name of Margaret Curran, on the designation of a lead committee, be agreed to.

Motion agreed to.

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the draft Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 2005.

The Deputy Presiding Officer: The seventh question is, that motion S2M-2452, in the name of Margaret Curran, on the designation of a lead committee, be agreed to.

Motion agreed to.

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the draft Advice and Assistance (Financial Conditions) (Scotland) Regulations 2005.

The Deputy Presiding Officer: The eighth question is, that motion S2M-2453, in the name of Margaret Curran, on the designation of a lead committee, be agreed to.

Motion agreed to.

That the Parliament agrees that the Justice 2 Committee be designated as lead committee in consideration of the draft Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2005.

The Deputy Presiding Officer: That ends decision time.

Chris Ballance (South of Scotland) (Green): On a point of order, Presiding Officer. I want to register my vote in favour of the Fire (Scotland) Bill. My voting console did not work.

The Deputy Presiding Officer: That point has been duly noted. We will get back to you.

Extreme Weather Response (Western Isles)

The Deputy Presiding Officer (Trish Godman): The final item of business today is a members' business debate on motion S2M-2357, in the name of Alasdair Morrison, on responses to extreme weather conditions in the Western Isles. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises the ferocious storms which caused tragic loss of life in the Western Isles in January 2005; expresses its gratitude to those who took part in the recovery operations; notes that extensive damage was done to the infrastructure which links the islands; further notes that many homes and businesses have been seriously affected and that Comhairle nan Eilean Siar is leading a multi-agency group to establish the extent and value of the damage caused, and believes that the Scottish Executive should consider whether further assistance can be made available to communities in the Western Isles to cope with these exceptional circumstances, while also initiating an assessment of future infrastructural implications of changing weather patterns for the Western Isles.

17:10

Mr Alasdair Morrison (Western Isles) (Lab): I thank all members who have signed the motion and allowed the debate to proceed this evening.

Few can recall an incident that has dominated conversation in the Western Isles more than the ferocious weather system that so dramatically altered the landscape of the islands six weeks ago. The cost is measured not only in physical terms but, above all, in human terms.

Tragically, five members of the same family lost their lives during the storm. Expressions of sympathy have already been appropriately articulated. As far as this debate is concerned, it is worth putting on the record the fact that the Campbell and MacPherson families know from the many unspoken gestures and messages of support that they do not grieve alone and that, during every tortuous step on the road to recovery, they will be upheld by the quiet, caring and dignified expressions of Christian compassion that friends and neighbours have already offered and will continue to offer for many a day. The communities of Uist and Benbecula mourn as one family, but we will also recover as one family.

Although we are obviously conscious of the specific difficulties that face some, we must also address the wider implications of the storm damage. To an extent, that assessment began when the First Minister sent Cathy Jamieson to Uist just days after the storm abated. I am grateful

to see that so many ministers, including the First Minister, have attended the debate this evening.

As I said, Cathy Jamieson went to Uist days after the storm abated. During that visit the minister experienced for herself not only the emotional carnage but the dramatic transformation in the landscape of Uist and Benbecula—the same is obviously true of islands to the south: Vatersay and Barra.

During Cathy Jamieson's visit, her dignified and heartfelt expressions of sympathy and her recognition that the islands will need the support of the Scottish Executive were all greatly appreciated. They were particularly appreciated by the teachers and staff she met at Lochdar School, which was the focal point in the immediate aftermath of the disaster.

Collectively, we must now continue to work to ensure that we take action that will protect life and limb and will allow people to get on with their lives. Recent events have undoubtedly shaken people's confidence; we have a duty to rebuild that confidence.

The local authority—we are joined this evening by its convener, Alex Macdonald—has already taken remedial action on buildings and some of the islands' roads network, but we must now focus on the medium to long-term solutions.

I assure ministers that neither I nor anyone associated with Comhairle nan Eilean Siar who comes to Edinburgh to meet them will make ridiculous or outrageous demands. I assure the minister that requests for assistance will be measured and properly costed. That will take time. I certainly do not want to see good money being spent and then witness infrastructure literally being washed away with the next high tide.

I will address some specific infrastructure issues. Assessment of how we repair some of our causeways is well under way. The first impression from those who know about the engineering concerned is that to restore some causeways to their former glory would be a waste of taxpayers' money. We are in the process of finding engineering solutions, and those will be forwarded to the Executive shortly.

I have already raised informally the issue of a new primary school for Benbecula. The pupils at Balivanich Primary School are currently being taught at the premises of the company Qinetiq, which operates and runs the rocket range. That is another example of the company's generous offers of assistance in recent weeks. Rebuilding Balivanich School, which is currently sited just above the shore on the Atlantic coast, is not an option. I am sure that my discussions with the Minister for Education and Young People, Peter

Peacock, will continue constructively over the next few weeks and months.

The confidence of the crofting community has been greatly affected: people who every day of their lives deal with the vagaries of the weather have been awestruck by the storms. A great deal of work has to be done, not only by the minister with responsibility for crofting but by other agencies that receive Government support. Lewis Macdonald has already spoken to the Crofters Commission, which is assessing the effects of the storm damage. Such a proactive attitude is welcome.

There are issues to do with crofter housing, stock proofing and tidal flood prevention. The middle district of South Uist and Baile Sear on North Uist are particularly vulnerable areas. Issues that relate to tidal flows, by their very nature, cannot be tackled and resolved in weeks. We will move sensibly and rationally to find solutions. Ena MacNeill from North Uist, who chairs the Scottish Crofting Foundation, can testify to the challenges that crofters and their families face.

The motion reflects our gratitude to those who took part in the recovery operations immediately after the storm. I mentioned the tragic loss of life and I also pay tribute to a remarkable man from South Uist: crofter Willie Hollister, who saved the lives of three children and their parents on the night that the storm reached our shores. For as long as the members of that family breathe God's free air, they will be eternally grateful to Mr Hollister. His courageous and life-saving actions that awful night deserve not just recognition in his community and in this chamber; let us hope that his actions can be recognised in a more formal manner—I leave the matter to be pondered by Jack McConnell and Cathy Jamieson.

The community that I represent is all too aware of the awesome power of the ocean and the elements, but the recent storms gave us real cause to take stock and plan for the decades ahead. Obviously, political leaders outwith the Scottish Parliament must take action that will impact on the climatic changes that we face. We know that there is the will to take such important decisions and I ask only that those who have the responsibility of office in the Scottish Parliament continue in the way in which they began their response to recent events and see through that response to its natural conclusion. If that happens, not only will confidence be rebuilt, but traumatised communities will be eternally grateful.

The Deputy Presiding Officer: A considerable number of members want to speak, so I ask them to stick to a tight four minutes.

17:17

Rob Gibson (Highlands and Islands) (SNP): I thank Alasdair Morrison for lodging the motion and I congratulate him on securing the debate. I, too, witnessed some of the damage in South Uist when I visited there with colleagues last week, so I can only underline his remarks about the exceptional damage that occurred.

In the minister's response, we seek a means whereby we can move forward from processes that were put in place in the past. It is generally acknowledged that in the context of the Western Isles and the Highlands, the Bellwin formula does not meet the needs of current circumstances. In an era of climate change, which we are investigating and trying to mitigate and to which we are trying to adapt, communities such as those in the middle district of South Uist and many other communities on the west coast of Scotland will be in the front line of the storms that are likely to be more frequent in the future. Such communities and many other areas will experience extreme weather events. It is clear from the Highland Council's list that even areas on the east coast, such as North Kessock and others close to Inverness, were affected by the recent extreme weather. I note that the Minister for Justice will report to the ministerial group on civil contingencies; I would like to hear from her today about some of her responses to the group.

I am concerned to press the views of the people in the middle district who sought a strategic assessment of the hydrology and physical geography of the machair, because it is no exaggeration to say that if inundations were to breach the machair with salt water on a sustained basis, new islands could be created and a chain of events in South Uist, North Uist and Benbecula could be triggered. Such events could take place unless, first, an emergency plan is put in place and, eventually, funding is put in place to create defences against the sea. We need only consider the piles of stones that were thrown into the playground at Balivanich Primary School—anyone who had been present when that happened would have been killed—to understand the power of the sea, as the people whose views we heard last week described.

It is essential that Parliament acknowledge that it will take a lot of money and a lot of good planning to deal with the results of these extreme events. We therefore ask the minister how we can move on from contingency funding. In the Highland Council area, more than £5 million of damage was caused, but the Bellwin formula will trigger only a fraction of that. It is a similar story in the Western Isles. It is totally inadequate that that is how the present contingency funding programme will kick in.

We ask the minister to respond to Alasdair Morrison's excellent motion, which mentions the kind of studies that should take place. We know that we will have to break new ground in dealing with such circumstances and we look forward to the whole Parliament being able to work together to deal with natural disasters. At present Britain, Argentina and Israel appear to be the only countries that do not provide their citizens with funding to support themselves in natural disasters. Most other countries have systems in place. I would like to think that the disaster in the Western Isles, with its loss of life, will trigger a different response from this united Parliament.

17:21

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I welcome Alasdair Morrison's motion for debate this evening. The recent severe and exceptional gales wreaked extensive damage to private property and public infrastructure throughout the Highlands and Islands. Many roads, bridges and causeways have been dangerously undermined, and piers and jetties have been destroyed beyond economical repair. Much of the agricultural land that is adjacent to the sea has suffered through extensive coastal erosion. All of that will require extensive and immediate remedial work, which will require a considerable injection of finance and support from the central Government.

In recent travels around the Highlands and Islands, I have witnessed at first hand the superficial extent of the damage. The hidden true extent cannot be assessed and will become obvious only when structures begin to fail in the months ahead.

It is interesting to note that, in some areas of the Highlands and Islands, the recorded wind speeds at the height of the gales reached 145mph, which is quite a force of wind. I am sure that if that had happened anywhere apart from in Scotland, a national emergency would have been declared immediately. We in the Highlands were given some sympathy, some elementary advice and a clear understanding that additional financial support would not be easily forthcoming. Local authorities do not have the financial resources to undertake the massive task that confronts them. Efforts must now be made to enlist the support of all the agencies in the Highlands and Islands to assess professionally the damage and the true cost of the remedial works that are required.

As everybody knows, the weather conditions caused a tragic waste of life and extensive damage in the Western Isles and across the Highlands and Islands. What happened showed how vulnerable we in western Europe are to weather conditions, despite our advanced

technology. It was also a reminder of the strength of our communities in the Highlands and Islands—the combined community response was impressive to say the least.

However, when events such as these happen in the Highlands and Islands, communities should look to the rest of Scotland for support. We hear much about the Bellwin formula. I am delighted that the Bellwin formula will apply to Orkney and the Western Isles, but what I find ironic is that Highland Council largely missed out because it was prudent enough to take out adequate insurance cover.

Support must go beyond the short-term problems of damage—help must come partly in the form of financial assistance but also in the form of expertise in assessing the vulnerability of our coastal communities. Storms of this nature are likely to become more frequent because of global warming.

As I have said, in my constituency several roads suffered damage and there is a need not only to carry out superficial damage repairs, but to assess unseen damage. There is perhaps also a need to upgrade roads, piers and coastal protection all around the north. That will require not only money, but the necessary engineering expertise.

Of course, many of us throughout the country believe that the recent bad weather is a result of global warming. I believe that we need to take that seriously; I wonder whether the residents of Edinburgh did so when they voted against congestion charging in the recent referendum.

17:26

Mary Scanlon (Highlands and Islands) (Con):

I commend Alasdair Morrison for his excellent speech, which I feel reflected accurately the mood in the Western Isles and conveyed the support that people there have given to one another. His whole speech was excellent, but I want to highlight his point about the need to take stock and plan for the decades ahead. What we are doing tonight is taking stock of where we are so that we can plan for the decades ahead.

Jamie McGrigor sends his apologies for not speaking in the debate; he has suffered a family bereavement.

The Bellwin scheme, which was drawn up in 1983, was seen as being a model scheme and a starting point. According to the scheme's guidance notes, it was set up as a discretionary scheme. I hope that ministers will consider the Bellwin scheme as a starting point and that they will use their discretion. The scheme uses a formula that was agreed by the Convention of Scottish Local Authorities to set thresholds for financial

assistance for each council. Many of the authorities that have been affected are island authorities or authorities that have significant coastlines, such as Highland Council and Argyll and Bute Council. If those authorities are more likely to be affected by climatic conditions in the future, perhaps it is time for COSLA and the Executive to review the existing thresholds.

If we consider roads, for example—as John Farquhar Munro mentioned—under the Bellwin scheme only costs that relate to patching up and instant repairs are eligible for consideration; repairs to causeways and other work involving capital costs are not covered. The scheme relates only to costs that are incurred in the immediate aftermath of specific events. We must ask ourselves whether that is sufficient for current and future needs and, given the weather that we face, we must consider whether more extensive arrangements are necessary.

Like John Farquhar Munro, I want to highlight the impact of the storm on the Highlands. Damage was caused to 161 schools, 20 culture or sport properties and various other buildings. The total cost of remedial works in the area is likely to be more than £5 million, more than half of which will be accounted for by repairs to roads. The problem is that Highland Council cannot accommodate that £5 million sum in the near future without causing significant disruption to its capital programme. My point is that if the council has to take the money from other budgets, the areas that have been affected will suffer and there will be a severe opportunity cost. Alternatively, there could be an impact on council tax payers throughout the Highlands and Islands. As John Farquhar Munro said, Highland Council stands to receive no financial assistance from the Bellwin scheme, which applies strict criteria, because the council's qualifying costs are thought to fall below the £520,000 threshold.

Although we in Scotland are used to harsh winters and storms, there is no doubt that fear is growing that we will face more hazardous and extreme weather conditions in the future.

I ask the ministers to consider more proactive initiatives to prevent severe flooding, which may help us to avoid reactive situations such as that which we are debating tonight, in which council funding is not adequate to repair damage to local infrastructure and in which we send our condolences to the families who are affected.

17:30

Sarah Boyack (Edinburgh Central) (Lab): I congratulate Alasdair Morrison on the motion, which is well drafted and highlights the way forward. His eloquent speech gave us a sense of

how awful it must have been to be part of one of the affected communities, to live in the aftermath of the awful storms and to deal with the immediate human cost and the longer-term realisation that the clear-up would be a massive task. Alasdair Morrison is right to bring the issue to us so that we can think about how to respond.

Clearly, the response from communities, agencies and individuals was incredible. The Executive went up there early to talk to people about their experiences, which was vital and was also the right thing to do in the short term. Alasdair Morrison was right to spend most of his speech talking about such issues, but for the rest of us, there are other difficult issues. One or two members mentioned climate change, which we debated in the days after the storms in the Western Isles that made many of us pause for thought. The Environment and Rural Development Committee has been considering climate change for more than a month. All the scientific evidence shows that climate change is happening now; it is not something that might happen in the long run.

Two matters that we have been considering are how to stop climate change and how to adapt to it. Most of our high-level discussions have been about how to stop climate change—we have discussed reducing traffic congestion, more efficient energy use and cutting carbon use in society, but we must also focus urgently on adaptation. The communities that have experienced the problems of stormier weather need to take immediate and difficult decisions about repairs—we must have a dialogue with them about that. Uncertain and severe stormy weather will become a problem for more and more communities. One point that was raised in committee last week was that a similar storm in other parts of Scotland would be even more horrific, given the number of people who would be affected.

We must learn difficult human lessons. We are not equipped to cope, which poses difficult issues about the location of buildings such as health facilities, schools and houses. Alasdair Morrison's communities are thinking about whether to rebuild in the same places the buildings that were lost or to rebuild them elsewhere.

Another issue is that of the construction methods that should be used to replace buildings. Earlier, Alasdair Morrison and I were talking quietly about the fact that older houses that were built using stone and traditional methods and wooden houses that were screwed together survived, but that houses that were made from breeze blocks or precast concrete did not—some roofs were blown completely off. When we rebuild the houses and support the communities, we must work with the building and insurance industries to

ensure that we do not just rebuild what existed previously; we need more resilient buildings and higher standards. Information on such matters is available and I hope that the Executive will stimulate urgent discussion of the subject.

The problem is terribly difficult. Much of the money that we will need to repair the houses, roads and causeways that have been talked about will have been committed already to something else. In deciding how to make the urgently needed repairs to infrastructure facilities, we must think carefully about the quality of the replacements and the priority that should be attached to them. Those are difficult decisions, because some of them will mean that other measures are not taken or will not happen as quickly as was intended. We need discussions among local authorities, the Executive and the construction industry. The issue is not only about spending more money, but about ensuring that we spend money properly for the long term so that the communities that have been devastated have confidence in their new roads, schools, hospitals and houses. That is an important point, not just in relation to the Western Isles, where the recent storms took a terrible human toll, but in relation to areas throughout Scotland, including the Highlands and Islands, Argyll and Bute and the central belt, because we do not know where storms will happen in the future. I hope that the Executive will take those points on board.

17:35

Jim Mather (Highlands and Islands) (SNP): I join other members in commending Alasdair Morrison for securing the debate and I note the eloquent, detailed, compassionate and genuinely practical speeches that he and other members have made this evening.

We all agreed with the Deputy Minister for Finance and Public Service Reform, Tavish Scott, when he said:

"There is absolutely no doubt that storm damage and flooding can have a major impact on local communities ... The images of the recent devastation in these areas will have had a powerful effect on everyone who saw them."

We also welcomed his commitment that emergency relief would be made available to help to deal with the immediate aftermath of the devastating storms and floods. I am sure that all members welcomed the fact that Cathy Jamieson took prompt action by telling islanders in January that they would get a sympathetic hearing. It is now six weeks since the hurricane—we look forward to ministers making good on those sentiments, so I will set out one or two ideas that might give them some leverage on that front.

The storm was utterly devastating. It is good to hear that the passage of time has neither blunted

the impact of what happened nor eclipsed the need for urgent support and remedial work. The Western Isles were hit particularly hard with tragic loss of life, but the impact stretches up the west coast with Mull, Skye and the western seaboard all incurring damage. The case for support is strong in all those economically fragile areas, but nowhere is it stronger than in the Western Isles, where the poignant and tragic loss of life has rocked the community.

The physical and financial damage has been enormous. Fishing boats and fishing livelihoods have been affected and there have been fish-processing lay-offs. Land has been damaged and eroded, fences have been brought down and washed away and infrastructure such as coastal roads, breakwaters, ferry-berthing facilities and public buildings and private homes have been damaged. Balivanich Primary School on Benbecula was left in such a precarious state that a new building on a new site is needed.

Those island communities are in no shape to bear such damage because people there have lower incomes than people in the rest of Scotland. They do not have the financial resilience that they will need in order that they can manage. The Western Isles Council, like some of its counterparts in the rest of the country, faces the financial and logistical pressures of serving remote and island communities. The cost of repairing damage to lifeline transport arteries extends beyond the cost of reinstatement of services, to the cost of delays in getting goods and services to market and the cost of ensuring the economic viability of the area. The damage to confidence is paramount and must be addressed. We want to see Parliament standing shoulder to shoulder with the people of the Western Isles.

In doing our utmost to consolidate the social cohesion and viability of the communities, we need to think laterally. In today's edition of the *Financial Times*, there are precedents and examples that demand emulation. Today it was announced that MG Rover is being granted delays in paying VAT in order to keep it viable. Such flexibility and such an imaginative approach is surely worth emulating on behalf of Highlands and Islands communities, given that the Government is, in terms of renewable energy, set to profit hugely from the forces that devastated the Western Isles and west coast. Would not it make compassionate sense to show similar imaginative flexibility to protect an entire community?

I reiterate with enthusiasm the plea for urgent and generous help, after the fashion of the United States Government when it faces natural disasters and declares states of emergency and provides the traditional full support. We should take on board the message from the likes of the Scottish

Crofting Foundation, which seeks flexibility in the award of agricultural grants. My final plea is that whatever support we put on the table goes beyond Bellwin and makes a real difference.

17:39

Eleanor Scott (Highlands and Islands (Green)): I welcome the debate and thank Alasdair Morrison for introducing it. Like everyone else, I was horrified at the severity of the storm and the loss of life and I associate myself with what Alasdair Morrison said in praising those who showed such courage in taking part in the recovery operation.

I was in the Western Isles last week. I was only on Lewis, but even there I could see the damage. To illustrate, it is reckoned that something like 400 trees came down in the grounds of Lews Castle, which is on the side of the island that did not suffer the worst of the damage. That is only an indication of what all the islanders went through that night. I also saw the pictures in the local papers, which are horrifying. Alasdair Morrison used the word "awesome", and there was a feeling of awe at the power of nature and the damage that it could do.

I note that damage was suffered elsewhere and that, as John Farquhar Munro and others said, the Highlands suffered £5 million or more of damage. I also note Highland Council's concern that the way in which the Bellwin scheme works means that the council will not qualify for assistance under the scheme. The Bellwin scheme will have to be re-examined. Given that it is probable that, because of climate change, the frequency of severe weather events will increase, we will have to find a scheme that addresses that new and evolving situation.

Despite the damage in other areas, it is clear that the Western Isles—in particular, the Uists and Barra—suffered the worst of the storm. The pictures of boulders piled up in the playground of Balivanich Primary School said more than words can about what people went through that night. I am sure that the estimate that I have seen of £1.4 million-worth of infrastructure damage and loss of livestock will turn out to be an underestimate.

Roads and buildings will need to be relocated and I agree with Sarah Boyack about the standards to which those new buildings will have to be built. I mention relocation particularly because, although I would like to think that something in the way of coastal protection could be done to lessen such damage in future, protecting the coast would be an immense task. As far as I could find out, the longest stretch of coastal protection in the United Kingdom is 30km, so if we look at the length of the Western Isles' Atlantic coast, we can see what a huge task

creating coastal protection there would be. That is not to say that that should not or could not be attempted, but we cannot rely on coastal protection and will have to consider relocation. We will have to assume that anything that is close to the Atlantic shore will be vulnerable.

It seems probable that severe weather events will become more frequent. Councils should not have to bear the burden of that and private individuals and businesses cannot be expected to. The Government must set aside a considerable fund—dare I call it a war chest—that can be drawn on for emergency relief and infrastructure repair following such events.

I welcome every word of the motion and associate myself with everything else that has been said in the debate. We are all at one on the matter.

17:42

Maureen Macmillan (Highlands and Islands) (Lab): I thank Alasdair Morrison for lodging his motion and securing the debate. It is a sombre debate, and we are all well aware of the damage that has been done in communities throughout the Highlands and Islands, but particularly in the Western Isles, where it was compounded by the tragic loss of life.

The physical devastation also occurred all down the west Highland coastal areas—in Highland Council's area and in Argyll and Bute—in Orkney and down the east coast of the Highlands. I will highlight particular areas as examples. Councillor MacDougall from the Isle of Mull tells me about—and itemises—roads on Mull that have been partly washed away, sewerage infrastructure on Iona that has been washed away and the massive damage to the sea wall at Ganavan bay near Oban. There is also serious coastal erosion on Iona and Tiree. In fact, Councillor Gillies from Tiree has sent graphic illustrations of that.

In the Highland Council area, the total cost of the reinstatement of buildings and infrastructure will be in the region of £5 million. Mary Scanlon itemised some of that earlier, but I will focus on examples of what has happened in communities to illustrate. The harbour at Gairloch was damaged and boats sank; at Poolewe, the sea defences and public pavement were ripped up. That is what happened in only one small corner of the Highlands. Altogether, scores of communities that front on to the sea or sea lochs have suffered damage to sea walls, coastal roads, footpaths, harbours, piers and breakwaters.

It is important not only that the repairs to that infrastructure be made but that our defences against such storms be strengthened. As others have said, the Environment and Rural

Development Committee is carrying out an inquiry into the implications of climate change and evidence that we have heard points to the increased frequency of such storms and the need to prepare ourselves to withstand them. We have already put in place strategies to deal with river flooding and we must now put strategies in place to take account of probable increases in severe storms that will damage buildings and infrastructure unless we look seriously at our defences and building standards.

I recently visited the Highland headquarters of the Red Cross, in Inverness. I had expected to discuss the tsunami appeal with its staff, but instead we discussed the impact of the January storm on a particular small west coast community, where the Red Cross is involved in capacity building for dealing with accidents and emergencies. The Red Cross was concerned that the storm and its effects had severely knocked the confidence of local people. I am sure that the same thing happened in other small communities that bore the brunt of the storm. People worry about what will happen the next time and about the effect that that could have on their homes and livelihoods, whether they rely on fishing, crofting or tourism. Highland Council's estimates do not include loss of boats or livestock.

Depopulation in such small communities is already a cause for concern. If such communities are to stay alive, we must do all that we can to support the people who live there and to attract new people in. That means swift repair of storm damage and an assessment of what further infrastructure is needed to protect people from similar severe weather in the future. We must ensure that we invest in the future of those communities.

To end with, I would like to read from a letter from Councillor Gillies, from Tiree. He wrote to Argyll and Bute Council:

"I have recently received formal representations from a majority of the residents in the general area of Brock, regarding their concerns following this month's storm.

The residents who have approached me are fully aware of the severity and 'freak' nature of the weather system that caused such damage to the general ecology and topography of Tiree. They are also resigned to the outlook that the weather that we are now witnessing may not be freak and may in fact become a regular occurrence.

I have attached or enclosed some photographs of both the flooding and erosion around this most picturesque and culturally important part of Tiree. You will note particularly a 'new' lochan immediately east of—

a person's home—

"as well as significant erosion in the form of blow holes along the coastal dune edge.

While I realise that the Council has no particular remit in terms of assistance, where threatened property is not

infrastructure, or Council owned assets such as council houses or schools, I believe that we should be doing something.”

I believe that we in the Parliament should be doing something to help the people who were worst affected and that we should be considering a strategy for tackling future occurrences of a similar nature.

17:47

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I add my congratulations to Alasdair Morrison on lodging his motion and I appreciate the way in which he expressed sympathy for the victims and condolences for the bereaved and acknowledged the bravery of the individuals involved. Money will never bring back loved ones, nor will it compensate for the loss of family.

Members have already covered many of the issues extremely well. The one issue that I would like to stress is the desire to focus on preventive measures. When I visited the people who had been affected by flooding following the tidal surge on the River Ness on 12 January, I was struck not only by the immediate devastation of lives—which I had also felt when I had visited people whose homes had been destroyed by flooding on a previous occasion in Inverness, which had affected people in Drakies, including Councillor Janet Home and her husband—but by the abiding concern that we must get it right for the future.

I praise Highland Council for its work in connection with river flooding, although the incident to which I have just referred was a tidal surge. Much more needs to be done and will be done in that regard. I have received an assurance from Mary McLaughlin that particular problems in the Huntly Street area and around the River Ness in general will be attended to. That is most welcome.

The question of the Bellwin formula has been raised and Highland Council has briefed us all as to whether the formula should be revised. There is a case for a review. In reviewing the 50 or 60 parliamentary questions that there have been about the Bellwin formula, I discovered that very few focused on the possibility of a review. One that did was asked by my wife, Margaret Ewing, and was answered on 27 November 2002. It elicited the response:

“We keep the criteria under review”.—[*Official Report, Written Answers, 27 November 2002; S1W-31656.*]

It did not say “constant review”, but I am sure that that is implicit. I do not believe that the scheme has changed since that time. That is not a point of criticism against the Executive, but there is a basic problem: unless damage reaches a certain

threshold, there is no compensation. The threshold is just over £500,000, which was not reached in the case of Highland Council.

A further problem is that the Bellwin scheme deals only with the revenue side. I may be wrong but, as I understand it from the information that I have, the capital costs are not really covered. Therefore, there is a need for regional funding. Of course, regional funding may not be sufficient if the more alarmist or extreme predictions of the effects of climate change come true, because the whole of the south of England might disappear—a prospect that even we in the SNP would view with considerable consternation.

We cannot say that only the Highlands and Islands will be affected, but we can say that severe weather has always been of concern in the Highlands and Islands and that it seems to be becoming much more marked, as members have said. If that is so and if we can foresee the likelihood of more extreme weather leading to more damage, more carnage and more costs, I submit that that strengthens the arguments for a review of the Bellwin formula. As Alasdair Morrison said, there is no magic wand. I do not think that any member believes that there is a cave in which lots of money is hidden that can be taken out to solve all the problems of the world.

I conclude by saying that if my wife were not in Malawi leading a parliamentary delegation as part of the make poverty history campaign, I am sure that she would be here. I know that she has extensive experience of the impact of severe weather, particularly flooding, in Moray. Such problems have occurred throughout Scotland and I look forward with great interest to hearing the minister's response. I am pleased about the tone of the debate which, I hope we would all agree, is appropriate as a tribute to those in the Western Isles who suffered such tragic loss.

17:52

The Minister for Justice (Cathy Jamieson): I, too, am grateful to Alasdair Morrison and to all the other members who have contributed to a good debate. We have heard a wide range of comments on the problems that occurred not only in the Western Isles but in the wider Highland area. That is, of course, something that the Executive will want to examine and officials are in discussion with Highland Council on a number of matters.

I wish to focus my remarks primarily on the Western Isles; I think that people will understand why. The storm of 11 January was a truly shocking event. As I heard directly from the islanders, the combination of high tides and hurricane force winds was the worst to hit the islands in living memory. I saw for myself the damage that they

caused when I visited the islands on 14 January. It was my first visit to the islands and it was distressing to see how many people were affected in all sorts of ways.

Once again, I extend the Executive's sympathy to everyone who was affected, and particularly to the friends and family of those who lost their lives so tragically. All of us throughout Scotland were moved by the events of those few days. Whatever difficulties anyone might face, they pale into insignificance beside the loss of a family, such as that community suffered. The scenes of school staff and volunteers gathering to search for the final missing child will stay with me for the rest of my life.

I am, however, often struck by how such tragedy and adversity can bring out the best in people. There is no doubt that that is what happened in the Western Isles. I was impressed by the willingness with which so many people volunteered their time, skills and resources to help not just with the immediate problems but with the continuing rescue effort and the clearing up. There was a strong sense of community and a desire to look out for and to protect the most vulnerable people. I was particularly impressed by the call centre that dealt with questions and queries, some of which came from isolated elderly people, and by the compassion and care of staff, some of whom worked around the clock. I was also impressed by the emergency services and the voluntary sector, with people getting on and doing what needed to be done without waiting to be asked.

In many ways, that sense of community extended throughout Scotland. For example, Glasgow City Council and other organisations offered practical help in the immediate aftermath and the chairman of the Crofters Commission visited the islands soon after the storm to investigate and report on the impact on crofting communities.

I recognise that the havoc that is caused by an event on the scale of the hurricane cannot be cleared up purely and simply by willing volunteers, by generous gestures and by the sympathy and understanding that was offered, in a matter of days. Alasdair Morrison and others graphically described the considerable damage to schools, housing, local businesses and the transport infrastructure, particularly in the Uists. I put on record my thanks to Western Isles Council.

Some members have talked about how emergencies are dealt with. The council put in place the local emergency planning procedures. That decision was taken locally, which is the right way to proceed. The council managed the situation effectively and pulled together a multi-agency group to lead the recovery. When I visited, I had a full briefing from everybody involved in that

process. We have continued to work with the council in the past few weeks and officials from several Executive departments have been in touch with council staff to provide practical information and advice and to begin to examine the initial damage assessment reports and some of the information that is being received from the islands. Several members referred to that.

Members have not, however, mentioned some other subjects. I know that Lewis Macdonald wanted particularly to remind people of the assistance that is being provided to crofters through grants under the crofting counties agricultural grants scheme—I do not profess to be an expert on such schemes. The Scottish Executive Environment and Rural Affairs Department also offers assistance in several ways. I understand that opportunities are available through the croft house grant scheme, which is flexible. If people find themselves in vulnerable positions, those schemes might assist them. Officials will continue to examine that.

SEERAD staff have also undertaken a survey of the damage to sea defences where breaches have been found on the Scottish ministers' estates. Estimates for repairs are being sought and remedial work will be put in train.

Several members mentioned the Bellwin scheme. We moved quickly to announce the exceptional activation of the scheme to provide emergency financial assistance to councils in the north of Scotland, which include Western Isles Council. As members are aware and as Mary Scanlon, John Farquhar Munro and others reminded us, the scheme is discretionary. It gives special financial assistance to authorities that would otherwise face undue financial burdens as a result of providing relief and undertaking immediate work because of large-scale emergencies. The scheme focuses on one matter. Until we have received all the proper estimates, we will not know what the financial support will be. Several members asked whether Bellwin remains the right scheme and whether it takes the right approach. People will be pleased to know that we will consider that; the scheme is due to be reviewed.

I will say a word or two about climate change and issues that will arise from the likelihood that there will be more such weather. Several members, including Maureen Macmillan, Rob Gibson and Sarah Boyack talked about that. I apologise that I cannot mention everything that members raised. There is no doubt that we need a long-term strategy to deal with climate change and a strategy to deal with problems with any emergency planning that might be required for incidents that arise from climate change. The Executive has agreed to organise an event in April

to bring together the emergency planning community to examine such issues.

I was interested in comments that were made by Sarah Boyack, who made a good, thought-provoking speech, and by Maureen Macmillan. We have not had the opportunity to consider building standards and sustainable redevelopment in detail, but I will take that from the debate and consider it as part of the process of rebuilding. I understand from Patricia Ferguson that other architectural design opportunities are likely to arise. People might see the situation as an opportunity to come together to offer assistance.

Much has been done, but much more still needs to be done. That is why the First Minister agreed to a request from Western Isles Council's convener for meetings with relevant ministers. I am responding to the debate on the Scottish ministers' behalf, but it is important that those who work on each portfolio can assess the damage. Those meetings are being arranged for early next month, when the council will have an opportunity to give us an up-to-date picture of what is happening and where we need to focus our efforts. The First Minister has also announced that he will visit the islands in April. I assure members that the Executive and its agencies will continue to work with the council and others in the Western Isles as the recovery continues and the long-term needs become clearer.

Members might have hoped that I would make a financial announcement today. I hope that my saying that we are not in a position to make such an announcement for the good reason that we have still not fully assessed the scale of the problem will not disappoint people. We want to make a proper assessment but we will, of course, do everything that we reasonably can to help. We made that clear on the day.

I must finish. There are too many people in the Western Isles community to mention—individuals and people in organisations—who helped to deal with the immediate problems and the storm's aftermath. However, I have heard about Willie Hollister's contribution, to which Alasdair Morrison referred. I am not sure what we can do to acknowledge that contribution appropriately, but I certainly want to take that matter away to consider whether there is a way of doing so.

Meeting closed at 18:00.

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