

MEETING OF THE PARLIAMENT

Thursday 22 December 2005

Session 2

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Scottish Parliament

Thursday 22 December 2005

[THE PRESIDING OFFICER *opened the meeting at 09:15*]

Blood Products

The Presiding Officer (Mr George Reid): Good morning. The first item of business is a debate on motion S2M-3767, in the name of Carolyn Leckie, on blood products.

09:15

Carolyn Leckie (Central Scotland) (SSP): I acknowledge that many people have suffered and died as a result of the contamination of blood products. Nothing will ever compensate for that. As a result, valiant groups and individuals have worked tirelessly, and continue to do so, in the pursuit of knowledge and truth around the complex questions that surround the contamination of blood products and infection of patients with viruses such as HIV and hepatitis C. Some redress has been achieved through financial compensation, but that avenue has not been exhausted. Today, having obtained counsel from campaigners, I intend to concentrate on the outstanding and very much alive demand for a full, independent public inquiry.

To date, we have been asked to accept the judgment of ministers past and present. Until the freedom of information regime was introduced, campaigners had no access to any documents that would enable them to test the judgment of ministers. Years of resistance to publication are cause for concern alone and the Executive continues to withhold substantial documentation. I do not believe that its position is sustainable. I have spent many months sourcing primary materials to help me form my judgment. In the short time that I have this morning, I will pick out some facts from many that require independent examination, investigation and judgment. My points can be substantiated by documents that have been obtained not just from the Executive, but from primary sources including the Scottish National Blood Transfusion Service, health boards, other bodies and individuals.

As early as 1978, the medical authorities were aware that abnormal liver function tests were associated with large donor pool products such as factor VIII. On access to patient records, it was discovered that at least one patient was documented as testing positive for non-A, non-B hepatitis, which became hepatitis C, in 1979.

In a letter that I received yesterday from a top clinician in the field, I discovered that in 1983 the prevalence of non-A, non-B hepatitis in the donor population was estimated to be one in 200. Anyone who received more than 200 international units of cryoprecipitate prepared from a much smaller donor pool than factor VIII had a 100 per cent chance of contracting hepatitis non-A, non-B. Recipients of factor VIII who were exposed to thousands of donors per vial had a 100 per cent chance of contracting that virus from even fewer doses. The statistical chances of contracting any blood-borne virus were higher from factor VIII.

By 1983, the risks of contamination of blood products were well understood and documented. As a result, cryoprecipitate was designated as the preferred treatment for haemophiliac children, but that option and information were not communicated to adult patients.

In 1983, Council of Europe recommendation 8 was issued. It stated that recipients of blood products should be exposed to a minimum number of donations; countries should achieve self-sufficiency in blood from voluntary, unpaid donors; imports from countries of high risk should be avoided; haemophiliacs should be informed of potential health hazards; and the possibilities of minimising risks should be explained.

The Scottish National Blood Transfusion Service continues to claim that by the time of Council of Europe recommendation 8, it was already compliant with its content. However, a leading medical authority in haemophiliac treatment during the 1980s says that he did not know about the Council of Europe recommendations.

Defences that were made by Lothian NHS Board in past litigation confirm that following extensive discussion between haemophilia directors and Scottish National Blood Transfusion Service management, a decision was taken not to inform patients of the potential danger of exposure to HIV-1 infection from factor VIII.

The Council of Europe recommendation was not cascaded through the system. Patients in Scotland were not given the information and no alternatives were offered. Commercial factor VIII sourced from paid and high-risk populations continued to be used in Scotland when self-sufficiency was supposed to have been achieved. I received the information yesterday that in 1983, in Edinburgh alone, 151,000 units of unheated commercial factor VIII were used, and that in 1984, 35,850 such units were used.

Patients were not told that they had been infected, even though their case records show that the medical authorities knew that. A patient who was infected with hepatitis in 1979 was not told of

that until 1991. A patient who was infected with HIV in 1984 was not told of that until 1987.

Compelling evidence suggests that public bodies and the Government placed financial considerations ahead of patient safety. I have documents that show that more sensitive screening of blood was not undertaken because of unwillingness to provide funding, among other reasons. A medicines inspectorate report of 1 October 1981 said that Scottish facilities would not have been granted a licence if they had been commercial enterprises because of poor handling and storage facilities. Crown immunity was used to circumvent any need to upgrade facilities. In 1985, the Government refused additional money to provide safe laboratory and clinical facilities for staff; it did, however, offer sympathy.

The introduction of effective heat treatment for blood was delayed. Medical authorities had evidence in March 1985 that heating factor VIII to 68° was insufficient and that other places were heating it to 80°, which worked. Scotland did not start to produce factor VIII that had been heated to 80° until 1987. Even then, the introduction of blood products that had been heated to 80° was slow and fragmented. No withdrawal notice was issued for the older products, which were liable to be infected. Patients continued to receive factor VIII from stocks that had been heated to only 68°, despite clear evidence of likely infection with non-A, non-B hepatitis. I can produce documents that show that authorities admit that quantity was favoured over quality.

Those are just some questions that require full investigation. Was it just a case of well-intentioned error, or is there culpability? What has been the role of civil servants in advising successive ministers? Have ministers availed themselves of primary sources or relied on second-hand advice? If they have seen the documents that I have seen, I question their judgment. If they have not seen those documents, they are not in a position to make a properly informed judgment. It is clear that internal dissent has been voiced throughout events. The public are entitled to hear conflicting testimonies and to judge for themselves.

Following my research, which is not exhaustive, I have formed my opinion. I do not rule out guilt, but I want a focus on responsibility. I do not rule out punishment, but I want to focus on accountability. Why should patients, families and the wider public trust the judgment of successive ministers when they do not have the ability to challenge the information and rationale that led to that judgment? If the Executive is confident of its judgment—patients, relatives and campaigners are not—surely it is in its interest to have that judgment tested and finally laid to rest by a full independent public inquiry.

I move,

That the Parliament recognises the dogged efforts of patients, relatives, campaigners and all those who have highlighted the issues around the contamination of blood products, including those with viruses such as Hepatitis C and HIV, in the past and the serious consequences for the recipients of these products and their families; acknowledges the previous and continuing work of the Parliament's Health Committee and MSPs; accepts that campaigners' demands for a full, independent, public inquiry remain outstanding; believes that there is now more information in the public domain and that the debate has moved on, and agrees that there should now be a full, independent public inquiry.

09:24

The Deputy Minister for Health and Community Care (Lewis Macdonald): It is important first to express the profound sympathy that everyone who has dealt with the matter feels for the individuals and families who have been affected. Whatever the circumstances, it must be enormously difficult to come to terms with living with a condition such as hepatitis C, which can be serious and distressing, and it must be even more difficult to accept with the knowledge that it was contracted as a result of medical treatment.

As Carolyn Leckie suggested, it is important to be clear about the circumstances in which the situation arose. As we know, the events took place several years ago, when knowledge about blood-borne virus infections was much more limited. When the events took place, the basic science that is involved was not understood. There were indications that an unidentified virus existed that affected blood supplies and there was a scientific debate about its importance and what precautions should be taken, but it was only in 1989 that the hepatitis C virus was specifically and clearly identified. Heat treatment of blood concentrate products meant that they were safe from hepatitis C from 1987 and measures were in place to screen blood donations and safeguard blood supplies from hepatitis C by 1991. The development of knowledge about hepatitis C is largely a matter of public record. I am sure that members who have examined the matters in question will be aware that there was considerable debate in scientific journals and conferences at the time.

Members will be aware that Andy Kerr met Scottish representatives of the Haemophilia Society earlier this year. At that meeting, he promised to release documents relating to the issue that the Executive held. That was done on 12 December 2005, when we released everything that had a bearing on the matter and which was not exempt under the Freedom of Information (Scotland) Act 2002. Some of those documents have already been referred to. Information has

been placed in the public domain where doing so is appropriate.

Carolyn Leckie: On information that has been placed in the public domain, I understand that the Executive has said that it has reviewed more than 100 documents. How many documents have been reviewed and how many have been withheld?

Lewis Macdonald: We have retrieved and collated 150 separate files in order to establish the position. More than 100 of those files have been placed in the public domain.

We have taken steps to ensure as far as we can that hepatitis C cannot now be transmitted through national health service treatment with blood or blood products. Our approach to patient safety and communication is now much more precautionary than it once was. We have a real commitment to openness and we are committed to ensuring the safety of blood products and to communicating known risks as openly as possible. That is why, for example, we have invested substantial resources and have taken significant other measures in recent years to minimise the risks of new variant CJD to the blood supply.

Last year, we and Government departments elsewhere in the United Kingdom established the Skipton Fund scheme to address the issues that are faced by those who are living with the consequences of what has happened.

Shona Robison (Dundee East) (SNP): Why has there been a delay in establishing an appeals process for the Skipton Fund? Is the minister aware that more than 50 people have been turned down by the Skipton Fund and that they have no right of appeal?

Lewis Macdonald: I am aware of that. Shona Robison will be aware that a commitment to establish an appeals fund has been made and that that fund will be established. We are continuing to discuss bringing that forward with the Department of Health and are keen to see a fund in place as soon as possible.

The Skipton Fund has been operational for 18 months. In that time, ex gratia payments have been made to more than 4,000 people, of whom 640 are resident in Scotland. Payments in excess of £12 million have been made to date to people with hepatitis C in Scotland who have contracted it as a result of treatment with blood or blood products by the NHS.

Carolyn Leckie's motion calls for an independent public inquiry. It is worth emphasising that a number of inquiries have already been held on different aspects of the tragedy. There have been inquiries by the Health Department, which investigated the issues relating to the heat treatment of blood products and published its

report; by the Health and Community Care Committee, which concluded that there was nothing to be gained by further inquiry into the issues that have been raised; and by Lord Ross's expert group, which was instrumental in laying the foundations for the Skipton Fund.

Our amendment argues that the main objective now is for the NHS to continue to implement the lessons that have been learned and to ensure that the supply of blood and blood products is as safe as possible for the benefit of patients now and in the future. I hope that that view will command wide support.

I move amendment S2M-3767.2, to leave out from "recognises" to end and insert:

"expresses its profound sympathy for those patients who have been infected with Hepatitis C through NHS treatment with blood or blood products; welcomes the payments which are being made by the Scottish Executive to help with the suffering and hardship involved; notes that there have been significant improvements in knowledge and in the safety of blood products since these events took place; believes that there is now more information in the public domain and that the debate has moved on, and believes that the focus should now be on practical action which would benefit the future delivery of services or patient care."

09:29

Mrs Nanette Milne (North East Scotland) (Con): When I heard that the Scottish Socialist Party had selected blood products as a topic for debate this week, my reaction was the same as that of several other members. I thought that members of that party had a nerve. If it was not for the removal of members of that party from the Parliament following their childish demonstration and disgraceful lack of respect for this institution on 30 June, the families of those victims who contracted hepatitis C from contaminated blood products and who died before 29 August 2003 would now be entitled to the ex gratia payments that are on offer to others who survived beyond that arbitrary date.

Carolyn Leckie: Will the member take an intervention?

Mrs Milne: No, I will not.

By playing their part in defeating the Executive on that day, SSP members would have given real, practical help to those people, but today's debate will merely produce yet another public record of the contaminated blood products issue—a record that will almost certainly be ignored by the Executive.

The plight of patients who have been infected with hepatitis C through contaminated blood products has exercised the Parliament throughout its existence. The Health Committee has, over the years, considered petitions and heard a huge

amount of evidence, most of it before either Carolyn Leckie or I became members of the Scottish Parliament. The result of the committee's deliberations from as far back as 2001 was that there was no case for a further independent inquiry that would focus mainly on exploring questions of alleged fault. The committee judged that such an inquiry would only delay consideration of whether and how financial and practical help could be provided to sufferers. The recommendation was made that such help should be awarded on a no-fault basis.

It took until last year for that to happen. As we know, however, on 5 July 2004 the Skipton Fund started processing claims from hepatitis C sufferers who had been infected by contaminated blood product transfusions—apart, of course, from those who would have been included but for the antics of the SSP.

This year, documents that came into the public domain show that there was a significant time lag between concerns being raised that potentially infected blood from American prisoners was being used and the cessation of the practice of taking blood from those people. Effective heat treatment to kill both the hepatitis C and HIV viruses was not available until 1987—three years after donations from prisoners were stopped.

In February of this year, the Minister for Health and Community Care offered to release all information that was held on file on hepatitis C. The minister stated that there was no new evidence in the files, that their contents had always been available to officials and ministers, and that all that was new was their release to the public.

As we know, the Executive still does not see the need for a public inquiry, on the basis that treatment was provided in good faith by health professionals at the time and that the ex gratia payments that are being offered to victims and their families fulfil the moral obligation to help them. Despite that, it is the Health Committee's intention, in response to pleas from campaigners, to hold an evidence session with the Scottish haemophilia forum and the Minister for Health and Community Care.

Unfortunately, this year the Department of Health in England admitted that relevant files had been destroyed. Of course, that led to the suspicion that there had been a cover-up to avoid the risk of large compensation payouts.

We on this side of the chamber are fully in sympathy with the affected patients and their families, and we understand why they continue to campaign vigorously for an independent public inquiry. However, as things stand, the Scottish Conservative and Unionist Party feels that the

speediest and best way of getting the answers that are needed would be for the campaigners to bring a test case to the courts. Indeed, if there is a case of suppression of information to be answered, it should be brought to law as soon as possible.

The costs of such a case would be considerable, but there is a parallel to the case that Mrs Margaret McTear brought in her bid to sue Imperial Tobacco over her husband's death from lung cancer. Her case was dealt with by a legal team on a no-win, no-fee basis, which overcame the issue of costly fees. We feel that a similar arrangement could be arrived at on a contaminated blood products case. We feel, too, that a court case would reach a clear decision in a relatively short time whereas a public inquiry would be likely to be very protracted and to lead to a series of recommendations that could take many years to work through.

Although we sympathise fully with the campaigners, we feel that a public inquiry is not the best option for the victims of hepatitis C caused by infected blood products. As a result, we do not support the motion.

I move amendment S2M-3767.1, to leave out from "accepts" to end and insert:

"extends its sympathy to those infected with Hepatitis C through contaminated blood products; welcomes the move to place information in the public domain, and believes at this moment in time that the best way to get clear decisive answers would be for those campaigners to bring forward a test case to the courts."

09:35

Shona Robison (Dundee East) (SNP): Since the Parliament was established, the Scottish National Party has a long track record of supporting hepatitis C sufferers in their campaign for a public inquiry. Although we will support the SSP motion, I remain to be convinced about the timing of the debate. History tells us that the limited gains for hepatitis C sufferers that have been made in the Parliament have been made through the Health Committee rather than on the floor of the Parliament. I am not convinced that another defeat for a public inquiry will be helpful at this point.

Limited gains have been made during the 14-year battle by campaigners, and of course it was the Health and Community Care Committee that forced the Executive into agreeing to offer limited financial assistance—something that it had resisted for some time. The Skipton Fund is to be welcomed. It was also the Health and Community Care Committee that supported my attempts to extend the assistance to cover bereaved families who had been excluded. That support was overturned here in the chamber by the Executive—and I have to say that it was

disappointing, given the closeness of the vote, that some people were missing from the chamber that day. All I will say is that they know who they are.

However, we are where we are now. The Health Committee will take further evidence from the Minister for Health and Community Care at the end of January. The meeting will focus on a number of things, one of which will be whether any new evidence has arisen. We remember the commitment of the previous minister that he would hold a public inquiry should new evidence arise.

A problem now is that we have almost too much information in the public domain. It can be difficult to extract what is new and what is pertinent. A cynic might say that that is precisely why the minister released documents into the public domain on the same day as campaigners lost the right to cap the costs of the judicial review.

Nanette Milne spoke about a test case. However, test cases cost money. It is not easy for people to bring test cases to court; it is a very expensive way of getting to the truth. That is why the SNP will continue to support calls for a public inquiry.

The minister referred to the Health and Community Care Committee's report and what he said was factually correct. However, at that time, the committee was focused on the issue of financial assistance. It is true to say that we did not want any delay in progress towards an offer of such assistance, but the committee was not hostile to the idea of a public inquiry. Our focus was elsewhere because we wanted to get money into the hands of those who were suffering.

Many questions remain to be answered and an inquiry could answer some of them by distilling all the information in the public domain. Who knew what and when? What were the Scottish National Blood Transfusion Service's practices at the time? What were the sources of blood? The people affected, and their families, deserve nothing less than answers to those questions. We will continue to support their campaign for an independent public inquiry.

09:38

Euan Robson (Roxburgh and Berwickshire) (LD): This is a difficult and emotive subject. I know from first hand the strength of the feelings that are aroused by what happened to an estimated 4,800 people who were infected with hepatitis C by infected national health service blood products in the 1980s and 1990s. I associate myself and my party with the minister's profound sympathy for the patients who were affected, which is expressed in his amendment. To say that such a thing should never have happened is as obvious as saying that all efforts should now be made to ensure that it

never happens again. However, it happened—because, as I understand it, medical science was not aware of the risks and dangers at the time.

Like other parties, the Liberal Democrats welcome the payments that are being made to hepatitis C victims. Indeed, my colleague Mike Rumbles lodged a parliamentary motion in January 2004 to say that the payments of £20,000 to 400 people in Scotland were right. Like Shona Robison, I urge the minister to ensure that an appeals mechanism is available for the Skipton Fund. I know that it is not entirely at his hand, but I am sure that he can make progress.

We believe that significant improvements have been made in knowledge about blood products and their safety and that more information is now in the public domain. Like a number of other members, we do not believe that a public inquiry at this time would help or add to that knowledge. Apart from anything else, a public inquiry would take some months—perhaps as long as 18 months—and, as the minister said and other members have mentioned, there have already been inquiries and reports. In that regard, I acknowledge the work of the Health and Community Care Committee—of which my colleague Margaret Smith was convener for a long time—during the first session of Parliament and that of the present Health Committee. It is welcome that the Health Committee continues to monitor progress on the matter.

I welcome, too, the Minister for Health and Community Care's release of information dating from the 1970s through to the early 1990s on 12 December and his undertaking to meet campaigners, presumably to discuss the contents of that information.

I have first-hand understanding of the strength of feelings on the issue because one of my constituents has been profoundly affected by it. Meeting that individual was one of the most moving experiences that I have had. He worked outdoors and shared with me an interest in fishing, but he is no longer able to fish. His anger is profound and entirely understandable. In his circumstances, I am sure that I would probably feel much the same way. He is particularly angry about what has happened to his family and his relatives, who have suffered along with him. They understand and share his agony as they care for him. Almost nothing that I can say or do would turn the clock back for him. However, compensation should be paid, practical lessons need to be learned and practical actions need to be taken to improve future delivery of services and patient care. That is what we owe victims such as my constituent and that is the way forward.

The Presiding Officer: We move to open debate. There are four speakers. All will get in if they stick rigidly to four minutes.

09:42

Janis Hughes (Glasgow Rutherglen) (Lab): The subject of contaminated blood products is an important and emotive issue and there is much in Carolyn Leckie's motion on which we can all agree. However, I am not convinced that the approach that she suggests is the best way forward. As Nanette Milne mentioned, if Carolyn Leckie and other members of her party had not managed to get themselves suspended from Parliament in June, they would have been able to participate more fully in consideration of the amendment to the Smoking, Health and Social Care (Scotland) Bill that dealt with payments to hepatitis C sufferers.

There is no doubt that we should acknowledge the work that patients, relatives and campaigners have done. I am especially pleased that Carolyn Leckie has seen fit to acknowledge the work that the Health Committee has done on the matter, in which I have been involved since the first session of Parliament. The Health and Community Care Committee published its report on hepatitis C in October 2001 following an 18-month inquiry into the issue. That initial report recommended that the Executive should provide financial and other assistance to those people who had become infected with hepatitis C as a result of the use of contaminated blood products and that such assistance should be awarded on the basis of need.

At that stage, the Executive ruled out the provision of financial assistance unless it could be proved that the NHS had been legally negligent in individual cases and the committee's inquiry found no evidence of that. It may well be the case that the NHS was not to blame, but those who contracted the disease were not to blame, either, and it was surely incumbent on the Executive to acknowledge that. Eventually it did so. I believe that the work of the committee was crucial in persuading the Executive to authorise ex gratia payments to those who were infected with hepatitis C. We should welcome those payments and acknowledge that those who have been affected are receiving some justice. We now have a far better understanding of the issues surrounding blood products and such information should be used to ensure that such tragic consequences never ensue again.

The question of a public inquiry is more complex. Although many campaign groups call on the Parliament to hold public inquiries, I believe that in considering such requests we should ask whether an inquiry would make a positive

difference to the lives of the people affected; in this case, I am not convinced that an inquiry would make such a difference.

As we have heard many times—we heard it again from the minister this morning—hepatitis C infections took place at a time when the nature of the condition and its effects were not fully known. The fact that the Executive has published all the documents that it holds on the topic, under the Freedom of Information (Scotland) Act 2002, and the fact that lessons have clearly been learned make me question whether a public inquiry would be the best way forward. We should note that the Health and Community Care Committee's inquiry took some 18 months and did not establish any evidence of negligence.

However, we should recognise the efforts of campaigners and patients. Those who are involved in raising awareness have kept the issue at the top of the political agenda, but I do not believe that a public inquiry would advance the matter any further. The SSP motion acknowledges that the debate has moved on, and so should the SSP. If SSP members believed the issue to be so important, they should never have indulged in their childish protest back in June.

As Shona Robison said, the Health Committee continues to take an interest in the matter, and I would like to see the Executive continue to work to ensure that sufferers are given the support that they need. I cannot support the motion in Carolyn Leckie's name, but I support the Executive amendment.

09:46

Eleanor Scott (Highlands and Islands) (Green): I welcome the debate and will support the motion in the name of Carolyn Leckie. I understand the Executive amendment and what the minister said in his statement, but I feel that although we have moved on in some respects—practical measures to ensure that similar contamination does not happen again because of procedures in our blood and blood products service and payments to sufferers who have been affected—the emotional side of things is missing. People need to understand how this could happen to them, and that is why I support the call for a public inquiry.

I do not do so lightly. I heard all that Janis Hughes said, and I know that a public inquiry can be a cumbersome and unwieldy procedure, but I think that it is necessary in this case. We are talking about people who may have been infected in childhood by a product that was supposed to be life saving but has ended up being life threatening. I believe that, if we are to achieve any sort of closure, we need to get all that out in the open.

As the minister mentioned, many documents have been put into the public domain and much information has been released. However, when that happens in dribs and drabs and is never complete—because it never can be complete—there is always the feeling that something is being held back. That feeling may not be justified and could be proved at an inquiry not to be justified, but there is always the feeling that we are not getting the whole story.

I am not suggesting that we should go down the route that some countries have taken, with a punitive judicial process condemning people in law and criminalising those who have been involved—I do not think that that is what campaigners are calling for—but there is a need to tease out the issues and to track what happened and how it was able to happen, so that people can understand what happened. People cannot move on until that process has taken place. The more things are revealed, the more it sounds as if something is being kept back.

Most members will have received campaign material from the campaigners and will have seen the letter from the Department of Health to Lord Jenkin, regretting the fact that so many documents were unwittingly destroyed. That may have been a complete accident—it probably was—but it needs to be said in public and we need to hear an explanation of how that could happen.

There is also the issue of responsibility, and I do not mean that in a punitive sense. For example, in answer to a question by John Farquhar Munro on whether imported blood products were used between 1980 and 1988, Andy Kerr said:

“demand for blood plasma based products, mainly Factor VIII for the treatment of haemophilia A patients, exceeded available supplies ... and some products were imported during the period. Responsibility for the purchase of imported products lay with local health boards and, consequently, the Executive does not hold this information centrally.”—[*Official Report, Written Answers*, 8 November 2005; S2W-20017.]

There is a feeling that the information has never been properly pulled together.

People who were infected, and their families, now feel stigmatised. They feel that, because they have haemophilia, they are seen as being potentially infected and as a potential source of infection of others. There may be no real risk to anybody, but that is how they believe they are perceived by the public.

A lot of emotional baggage exists that will never be dealt with until all the issues are pulled together in an inquiry that considers everything, right from what went wrong at the beginning, both scientifically and in blood procurement, and that takes into account the level of understanding in those days, which has now moved on. I reiterate

that I do not envisage an inquiry that is in any way punitive, but we need to map out the issues to achieve understanding. To a great extent, the practical issues have been dealt with through financial payments and the introduction of procedures that will, we hope, stop similar incidents happening in the future, but we have not dealt with the important issue of the emotional needs of the people who are affected. An inquiry could do so.

09:50

Roseanna Cunningham (Perth) (SNP): Some members have been debating this matter for longer than the Parliament has existed. In 1998, I had a member's debate in the House of Commons that called for the provision of synthetic factor VIII to haemophiliacs in Scotland. I sought that debate because I had a constituent who, along with others, had taken the stand of refusing treatment until synthetic factor VIII was made available. Obviously, people were concerned about infection and felt that the synthetic form would provide protection for them. The refusal of treatment speaks volumes for the strength of feeling that there was in the wake of the cases of HIV and hepatitis C virus among people with haemophilia. A few days before the debate, the Department of Health and the Scottish Office announced that certain blood products, including factor VIII, were to be banned. Of course, recombinant factor VIII is now available. I suppose that, if I had been slightly more cynical and opportunist, I might have claimed that victory for myself, but it was really for those who had refused treatment—that was probably what brought about the move.

It was unavoidable that the advent of the Scottish Parliament would be met by serious continued campaigning by and on behalf of the people who were affected. I do not want to rehearse the entire history of the problem, as most members have a fair awareness of the difficulties that are experienced, particularly by those who suffer from hepatitis C. The motion rightly refers to the work of the Health and Community Care Committee in the first parliamentary session and the work that the Health Committee continues to do on the matter. The Executive published a report in October 2000, but the Health and Community Care Committee had by then undertaken extensive petition consideration since 1999. That work culminated in the committee's 2001 report on the issue, to which several members have referred.

The Health Committee has revisited the subject recently. Earlier this year, we agreed to take evidence on the case for an independent public inquiry into the infection of patients with hepatitis C through treatment by the NHS. We attempted to

hold an evidence session on 10 May, but it had to be postponed because a petition for judicial review was lodged that morning with the Court of Session. As the minister said that he would find it difficult to give evidence and the committee was concerned about the sub judice aspect, all consideration of the subject was postponed until the various legal issues were clarified. I am glad to say that we can now proceed and will take evidence on Tuesday 31 January. Of course, I cannot pre-empt any final views that the committee may take as a result of that meeting, but I can say that I wish that the Health Committee had been allowed time to complete its work before we debated the issue in the Parliament, as members of all views would then have been in a stronger position to debate the matter.

I have a couple of personal points to make. As I understand it, only about 568 people were infected with hepatitis C through blood products in Scotland, so when it comes to paying out compensation, we are not dealing with a great number of people. Since the campaign started, several of those affected have either died or become seriously ill. Because of the small number of people who are involved and the seriousness of the illness that they have contracted, the establishment appears hard-hearted on the issue of accepting liability.

Liability is the big problem. Actually, though, the problem is the system of fault-based compensation that prevails in this country in respect of all medical negligence cases. Back in 2001, the Health and Community Care Committee called for a review of the current system with a view to outlining alternatives. I could not agree more with that call and I am sorry that we have not moved further down that road, whether in relation to the hepatitis C issue or to other hard-fought cases of medical negligence. I believe strongly that an argument can be made for a shift to a system of no-fault liability in medical cases.

That already happens in New Zealand, and the last time I looked its world had not come to an end. I know that it is not within the minister's remit to consider shifting over to a system of no-fault liability, but it is time that we began to consider that across the board. We would get away from the kind of problem that we are striking in this case, which is that people want to lay blame, which is perhaps not the right way to address it.

09:55

Helen Eadie (Dunfermline East) (Lab): I, too, place on record my profound sympathy for anyone who has contracted a blood disease of any sort, but especially hepatitis C and HIV. I commend the work of the Health and Community Care Committee in the first session of the Parliament

and of the current Health Committee, and I pay tribute to all who have given their time and support and who continue to give of themselves to further the interests of those who have been affected by blood-borne illnesses.

I am not persuaded that a public inquiry is the right way forward and I question whether we would learn anything that is not already firmly in the public domain. There are people who think that a public inquiry would be a magic bullet or some kind of panacea, but the arguments against that approach are overwhelming. I contend that, because of the progress made by the Health Committee, the sentiments in the motion, which the SSP support so vociferously, are not shared by the vast majority of those affected by blood-borne illnesses. The motion is a shabby attempt by the SSP to hijack a reasonable and well-argued case from the groups who truly represent those affected by the illnesses.

We must consider the sheer scale of the costs involved in having a public inquiry, when every fact is already in the public domain following the major release of information by ministers earlier this month. Such an inquiry would not be a viable or desirable use of resources. Rather than an SSP witch hunt, I would prefer proactive measures, such as health-screening programmes to ensure early diagnosis and treatment.

I bring the Parliament's attention to the damage to morale among health service staff that could flow from such a ridiculous inquiry, when we could be harnessing the skills and ability of those involved in our national health service to fight these debilitating illnesses. The Parliament should listen to what the victims, no matter how they contracted hepatitis C and HIV, are calling for—we all know that those illnesses can be contracted in a number of ways. Rather than joining the SSP in its constant negativity, we have a duty to find solutions. The SSP happily bandies a corrosive culture of blame around the Parliament—when it is not excluded from it. We must remember that it was the SSP that decided that it was appropriate to make a pointless and, frankly, sad show of itself in the chamber earlier this year. Rather than looking after the people whom it claims to represent, it focused on its selfish aim of embarrassing Scotland. That is typical of a party that is out of ideas and, it appears, leadership.

Carolyn Leckie: Will the member give way?

Helen Eadie: Carolyn Leckie has had her say and will continue to do so.

We should note that the Scottish Executive has undertaken a three-month consultation on a proposed action plan to tackle hepatitis C. That is a clear indication of the Executive's strength of feeling on the need to tackle the issues.

The victims of blood-borne illnesses are calling for a strong plan of action that will reduce the transmission of the virus through awareness raising. I completely agree with their aim. I hope that the Executive will continue to listen to hep C groups rather than the din created by the SSP. Hep C groups have called for early screening, diagnosis and treatment. The action plan on which the Scottish Executive has been consulting includes precisely those things, and I applaud the minister for realising the importance of the issue. At the forefront of our deliberations this morning should be the key messages that we are receiving from the Hepatitis C Trust, which says that the United Kingdom lags behind many other European countries in treating hepatitis C and that, without urgent action, thousands could die prematurely. I am sure that that concerns everyone in the chamber who is involved in the issue. I call on the minister to ensure that officials take on board the full gamut of European experience before producing advice. Furthermore, I call on the minister to take representations from the hep C groups, to listen to their concerns and to make a real difference to their lives. I urge him to ignore the SSP and to get on with the real work, rather than the politics of the playground.

09:59

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Like many people here today, I am pleased that the Parliament has decided to debate this issue. I welcome the debate about the unfortunate people who were affected by blood contaminated by hepatitis and HIV, to whom I offer my deepest sympathy. I am sure that no one in this room can begin to understand what living with those conditions must do to those affected and to their families.

While I have every sympathy with the campaigners and understand what motivates their call for a public inquiry, like others I have come to the conclusion that undertaking an inquiry would do little to improve the lives of those affected by the issue. It is understandable that they want to know the truth about why this happened to them and who should be held to account but, although the Scottish Executive has not entirely closed the door on an inquiry—and I am sure that we will hear more about that in the new year—and that might be an appropriate route to take if new evidence came to light, people should remember that such an inquiry could take many years to complete and would probably cost many millions of pounds. In addition, a great deal of the evidence around contaminated blood products is already in the public domain. There is no lack of evidence.

I would argue strongly that the money that would be spent on a public inquiry would be better spent

on practical steps to improve the lives of the individuals affected and to ensure that lessons are learned and that this situation never again arises.

I was pleased to hear the minister accept the difficulties arising from the trauma that individuals and their families have suffered. He indicated that there is a continuing dialogue with patients and that, in the future, an appeals procedure will be established. We heard about that from Euan Robson as well. That is a new initiative and I am sure that it is welcomed by the Parliament and the individuals who find themselves in this difficulty.

Shona Robison mentioned the excellent work that was done by the Health and Community Care Committee in the first session of the Parliament. I, too, welcome that action. Through work it did with the Scottish Executive, it managed to secure a funding package of several million pounds to help the affected individuals and their families. It is certainly worth considering whether the UK Government would have gone that far and whether such a package would have been delivered were it not for devolution. We have much to be proud of in this Parliament. We achieved that success at least.

Because of that success, we were able to offer a lump sum of £20,000 to the individuals affected and a further £25,000 to those who have reached a more advanced stage of the disease. However, I do not feel that a total of £45,000 is a great deal of money for those who are affected. What price can we put on a life? I do not think that £45,000 is the value of a human life. Many sufferers cannot get jobs, mortgages or insurance and face many other difficulties that we do not even know about but which affect their daily lives.

I ask the Scottish Executive to consider investing some more money to help those who cannot expect to live as well or as long as many of the rest of us. That is a reasonable request and I am sure that the Parliament could be encouraged to support it. After all, we have demonstrated in this debate and in the actions that we have taken that we are a caring and compassionate Parliament.

10:05

Mary Scanlon (Highlands and Islands) (Con): There have been some excellent speeches in the debate, which have highlighted the commitment and compassion of the Parliament on the issue of contaminated blood and hep C sufferers.

The SSP's motion begins:

"That the Parliament recognises the dogged efforts of patients, relatives, campaigners and all those who have highlighted the issues around the contamination of blood products".

What a pity that the SSP members did not give a fleeting thought to those dogged efforts when their shameful behaviour disrupted the Parliament on 30 June, resulting in increased hardship for the group that they pretend to care about. I received a Christmas card from a long-term campaigner on the issue. He wrote:

"Thank you for your support over the years—pity about the ... SSP".

It is a pity about the SSP members. Their antics were disgraceful, and those who have campaigned on the issue over many years are unlikely to forgive them even in this festive season.

As Nanette Milne said, in the first session, the Parliament took substantial evidence and spent considerable time examining the issue. As a member of the then Health and Community Care Committee, I confirm that, under the leadership of Margaret Smith, the convener, and Margaret Jamieson, the deputy convener, hep C was constantly on the agenda for the first four years. Since Roseanna Cunningham took over the convenership of the Health Committee and other members have joined it, the issue has continued to be on the agenda. At the time, I did not think that there was a need for a public inquiry, and I do not think that that would be the way forward now.

A test case in court, on a no-win, no-fee basis, would set the precedent for future cases and take into account all the available evidence. I declare an interest, as my daughter is a trainee lawyer in one of the largest personal injury firms in Scotland. That could be done quickly, whereas a public inquiry could take months or years. All the information that the SSP claims to have would be taken into account.

In her speech, Carolyn Leckie never referred to any of the evidence or the on-going work that Roseanna Cunningham mentioned, nor did she refer to the Health and Community Care Committee's report, the ministerial responses, the statements, the debates or any of the work that has been done in the Parliament since 1999. She mentioned only the few comments that seem to be solely in her domain. It is disgusting and shameful that the SSP does not recognise and give credit to those who have worked on and been committed to the issue since 1999. Given the fact that the Health Committee is still working on the issue, I trust that Carolyn Leckie will work with the committee to ensure that all the information that she claims to have is fully taken into account and presented to the committee.

We do not support the Scottish Socialist Party's motion, but we fully support and empathise with all the patients and families who have been affected by hep C and contaminated blood products.

10:08

Brian Adam (Aberdeen North) (SNP): I ask the Deputy Minister for Health and Community Care to explain why around 50 documents have not been released. It would be useful to know that. By retaining some documents, the Executive has given rise to suspicion that that is where the smoking gun is. I am not suggesting that that is the case, but it would be helpful if the minister could tell us why those documents have not been released.

Since 1999 in the Scottish Parliament—and since before then at Westminster—contaminated blood products have been an on-going issue. Devolution has done a lot for this group of unfortunate individuals who, through no fault of their own, have ended up with serious illness or who have died. Devolution has moved the issue up the agenda.

We now have a compensation scheme. It is not universally accepted, but such outcomes are never accepted by everybody, and the scheme is a major step forward. If it had been left to Westminster, I doubt whether we would have had such a scheme for those who suffer in Scotland or, indeed, for those who suffer elsewhere in the United Kingdom; it might still be languishing as a wrong that needed to be righted.

Many of us in the Parliament have been involved with the issue and some were involved with it beforehand in another place. Therefore, I do not think that it is right that any one individual should attempt to claim the credit for moving things on.

The Skipton Fund appeal arrangements need to be resolved quickly. Carolyn Leckie's motion mentions blood-borne viruses and reference has obviously been made to hepatitis C and HIV—these days, HIV is not an automatic death sentence, nor is hepatitis C—but there are other blood-borne viruses that can have the same or similar effects. Cytomegalovirus, or CMV, is another fairly well-known virus that might not cause problems for so many people but which has affected the life of one of my constituents extremely adversely. We ought to deal with the problem not just for individual viruses; we must consider the whole range of viruses and illnesses for which it can be established, on the balance of probability, that they have been contracted because of contaminated blood products.

I echo the calls for us to consider a no-fault basis for compensation, not just in this scenario but in general. The idea of no-win, no-fee lawyers dealing with all such cases in the courts is not really the direction that we should be taking; we should not have to prove negligence or liability. Almost all the cases that we are talking about resulted from accidents; there was nothing

particularly wilful, and I believe that the treatment was provided in good faith. Conducting a witch hunt at this stage in proceedings is not desperately useful.

There are still concerns about how we got to this point. Irrespective of what happened at the internal inquiry, of the release of the information to which the minister referred, and of the sterling work done by the Health Committee and the Haemophilia Society, those who suffer still have genuine concerns. The call for a public inquiry still holds up, even if this debate is rather premature because the Health Committee is still considering the issue.

It is particularly disappointing that when the Haemophilia Society tried to take a test case to the courts, it was effectively priced out of justice because the Lord Advocate and the minister denied the setting of a cap on expenses. That might well have been a much cheaper route for the Executive to take and it might have satisfied the campaigners.

Along with the rest of the SNP, I will support the SSP at 5 o' clock, 4 o'clock or whenever we finally get round to finishing this afternoon.

Members: It is 3 o'clock.

10:14

Lewis Macdonald: All speeches have acknowledged the grief and suffering that have been caused to some hundreds of people who were infected by blood products. We, too, recognise the courage of those people in the face of adversity and the efforts of the many who have worked on their behalf. The Health Committee can take credit for having focused attention on the issue over the years. Scottish ministers have also played their part in providing significant financial recognition of the issue through the Skipton Fund.

I was asked about the appeals procedure and I can report that, following our discussions with the Department of Health, it has advised that it will advertise early in the new year for members of the appeals panel. I am sure that that step forward will be widely welcomed.

I have listened carefully to the arguments that have been made about the additional lessons that might be learned if we had a public inquiry into matters that took place some years ago. Many questions have been raised. However, although I welcome the fact that the Health Committee continues to take an interest in the subject, I do not believe that we have heard any convincing evidence that a public inquiry would provide practical lessons for the future.

We have already put large amounts of detailed information into the public domain by releasing the

Executive's documentation on the topic, which covers the past 30 years. We have provided a full evidence base, but the evidence does not suggest that the key decisions and actions that were taken were unreasonable in the context of the scientific knowledge that was available at the time.

Carolyn Leckie: On the matter of documentation, will the minister explain why possibly more than 50 documents have been withheld? Has the minister looked at those documents in detail? Has he accessed the primary documents that have been withheld?

Lewis Macdonald: Carolyn Leckie echoes the point that Brian Adam made, and I will deal with that in a moment. However, it was bizarre to hear Shona Robison complain that we had put too much information into the public domain while she called for a full public inquiry. Our position is more defensible than that.

In not releasing some documents along with the large amounts of information that were made public a few days ago, officials acted in line with the provisions of the Freedom of Information (Scotland) Act 2002. They extracted relevant information from the range of files that were examined and made that information public. However, internal communications and advice to ministers—which, in the main, do not bear on the substantive issues—were not made public.

Several points were made about clinical judgments that were made 20 years ago, but the treatment of patients must be ultimately a matter for individual clinicians. The evidence suggests that clinicians acted in good faith, in the interests of their patients and in the light of the knowledge that was available to them at that time.

Lessons have certainly been learned about the need to ensure that patients are fully involved in, and informed about, their own care and treatment. An example of that is the public consultation on "Hepatitis C: Proposed Action Plan in Scotland", which Helen Eadie mentioned. As she will know, the plan is mainly concerned with addressing public health issues and treating those with hepatitis C, rather than about people affected specifically by NHS treatment with blood products, but the plan is out for public consultation. The Scottish representatives of the Haemophilia Society have been given the opportunity to comment on treatment plans and awareness-raising initiatives, so we will certainly take into account any comments that the society makes, as well as the points that have been made by members today.

Brian Adam: Will the deputy minister explain why, when the Haemophilia Society went to court, his boss, the Minister for Health and Community

Care, and the Lord Advocate would not allow a cap of £50,000 on the society's expenses?

Lewis Macdonald: I would rather focus on the issue at hand, which is how to secure improvements for the future. That is the key issue to which priority should be given.

With improved knowledge and improved products, the level of safety is now extremely high. There is little more to be learned about the safety of blood products today. As I said, the debate has moved on and the documents that were recently released have been considered carefully.

As Helen Eadie and others said, undertaking a public inquiry is a serious business that involves time, effort and human and financial resources. A public inquiry should not be called for as a gesture of sympathy, or just in case there is something to be inquired into, but should be justified only on the basis of significant evidence that more remains to be learned. We have not heard such evidence this morning. Much more is known about blood-borne viruses today than was known 20 years ago. The Executive is as keen as anybody to ensure that lessons are learned so that such things do not happen again. We would not ignore compelling new evidence that suggested that more could be achieved by looking further into events in the past but, equally, we will not support calls for an inquiry in the absence of such evidence.

All speakers have expressed their sympathy with those who have been affected by this tragedy, but I believe that the priority now is to ensure that the best quality of care can be provided in the NHS within the resources and the scientific knowledge that are now available to us.

10:19

Carolyn Leckie: The minister's closing speech just about sums up the arguments for an independent public inquiry. The purpose of such an inquiry would be to achieve independent judgment, because the campaigners and sufferers—rather than the SSP—do not trust the judgments that were arrived at in private. They want the confidence that would come from an independent judgment.

The fact that there is a debate about whether there was an understanding of the science involved demonstrates the need for a public inquiry. The fact that there are differing opinions in the chamber today demonstrates the need for a public inquiry. Families, relatives and campaigners need to have confidence that everything that can be learned has been learned, that everything is in the public domain and that a judgment has been made in the public domain.

Unfortunately, the minister's speech reflects the briefing to ministers that has been released under FOI legislation—which I have seen—about what the line is. Lewis Macdonald has just repeated that line.

Lewis Macdonald: Is the logic of what Carolyn Leckie has just said that any issue that is subject to public debate in the chamber is, by definition, appropriate for a public inquiry, whatever the cost?

Carolyn Leckie: The debate in the chamber reflects the debates in society, the demands of campaigners and the fact that the issue of a public inquiry has been raised. I am reflecting the demands of campaigners, not of the SSP. Members who oppose the motion would do well to listen to those demands. They would also do well to read my opening speech in the *Official Report*, because it is obvious that members have not taken on board some of the points that I made.

In response to Nanette Milne, I point out that the motion refers clearly to the work that was done previously by MSPs and campaigners. That is included in the motion, so the member can vote for it. I spoke to the convener of the Health and Community Care Committee at the time of its inquiry into hepatitis C. She made it clear that the committee focused on the practicalities at the time, but did not rule out an independent public inquiry. The committee focused on getting some kind of redress for sufferers. It also acknowledged that it was not able to access primary sources of evidence and relied on oral evidence. The Health and Community Care Committee did not close the door on an independent public inquiry.

Brian Adam summed up well the reason why the Conservative amendment is completely impractical, out of date and ill informed. There have been attempts to pursue test cases, and they have been prohibited. That is why society and the establishment should facilitate an independent public inquiry.

If members refuse to support an independent public inquiry, families and patients will still be immersed in the issues. The problem will not go away and their stress, worry and suffering will not go away. However long it takes, an independent public inquiry offers a chance of finally achieving closure. No member has the right to deny people that. One of the Health and Community Care Committee's original judgments was that, throughout the period during which these events took place, there was evidence of a paternalistic culture in the health service and among the authorities. Continuing to reject the demands of the people who know best and are suffering, here in 2005, would be a continuation, at best, of that paternalistic culture.

In summing up, I have concentrated on the important issues, but I must comment in passing on some of the undignified remarks that have been made in the chamber today. There has been breathtaking hypocrisy on show, particularly from Janis Hughes and Helen Eadie. They were two of the 56 members who supported the Executive's shameful amendment of the Smoking, Health and Social Care (Scotland) Bill on 30 June. If anyone is responsible for denying compensation to families, it is the 56 people who voted for that amendment; they are sitting on the Labour and Liberal Democrat benches. Twenty members were absent from the chamber on that day, but only four of them had been shamefully banned for conducting a peaceful protest. It is very convenient for members to scapegoat four banned MSPs, when those present voted for the amendment that denied compensation to sufferers. Even more interestingly, four Executive MSPs who had managed to be in the chamber just prior to the debate on the amendment were suddenly absent for the vote. They were Patricia Ferguson, Paul Martin, Mike Rumbles and Jack McConnell. Members should be a bit more careful before they start to cast aspersions.

Janis Hughes asked whether it will make a difference to the lives of people if we grant an independent public inquiry. Campaigners have pursued the issues for 14 years. Concerns have been apparent for more than 20 years. Campaigners have consistently demanded an independent public inquiry which, to its credit, the SNP has consistently supported and pursued. What a cheek for Janis Hughes to say to the people who have suffered, and reached and maintained their conclusion through thick and thin, that she does not believe that an independent public inquiry will make a difference to their lives. That is further evidence of continued paternalism. It is absolutely shameful.

The fact that campaigners want an independent public inquiry to give them peace of mind is enough reason to agree to one. We need to move on, but the families and campaigners will not be able to move on until they are confident that every light possible has been shone on the issues, and that conclusions and judgments have been reached independently, not in private by ministers who are briefed by civil servants.

I asked Lewis Macdonald whether he had read the documents. He did not answer. I was asked whether I would share my information with other members in the chamber. Absolutely. I will share the documents that I obtained, and which are in my office, with anybody in the chamber. We can compare and contrast the information. Lewis Macdonald's dismissal of my opening speech and of some of the facts that I referred to as not being

significant or new evidence was a pre-prepared line.

I finish by commenting that, despite the tragedy and the complex and sad issues that are at hand, the minister with the responsibility and power to grant an independent public inquiry is not in the chamber to hear the debate.

Rendition Flights

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a debate on motion S2M-3766, in the name of Frances Curran, on “torture flights” on Scottish soil.

10:27

Frances Curran (West of Scotland) (SSP):

Who here today is not appalled and shocked by the abduction of British man Mr Kember, American Tom Fox and Canadians James Loney and Harmeet Singh Sooden, who are all being held hostage and threatened with execution in Iraq? That is barbaric and inhumane. Then there is the abduction and kidnapping of Canadian Maher Arar, who was held in a cell the size of a grave and regularly tortured. Australian Mamdouh Habib was held for six months in a cell. His captors beat him and gave him electric shocks and he was raped. Muhammad Zery also received electric shock treatment. That is also barbaric and inhumane.

The latter three men were abducted in New York, Pakistan and Stockholm. Their kidnappers were not the swords of truth group, but the American Government. I ask every MSP who will vote today to answer this question: is there a difference between the abductions in Iraq and the abductions by the American Government? My answer is that if we believe that it is wrong and inhumane to do something in Iraq, it is equally wrong and inhumane when it is done by the US Government. Or are there different values and human rights depending on who the abductor is? If members believe that international human rights should apply equally throughout the world, regardless of nationality, religion or colour, surely they will want to know the truth about Scotland’s role in the barbaric and illegal practice of secret kidnappings.

Politicians in other countries have demanded to know the truth. In Sweden, Spain and Iceland inquiries have been launched to get the truth. The Swiss senator Dick Marty is investigating these flights on behalf of the European Parliament. He believes that there is evidence and wants to know the truth. He has requested the log books from airports in 46 European Union countries and has given those countries a three-month deadline in which to comply with his inquiry. If there is nothing to hide, the Scottish Parliament should ask for all the log books from Scottish airports to be forwarded to the Swiss senator.

Amnesty International has published details of the suspected Central Intelligence Agency flights that have used Glasgow Prestwick international

airport for so-called rendition flights. Some of that detail was listed in Chris Ballance’s amendment. *The Guardian* has published details of some 210 flights that have used British airports, including Glasgow international airport and Wick airport.

I turn to Scott Barrie’s amendment. There is evidence that needs to be investigated. How stupid does he think that Labour members of the Scottish Parliament are? Does he think that those flights arrive at Prestwick with “CIA Torture Flights” written on the side of the planes? What kind of evidence does he need—

Scott Barrie (Dunfermline West) (Lab) rose—

Frances Curran: No, the member will have his chance; he is speaking right after me.

What kind of evidence do Labour members need before an investigation can take place? The truth is that they want to cover up the issue. They are not trying to use everything in the power of the Parliament to expose the practice. Labour’s Minister of State for the Armed Forces, the Scottish MP Adam Ingram, has refused to answer questions about CIA aircraft that land at air force bases in Britain. If there is nothing to hide, why can we not have the information?

Torture carried out in Scotland is not a devolved issue, but it is the responsibility of every member of the Scottish Parliament. It is within the power of the First Minister and the Scottish Executive to order an inquiry into the use of Scottish airports for torture flights. Labour and Liberal Democrat MSPs are so keen to find out the truth that their amendments delete from my motion the call for such an inquiry. What is the problem? Why do Labour and Liberal Democrat members not want a public inquiry?

Margaret Smith (Edinburgh West) (LD): Our amendment calls for an inquiry.

Frances Curran: I will come to that point.

What are they scared that it will uncover? I say to Margaret Smith that the Liberal Democrat amendment is a cop-out. The Liberal Democrats are in power in Scotland; they can do something about it and yet they refuse to act. In Scotland, the Liberal Democrats are ineffective whereas at Westminster, where they are in opposition, they have called on Tony Blair to act. What they have done in Scotland is an obvious act of political buck-passing.

The Liberal Democrats are complicit in the cover-up. They had the chance today to vote to find out the truth about what is happening at Scottish airports and yet they refused to take it. Innocent people are being abducted, tortured, raped and—who knows—perhaps even murdered. All that is being done by the most powerful Government on the planet, in secret and with the

help of the British Government, and yet the Scottish Parliament does not want to know. Its members do not want to find out the truth about the practice; they will not even put on record their support for the Lord Advocate to investigate these human rights abuses.

When people see the barbaric and inhumane atrocities that are committed across the globe, they always ask why so many people stood by and watched and did nothing. Many Governments secretly abduct, torture and murder people and yet there are always those who say, "I never saw anything. I never heard anything. I knew nothing about it." Countries including Chile, Argentina and China do that—the list goes on. Some members in the chamber have campaigned on those issues. They believe Amnesty International when it reports on those countries, but they are not prepared to believe it when it reports on Scotland—how convenient.

Today, the Scottish Parliament knows all about secret abduction, illegal imprisonment and the torture of innocent people. Those people may have been held not 100 miles away from here. How members vote at decision time today will show whether they are people who see nothing, hear nothing and who do not believe that that can happen, or people who are prepared to find out the truth. I urge members to support the motion in my name.

I move,

That the Parliament considers, in light of recent decisions by the governments of Sweden, Spain and Iceland, by the European Union and now by Michael Todd, Chief Constable of Greater Manchester Police in England, to undertake inquiries into rendition flights, that the Scottish Executive should follow these examples; believes that there are sufficient grounds to justify an independent inquiry into the possible use of Scottish airports by CIA rendition flights, and further believes that the Lord Advocate should instruct the police to investigate without delay whether there has been a breach of Scots Law.

10:34

Scott Barrie (Dunfermline West) (Lab): No Labour member in this chamber and, I believe, no member of any another party finds torture acceptable. The suggestion that Scotland has been complicit in rendition flights is a serious one, as is the suggestion that the UK Government has been complicit in them.

However, the Scottish Socialist Party does not have a monopoly on opposing torture and it deliberately attempts to create dividing lines across the political parties where none exists. Just because I do not support the Scottish Socialist Party motion does not mean that I support the use of torture—far from it. For anyone to suggest that

is at best misleading and at worst downright insulting.

What Frances Curran says in her motion is that she knows better than the police. She says that this Parliament should tell the Lord Advocate

"to instruct the police to investigate without delay whether there has been a breach of Scots Law."

Based on what? Frances Curran claims that there is evidence that people have been taken via Scotland to other places to be tortured. If Frances Curran or indeed anyone else in this place knew of such a thing and did not hand over their evidence to the police, for whatever reason, they would be abetting torture, not the UK Government and certainly not the Scottish Executive.

Christine Grahame (South of Scotland) (SNP) rose—

Frances Curran: Will the member take an intervention?

Scott Barrie: No, the member would not take mine.

The First Minister, the Minister for Justice and the Lord Advocate have made it clear that the Scottish Executive will co-operate fully in any inquiry into rendition flights. Last week, the issue was raised in the European Parliament and a resolution passed. We will do whatever needs to be done.

Ms Sandra White (Glasgow) (SNP): Will the member take an intervention?

Scott Barrie: No. What I find particularly disturbing about the SSP motion is that it seeks to use this Parliament to direct police operations politically. Do SSP members really want politicians to instruct our police? They might wish to live in such a country, but I do not. A fundamental principle of liberal democracies is the separation of the state and the police. Parliament makes the law, the Executive sets public policy and it is for chief constables to make operational decisions.

In Scotland, if there is specific information that a crime has been or is soon to be committed, it is for the police to investigate.

Rob Gibson (Highlands and Islands) (SNP): Does the member agree that it is possible for agencies other than the police to investigate the matter and that immigration officers have an opportunity to do so? How can we gather factual information about the situation unless all the offices of the law are used?

Scott Barrie: I agree that all the offices of the law should be used, but we need to know that there is some evidence that a crime has been committed in the first place.

Christine Grahame rose—

Scott Barrie: If the member suggests, in the chamber, that we should just go on extensive fishing trips, that is serious.

If people have real evidence, it should be handed over to the proper authorities.

Margo MacDonald (Lothians) (Ind): Were it to be alleged that a consignment of drugs had been carried through Prestwick or Wick airports, the police would go on a fishing expedition to look for it.

Scott Barrie: Margo MacDonald fundamentally misrepresents the case. In such a scenario, there would be some evidence that a crime was being committed and that is what would be investigated. [*Interruption.*]

The Deputy Presiding Officer: Order.

Scott Barrie: I have little difficulty with Phil Gallie's amendment, most of which I agree with.

Although I also agree with the vast majority of Jim Wallace's amendment, I find it slightly strange that at the very end, the amendment calls on the UK Government to do something, rather than concentrating on the powers vested in the Scottish Parliament. Perhaps Jim Wallace will explain that when he moves his amendment.

I accept that the Foreign Secretary has stated categorically that the Foreign and Commonwealth Office has no records of US requests for renditions through British territory since 2001. There is no question of complacency or ignoring evidence. To date, the position is that no specific information has been provided to support the allegations that US flights carrying alleged terrorist detainees overseas to be tortured have stopped in Scotland to refuel. Of course investigations will take place if there is specific, credible information to justify them. However, allegations do not necessarily provide grounds for a criminal investigation.

As I began by saying, no one supports torture. I move amendment S2M-3766.4, to leave out from "considers" to end, and insert:

"notes the allegations that have been made about the possible use of Scottish airports by CIA rendition flights; shares the public concern; condemns the use of torture wherever and whenever it may occur; notes that torture constitutes a crime under Scots and international law; reasserts its commitment to Article 4 of the UN Convention Against Torture and notes that this refers not only to acts of torture but to 'an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture'; welcomes the assurances from the Lord Advocate that, if offences are committed in the jurisdiction of Scotland and he is made aware of supporting evidence, these allegations will be investigated; further welcomes the commitment of the First Minister to co-operate with any reasonable request from the Council of Europe or any other international organisation; calls on the Scottish Executive to co-operate with any inquiry into rendition flights in British airspace and calls for a commitment that on any issue for

which it has responsibility it will take action if presented with credible and reliable information; reasserts that the investigation of crime is a matter for the police and that decisions on whether to investigate in particular cases are for the police to take without political interference, and calls for anyone having evidence of torture or any other crime taking place in Scotland to take that evidence to the police."

10:40

Phil Gallie (South of Scotland) (Con): The Parliament is united in opposing torture. The motion and the three amendments are very similar, but they also have fundamental differences. I ask members to cast their minds back to debates in the chamber before the war with Iraq in particular. We went to war in Iraq and Afghanistan on the ideals in which we believe, which are set out in the motion and amendments. We stand against the suppression of peoples by any Government, against torture and against extermination. In the main, those are the reasons why we went to war in Iraq and the reasons that may lie behind many of the rendition flights that are alleged to be taking place.

Chris Ballance (South of Scotland) (Green): Will the member give way?

Phil Gallie: Not yet.

In relation to Afghanistan, we should remember that one consideration, which is dear to the Scottish socialists' hearts, was women's rights and the suppression of women.

Our amendment lays down issues with which everyone can identify. We all support the United Nations convention against torture, so my amendment should attract support, as Scott Barrie suggested.

Perhaps talking about the Iraq war is a bit more emotive. When we went to war, I put my trust in Mr Blair and I have openly admitted that I was wrong to do so. However, I do not believe that any minister would make the same mistake again. From what he has said about rendition flights, I believe that the Foreign Secretary is acting honourably. Although I might have felt deceived by Mr Blair, his Government received a massive vote of confidence in the recent general election. Perhaps that underlines why Mr Straw should be believed. On occasion, we must listen to the people.

Margo MacDonald: I will give straight information. It is true that Mr Blair was re-elected, but it is also true that the Conservative party won more votes in England than the Labour Party did, so how massive was the endorsement of his Iraq policy?

Phil Gallie: All that can be said is that the electorate in England seem to be better informed and wiser in their votes than the electorate in

Scotland. However, we are in a Scottish chamber and we are debating the ideals of the Scottish people. We must convince them, rather than English voters who are perhaps better informed on the issue that we are discussing.

I question why the Scottish socialists place such emphasis today on upholding the law in Scotland when, to their discredit and shame, they glorify the fact that they constantly stand against and breach the law in Scotland. Perhaps the motion brings them a little credit and they at last recognise the importance of Scots law.

As for the other amendments, I will listen carefully to Jim Wallace. I feel that the Government of Scotland is already committed to undertaking an investigation of sorts. I would like to know what direct investigations it has made with Scottish airports, because my direct contact with Prestwick airport suggests that there is no problem there.

I move amendment S2M-3766.1, to leave out from "considers" to end and insert:

"supports the UN Convention Against Torture, of which the United Kingdom is a signatory; believes that there is never any justification for torture; welcomes the judgement by the Law Lords that evidence obtained under torture was inadmissible in court and was also inadmissible in a Special Immigration Appeals Commission case; notes the allegations in the press that CIA rendition flights have refuelled in Scotland; trusts that the Foreign Secretary's assurances that such flights have not landed in Scotland are true, and calls for the Scottish Executive to detail what communications it has had with the Foreign Office over this matter."

Carolyn Leckie (Central Scotland) (SSP): Does Phil Gallie still believe in Santa, too?

The Deputy Presiding Officer: Order.

10:44

Mr Jim Wallace (Orkney) (LD): I make it clear on behalf of my Liberal Democrat colleagues that we, in common with all others in the Parliament, deplore the use of torture. It offends human decency and is an affront to one of the most basic of our human rights. Not only is the United Kingdom a signatory to the convention against torture, but our Scots common law is reinforced by the provisions of the Criminal Justice Act 1988, which gives statutory effect to our treaty obligations.

Amidst the plethora of allegations, what can we say with some certainty? First, the United States Secretary of State, Condoleezza Rice, has accepted that the United States practises rendition of terrorist suspects but says that rendition of a suspect does not take place

"when we believe he will be tortured".

It can be strongly argued that that reassurance from Condoleezza Rice falls short of the requirements of international law.

Secondly, following the interim report of the Parliamentary Assembly of the Council of Europe's Committee on Legal Affairs and Human Rights, the Secretary General of the Council exercised his powers under article 52 of the European convention on human rights to make a formal request for information from member state Governments—including ours—on the manner in which their internal laws ensure the effective implementation of the convention. Given the separate legal jurisdiction of Scotland within the United Kingdom, the assurances that the First Minister gave at First Minister's question time last week on the Council of Europe's inquiries are necessary and welcome.

Thirdly, using information from the US Federal Aviation Administration and European air traffic data, some picture has been built up about CIA-owned or CIA-controlled flights in and out of a number of Scottish airports. That flights use those airports for refuelling or, sometimes, a stopover does not constitute evidence that any involuntary detainees are on board or that the flights are connected with rendition, let alone extraordinary rendition. However, Amnesty International has examined Federal Aviation Administration records in respect of six CIA-chartered planes, which seem to show that the planes landed at Shannon airport in the Republic of Ireland on 50 occasions but took off 35 only times. That is quite a remarkable feat; at the very least, it suggests that something is up.

What should our response be? I accept that there may have been insufficient evidence of specific conduct on a specific flight for the police to act in any particular case. As a Liberal, I believe that it is important that we not take short-cuts with the well-established grounds for sanctioning police action simply because we abhor the crime or because of the identity of the potential accused. We should also be careful that, when pursuing our understandable wish for torture to be tackled effectively, we do not compromise the political independence of the police or the law officers in their prosecution role. That is one reason why we cannot support the SSP motion.

However, although there might be insufficient evidence to bring an individual case before our High Court, there is surely a growing case to answer before the court of concerned international opinion. That is clearly the message that the Council of Europe is sending to its member states. As Liberal Democrats, we believe that simply to ask the Scottish Executive to co-operate with any Council of Europe inquiries is an insufficient response, however laudable it may be. The

Scottish ministers do not have responsibility for Scotland's airports, with the exception of the Highlands and Islands airports, which might be relevant. Rob Gibson mentioned HM Customs and Excise; we do not have powers to compel any evidence from that department. That is why Scott Barrie's amendment does not go far enough.

The main responsibility rests with the United Kingdom Government. The United Kingdom is the member state of the Council of Europe and the United Kingdom Government has responsibility for foreign relations and aviation and airport issues.

Ms White: Will Jim Wallace give way?

Mr Wallace: No, I have only a short time.

We should direct our voice to where most action can and should be taken. In the light of the initiative that the Council of Europe has taken, the Westminster Government should take immediate steps to establish an independent inquiry into what information exists within the UK, including within the Government's own agencies. The British Government should also make it very clear to the US Administration that we consider rendition flights to be wholly unacceptable in Britain or, for that matter, anywhere else.

Moreover, we should question whether, in this era of terrorism, heightened security and human rights, the provisions of the Chicago Convention on International Civil Aviation—which dates originally from 1944—are adequate. The fact that private planes can land without needing permission raises some basic questions. Why do state agencies such as the CIA use private planes? Are they trying to hide something, or are there rules that they are trying to avoid? Are there not circumstances today in which the state may have legitimate cause to know who is aboard a plane on its territory or whether, for example, plutonium is being carried in contravention of international obligations? I do not pretend that those would be easy issues to resolve, but if a wholly unacceptable practice of flying people to doubtful destinations for doubtful purposes is to be facilitated by an international convention, surely there is a case for the provisions of that convention to be re-examined, and the responsibility for that falls to the Westminster Government.

In a recent article, my Liberal Democrat colleague Sir Menzies Campbell said:

"Torture is the crime of dictators, not democrats. If we are truly committed to human rights and the rule of law we must ensure that our airports are never used as staging posts for those on their way to being tortured."

I am sure that that view is widely endorsed in this democratically elected chamber. If we want to go beyond gestures, I ask Parliament to give that view practical and tangible substance by supporting our amendment.

I move amendment S2M-3766.2, to leave out from "considers" to end and insert:

"deplores all forms of torture; notes that torture, an attempt to commit torture or conspiracy to commit torture are crimes punishable under Scots Law at common law and through the UN Convention against Torture as incorporated into UK law by the Criminal Justice Act 1988; welcomes the inquiry by the Secretary General of the Council of Europe to verify if the European Convention on Human Rights has been contravened and that member states have complied with their international obligations; further welcomes the First Minister's commitment that the Scottish Executive would respond to the inquiry; in light of the public admissions by the US Government of the existence of rendition flights and the interim findings of the Parliamentary Assembly of the Council of Europe on this issue, calls on the UK Government to hold an immediate and independent inquiry into rendition flights using British airspace and airports and to make clear to the US Government that extraordinary rendition flights are unacceptable in British airspace and in Britain, and further calls on the UK Government to work with the international community to review the adequacy of the Chicago Convention, in light of international security and human rights concerns."

10:50

Ms Sandra White (Glasgow) (SNP): I have here a copy of a letter from Maher Arar to the First Minister. Mr Arar is a Canadian citizen who was arrested in New York's JFK airport, put on a CIA plane in the middle of the night, flown to Jordan and then driven to Syria. There, as has already been mentioned, he was subjected to one year's imprisonment in a tiny cell where he was repeatedly tortured. I have the letter with me because I would like to quote from it. Mr Arar says:

"Allowing flights like the one that took me off to be tortured in Syria to land in Scotland risks Scottish complicity in practices that contravene international law ... These flights must be stopped ... Firm action by Scottish authorities ... can help ensure that my nightmare is not repeated for others."

That is a direct plea from that man to this Parliament for help.

Much has been made about a lack of evidence and information, but we should look at the facts. According to information that has been obtained from the United States Federal Aviation Administration, since 2001 75 rendition flights have landed in Prestwick, 74 in Glasgow, 14 in Edinburgh, six in RAF Leuchars in Fife, five in Inverness and two in Wick. That evidence comes from America, and my colleague Christine Grahame has further evidence to submit.

However, when I asked a question under the Freedom of Information (Scotland) Act 2002 about those flights, the answer was:

"In relation to your request for 'the date on which officials and/or Ministers became aware that flights carrying US prisoners were landing in Scotland for refuelling', the information that you require is not held by the Scottish

Executive because the Executive has no information to substantiate the claims that such flights have landed in Scotland. However, the Executive first became aware of allegations from press reports in December 2004."

The Executive has been aware of such flights since December 2004—good on the press for picking up on that. Why have we done nothing about information that came to light a whole year ago? I would ask the ministers to answer that question, if they were here. Ministers seem to have a great facility for disappearing when something very important crops up.

I also received a reply—

Christine Grahame (South of Scotland) (SNP): On a point of order, Presiding Officer. Is it not inappropriate that there is nobody on the front bench during the debate?

The Deputy Presiding Officer (Trish Godman): That is not a point of order.

Ms White: We have become used to ministers disappearing when something crops up that is too hot for them, so that they do not have to answer questions about it. That is as per normal.

About an hour ago, I received a reply to a question that I asked Strathclyde police and Sir William Rae:

"In relation to the first issue, matters pertaining to civil aviation, I can advise that this force has no locus in the arrangements that are made to enable flights to pass through Scottish airspace ... In relation to the allegations of criminality, you will be aware that where there is evidence that a criminal act occurs in Scotland ... the local police can investigate. However, in order for any investigation to get underway, there must be more than speculation. In this regard, nothing in any of the material provided to me thus far provides an appropriate basis for me to commence an inquiry."

The Council of Europe, Spain, Sweden, Iceland and the police in Manchester have said that they will launch inquiries, yet we in this Parliament receive a letter from Strathclyde police telling us that they will not launch an inquiry. That is why it is important that ministers should be here today—

Alex Johnstone (North East Scotland) (Con): Will the member take an intervention?

Ms White: I am sorry, but I have only half a minute left.

We and the country wish an inquiry. The Scottish people want to know the truth, yet we receive a letter from Strathclyde police saying that they will not launch an inquiry. Why are no ministers here today to answer our questions? Why is Colin Boyd not here today to answer questions about the legality of such flights?

There is evidence from Amnesty International and from America that such flights land on Scottish soil, yet we are still denied the right to an

inquiry. We and the Scottish people demand to know the truth, and we should hear it today.

We support the SSP motion and we urge everyone else to support it too. I ask Jim Wallace and the Liberal Democrats whether they will back an inquiry by this Scottish Government if the inquiry by the UK Government that their amendment calls for is not forthcoming. It is about time that this Parliament grew up and acted on behalf of the Scottish people. We must stop the torture flights that are happening every day in our country.

10:55

Chris Ballance (South of Scotland) (Green): The Executive parrots, "Go to the police with the evidence." Well, let us look at the evidence. A crime is committed on Scottish soil when a plane lands in Scotland carrying someone who has been abducted from one country and is being taken to another against their will without due process of law. That is a crime against Scots law and international law. We have Condoleezza Rice admitting rendition outwith the law on December 4. We have the Council of Europe's rapporteur saying that

"individuals had been abducted and transferred to other countries without any respect for legal standards".

He urged all member Governments to commit themselves fully to establishing the truth about flights over their territories that carry individuals who have been arrested and detained without any judicial involvement.

Last week, Jack McConnell promised to cooperate with the Council of Europe. I ask him: where is the full public inquiry?

We have the Swedish parliamentary ombudsman listing dates when a Gulfstream V aeroplane, registration N379P—used by the CIA for rendition to countries where torture is alleged to have taken place—has refuelled at Prestwick airport. Witness statements alleging torture have been taken by Amnesty International from people aboard that plane. The police and the Lord Advocate have been sent photographs of that plane landing at Prestwick airport.

We have the perpetrator admitting the crimes; the dates on which some of those crimes have taken place; the witness statements from victims; and the photographs of the events. What more evidence do our police require before acting? Are our police incompetent, or is there political interference?

I have been questioning Cathy Jamieson since September; I have presented evidence to the police; and I have twice written in the past month to the Lord Advocate, but as yet I have not even

received an acknowledgement, far less a reply. In the light of the clear and compelling evidence in the public domain, the Lord Advocate's failure to act is incomprehensible. His position as our senior law officer is rapidly becoming untenable.

What about the evidence of torture? We have the statements of Craig Murray, the former British ambassador to Uzbekistan. We have Eliza Manningham-Buller, the head of MI5, telling the House of Lords that evidence that could have been gained under torture is "useful" and "very valuable". We have witness statements alleging the cutting of genitals with knives, sleep deprivation, confusion techniques, humiliation, enforced medication, and waterboarding and other endurance tests. Those activities outrage me and they outrage the Scottish people. I receive a large mailbag on this subject from ordinary, decent Scottish people—people who have higher standards of decency and justice than have been shown by ministers in this Executive.

Phil Gallie: Will the member give way?

Chris Ballance: No. Mr Gallie did not give way to me.

I refuse to believe that members of the Executive, such as the First Minister and Cathy Jamieson, are not, in their private moments, deeply ashamed that their Government is associated with such horrors.

What is the evidence that the crimes are not happening? The evidence comes from one source—Tony Blair and his Labour Government. Who in this chamber, apart from the Conservatives, and, in particular, who on the Labour benches, can say, "I trust that this is not happening, because Tony Blair says so"?

Presiding Officer, I trust that the *Official Report* will record the silence in response to that question.

The Deputy Presiding Officer: I call Margo MacDonald, to be followed by Gordon Jackson.

10:59

Margo MacDonald (Lothians) (Ind): I am pleased that Gordon Jackson is the next speaker because I want to seek his wise counsel on one of the matters that I would like to raise.

In the Parliament, we have been claiming Scotland's place in the world. I thoroughly support the First Minister in his efforts to establish Scotland on the world stage and to accept the responsibilities that go with such a claim of nationhood, but if one accepts those responsibilities, one must take the rough with the smooth. It is not just a case of promoting ourselves as a nice wee country—either we are a responsible country or we are not.

Jim Wallace said that Scottish ministers did not have responsibility for Scottish airports, for example, and that because Westminster had that responsibility, Westminster must be accountable on the matter. I want to stand that on its head. What happens if one of the countries elsewhere in Europe that are to investigate the flights discovers the truth of the matter and finds that Scotland has been used in the way that has been suggested and that, as a nation, we are compliant, in that our facilities have helped to bring about people's torture? If it is found that such an offence has been committed, would the Lord Advocate not be responsible? If he were responsible in such circumstances, should we not seek to prevent those circumstances from arising?

Phil Gallie: Will the member give way?

Margo MacDonald: I will give way briefly; I am willing to give up some time to Gordon Jackson because I want to hear the answers to some of the questions that I have asked.

Phil Gallie: Is it not the case that decent people work at Prestwick and Glasgow airports and that any of them have the opportunity to inform if they feel that the law is being broken? How many reports have we had from them?

Margo MacDonald: I hope that the member will forgive me for not spending time on answering that question because I do not think that it is up to those people to make such reports.

I have one further question for the Parliament. Does Colin Powell's admission that European Governments shared the American Government's acceptance of the practice that we are discussing carry no weight at all in the argument? That is not an allegation; it is a statement of fact. Does that not lend credibility to the allegations? I hope that our learned friend Gordon Jackson will tell us whether that means that a prima facie case can be made that such practice may be going on. As the matter is so serious, should we not investigate it?

11:02

Gordon Jackson (Glasgow Govan) (Lab): The debate began with Frances Curran taking a high moral tone and suggesting that, unlike her colleagues, the rest of us would turn a blind eye to the things that may be happening. I find that offensive. Let me be clear about what my personal position is. What the American Government is doing is wrong; there is no mistake about that. Detaining people without any legal supervision and simply making them disappear, whether to Guantanamo bay or through rendition to other countries—which is a new idea to me—is utterly inconsistent with the rule of law, under which a Government cannot just lock people up without showing cause to a court.

I suppose that the justification for such action is the world that we live in after 9/11. All of us who have stood at ground zero and thought of the unmitigated horror of what happened there understand that argument, but it is wrong. I think back to the so-called cold war, when thousands of people in eastern Europe disappeared. People in this country and the US unambiguously condemned that. The Governments in eastern Europe said that they had good reason for the action that they were taking and that a greater good—the protection of the state from what they considered to be malicious elements—was at stake. We said to them that that was not the point and that to make people disappear without due process was wrong in principle. Now the US seems to say that that is not so. Somehow the principle no longer applies if in the Government's mind there is a good reason to ignore it. That is a moral quagmire and I do not think that such a position is consistent with the rule of law.

In my mind, the US Government's attitude to torture is even more sinister. Of course, torture is condemned by the Americans, but then we read the small print to discover how torture is defined. The US Attorney General defines it as

"the intentional infliction of severe physical or mental harm", with his own emphasis on the word "severe". I have no idea what that means in practice. Does it cover prolonged isolation, sexual humiliation, sleep deprivation, forced nudity, growling guard dogs, sensory deprivation, intense strobe lighting or coercively playing on an individual's fears and anxieties? None of that is torture under the US definition, which actually speaks about pain

"equivalent in intensity to the pain accompanying serious physical injury ... or even death",

and about psychological torture that requires an intention to cause "prolonged mental harm". The answer to the question, "When is torture not torture?" is, "When you choose to define it in this particular way."

The SSP is asking what the UK or Scottish Governments can do. I hope that members will forgive me for saying this—I say it with sadness—but on one level there is not very much that we can do. A sad fact of the modern world is that America can do virtually as it pleases. However, there are some things that we can do. We can say to America, as its best friend and ally—and my personal view is that I would like that relationship to continue—that what it is doing is wrong. I cannot believe that Tony Blair, Gordon Brown and Jack Straw think otherwise.

When we say that America is wrong, we will discover that we are not alone. Much of what I have just quoted was recently published by *The New York Times*. Many people in the US are far

from happy at what is happening. Indeed, I sometimes get the impression—I hope that this is not naive—that even Condoleezza Rice herself is not totally comfortable with everything that is happening.

Of course, we must ensure that we do not allow anything to happen in our jurisdiction, but I honestly do not know what to do about that. I do not know what the position is on flights going through the UK or Scotland. I believe that we have a duty to do everything in our power to find that out and, if need be, to prevent the flights. I accept that, but I will not support the SSP motion because it is not for us to direct the Lord Advocate. The Lord Advocate's independence is one of the most important principles of our rule of law, and we must never water down his independence, even to try to stop another wrong. We have a duty to do everything that we can, and I hope that those with responsibility in this jurisdiction will do that. I believe that they will.

Chris Ballance: Where are they, then? Why is the Lord Advocate not here?

Gordon Jackson: I do not accept that the Lord Advocate should be here for this political debate.

The bottom line is that what is happening is wrong, and we should begin by making that clear. The minute we decide that, on this point of principle, we should interfere with the Lord Advocate's independence we will have done more damage than the good that we might be trying to achieve.

11:08

Christine Grahame (South of Scotland) (SNP): I concur with much of what Gordon Jackson has said, and I would not for one minute accuse any member of this Parliament of endorsing torture flights. I, too, have a definition from America—even worse than the one that Gordon Jackson read out—of torture as anything likely to lead to death or organ failure. It is important to note that our definition of torture is completely different from the American state's definition. All the examples of torture that he gave would not be considered torture, as defined by America, which also euphemistically refers to abduction as "extraordinary rendition" and talks about the various practices that he mentioned as "enhanced interrogation techniques". Such business-speak shames everyone, when we consider what actually happens to people when they are abducted.

There are three issues. Are people being abducted? Yes—there is lots of evidence from throughout the world that people are being abducted. As other members have said, inquiries are taking place all over the world. In Canada, a

public inquiry is being conducted on behalf of an individual who was most horrifically treated. There are inquiries elsewhere too; the Council of Europe is having an inquiry.

Are people being transported for torture? Yes—the evidence is everywhere. Are flights landing in Scotland? Yes—the evidence is that they are. As Chris Ballance said, evidence of a flight exists. A press statement from Reprieve states:

“Flight logs demonstrate that the ... CIA-leased plane that delivered Reprieve’s client Binyam Mohammed to torture in Morocco and transported Reprieve’s clients Bisher Al Rawi and Jamil El Banna to torture in Afghanistan landed numerous times in Scotland, apparently for refuelling.”

Of course, ordinary people would not know that the plane was in for refuelling, because that was done secretly.

The statement continues:

“The plane is a Gulfstream V jet with the registration N379P (later re-registered as N8068V and then as N44982).”

That is on the record—let it be part of the investigation that should take place.

We know about the issue because of the plane spotters who were at the airports and saw strange events. At the time, they did not know that the CIA was involved, but they found out that the Gulfstream V was identified as being used to abduct terror suspects. One of the plane spotters said:

“I have seen the planes land in daytime and I’ve seen them land at nighttime. You never see anyone get off them. Most of the time they are just coming in to refuel, but the ones coming in at night you would expect to see people getting off. But you don’t—at least, I never have.”

He did not know what he was on to, he was simply spotting planes.

Gordon Jackson commented on the arguments that the American state—not the American people—use to justify the cruel definition of torture that has been laid before members. The US says that, in the world in which we live, the measures are necessary to prevent terrorism. It is a cruel irony that, although we hope that regimes that treat people horrifically will grow to democracy and the rule of law—although not through intervention, as happened in Iraq—we have condoned a breach of the very rule of law and the democracy that we seek to uphold. That should not be done in our name.

I agree with Jim Wallace that we do not have power over airports, but we have power over crimes. If crimes are being committed on Scottish soil, we are involved in them, art and part. The Scottish Parliament has a role in the matter. Jim Wallace’s colleague Menzies Campbell does not impugn the leadership in London, but he has

made it plain that a hear-no-evil, see-no-evil attitude cannot prevail. He said:

“Because there are no records and because there are no requests ... doesn’t mean ... that extraordinary rendition may not have been taking place”.

How much more pressure must both Parliaments put on the Government here and the Westminster Government to ensure that immediate action is taken to investigate the flights, on which the evidence is all around for us to see?

11:13

Campbell Martin (West of Scotland) (Ind): If one point has come out of the debate, it is surely that absolutely no one in Parliament endorses or supports torture or kidnap. I am sure that the people of Scotland expect Parliament to emphasise that we do not support such practices, so I cannot understand the reluctance to carry out at Scottish level an investigation to determine whether Scottish airspace or airports have been used to facilitate torture and kidnap.

Yesterday, Tony Blair said at his monthly press briefing that he would not initiate an investigation or allow one to be initiated because he had seen no evidence, which takes the man to a whole new level of hypocrisy. He was not too bothered about evidence when he joined his American buddy to rain “shock and awe” on the people of Iraq, and he is not too bothered about the lack of evidence to justify people being disappeared from streets in Europe and taken to third countries, apparently to be tortured, but he wants to see evidence that Scottish or UK airports have been used to facilitate torture flights.

Let us talk about what we know. Other members have mentioned some of the facts and evidence that have been presented. We have heard about a Gulfstream V turbojet, registration N379P. Independent witnesses have confirmed that Jamil Qasim Saeed Mohammed was bundled on to that aircraft and taken to Jordan. He subsequently stated that he was tortured there. The Swedish parliamentary ombudsman has said that Ahmed Agiza and Mohammed al-Zari were taken from Sweden to Cairo aboard the aircraft. They claim that they were tortured in Cairo. That aircraft has been photographed on more than one occasion refuelling at Prestwick airport in Ayrshire, which is a ground for suspicion that a crime might have been committed on Scottish soil. I would like to think that Scotland’s police force might investigate that.

The New York Times stated earlier this year that, as far as it can determine, the CIA owns 26 aircraft, 10 of which have been purchased since 2001. The newspaper has also established that the CIA is behind seven shell corporations—not

Shell the oil company, but front companies for the CIA—one of which is called Devon Holding and Leasing Inc. *The New York Times* investigated that company and discovered that it has no employees and no presence at its registered address, yet it apparently owns aircraft that have refuelled at Scottish airports. Surely that is a ground for suspicion that something a wee bit dodgy is going on. Perhaps the Scottish police force should be investigating why such aircraft are landing at a Scottish airport.

Colin Powell—if nothing else comes from the debate, let us make it clear to Colin Powell that his name is pronounced Coll-in, not Cole-in—the former United States Secretary of State, has been quoted as saying that

“the thing that is called rendition is not something that is new or unknown to my European friends”.

If it is not new and it is not unknown, why are we so reluctant to investigate it? Why are we arguing about who should hold the investigation? We have a separate justice system in Scotland, so if crimes are being committed in Scotland, why are we reluctant to investigate them? Why do not we authorise our police to go on board those aircraft to establish whether crimes are being committed. Italian judges have issued 22 arrest warrants for people who are suspected of being CIA operatives, Germany has initiated an investigation and the European Commission has initiated an investigation. If a crime is suspected, surely we should investigate to establish the evidence to prosecute. If there is a suspicion—there certainly is—that Scottish airports are being used, we should investigate that in order to bring to justice not just those who carry out torture but those who allow it to be carried out. It is an extremely sad day for Scotland if that suspicion reflects on us because we will not allow an investigation. I ask members to support the SSP motion.

11:17

Margaret Smith (Edinburgh West) (LD): It has been an interesting debate and we have heard good speeches from throughout the chamber; for example, from Jim Wallace, Chris Ballance, Gordon Jackson and Christine Grahame.

The Liberal Democrat amendment is worthy of support. It acknowledges the international dimension to the issue, the assurances that we have already received from the First Minister and, indeed, the primacy of the UK Government on foreign affairs, international conventions, airports, Europe, customs authorities and other issues.

The amendment

“calls on the UK Government to hold an immediate and independent inquiry into rendition flights using British airspace and airports and to make clear to the US

Government that extraordinary rendition flights are unacceptable”

to us. The message should go out clearly from Parliament today that those practices not only breach international law but are unacceptable to all members here, irrespective of party. Surely we all agree that in the fight against terrorism, torture will never give us any sort of victory.

Moving forward from that point of agreement, we must address a number of key issues. Some speakers, particularly Gordon Jackson, have spoken of the need for evidence before our police forces and others can act, which has been backed up in conversations that I have had with the assistant chief constable of Lothian and Borders police. That is a bedrock position for our democracy, but it means that we must consider how we can acquire evidence while preserving the independence of the Lord Advocate and the police from political pressure.

We find ourselves in a catch-22 situation, in which police forces cannot and will not act without evidence, yet we are frustrated in our attempts to secure that evidence. That is hardly surprising if the rendition flights are taking place. No one is about to admit to torture or conspiracy to torture, but events in Abu Ghraib and Guantanamo bay and comments from Condoleezza Rice suggest that torture and rendition flights are taking place. The media, the Danish Government, human rights organisations such as Amnesty International and others have reported that literally hundreds of CIA rendition flights have passed through Scottish airports.

Ms White: Will the member give way?

Margaret Smith: No—I would like to make some progress.

Chris Ballance dealt with much of the general evidence that exists. Some of the flights that it is alleged have been involved are suspected to have landed at Edinburgh airport, which is in my constituency. That possibility causes a great deal of concern to people who live close to the airport. However when local MP John Barrett and I met representatives from BAA plc last week, we were told they have no idea whether or not the allegation is true. Christine Grahame said that things are being kept secret from ordinary people, but the situation is worse than that; they are being kept secret from BAA as well.

Margo MacDonald: Will the member give way?

Margaret Smith: No. I would like to make progress.

The truth is that, because of the requirements of international aviation as set out in the Chicago convention, the airport knows only where a plane has come from and where it is going next; it does

not know who or how many people are on board and has no right to refuse permission for that plane to land unless there is a problem with capacity.

The same goes for the local police. I have spoken with the assistant chief constable of Lothian and Borders police, who has confirmed that the police do not know who has landed if the aeroplane is simply refuelling: in fact, the police do not even know whether a plane has landed. It is, therefore, stretching credulity to say that, in those circumstances, we can easily acquire evidence that would allow the police to board a plane. However, on the point that Margo MacDonald made, I would be interested to explore whether there is a role for customs officers. I believe that, under the Customs and Excise Management Act 1979, customs officers have the power of access to all aircraft at UK airports, which is a greater power than the police's common-law power of entry, which can be exercised only if it is believed that a crime is in progress.

However, I find it amazing that, post 9/11, we can allow a situation to persist in which pilots can fly into our airports but we do not know who their passengers are. That is why our amendment mentions specifically the Chicago convention and the role of the UK Government in progressing such issues.

Obviously, members cannot in four minutes do justice to such an important issue, but many people have talked about the call from Europe to investigate the matter, which is why we call on Mr Blair to reverse his position and to implement a complete independent inquiry.

11:22

Alex Johnstone (North East Scotland) (Con): When the debate was announced, I was concerned that we were perhaps going to get the typical Scottish Socialist Party Mickey Mouse debate in which its members would forget about their loyalties to Cuba, which they have mentioned many times in the past, and take the opportunity simply to tear into the United States of America. Although that happened to an extent, I have been pleasantly surprised at the extremely high quality of debate and speeches from all sides of the chamber, including many by members with whom I would not necessarily agree.

In setting out the Conservative position, Phil Gallie made it clear that the Conservatives—believing ourselves to be the pre-eminent unionist party in the Scottish Parliament—must take the opportunity to point out that many of the issues that we have discussed today are not devolved and that, in relation to them, we defer to UK ministers, who have responsibility for them. At the same time—

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member give way?

Alex Johnstone: No, I am taking no interventions.

At the same time, however, we must concern ourselves with the more general issues. In relation to our international obligations, the Conservative party has always taken the highest view of our relationship with the USA and would take the opportunity to defend the reputation of the USA because it is a country that has promoted the case for human rights in many countries; I support much of what Gordon Jackson said in that regard. However, in taking that position, I must say that if the USA is now flouting international regulations and agreements that it once held to be pre-eminent, that would be of greater concern to us than to anyone else. It is, therefore, not only the fact that the flights might be passing through Scottish airports that is important to us, but the fact that the situation appears to have arisen at all. We need to find a solution.

Evidence has been mentioned on a number of occasions—Margaret Smith addressed the issue to a certain extent. The problem is that we will, if we act without evidence, be starting down the very road that we are criticising. That balancing point has been addressed reasonably in this debate and could be addressed to a greater extent over time.

Chris Ballance: Will the member give way?

Alex Johnstone: No—I am not taking any interventions. I am sorry.

It is important for us to remember that our allies in the United States are among the strongest forces for human rights in the world—they certainly have been in the past. The fact that the problem has arisen is the key issue, as far as I am concerned. It is important that, in supporting the amendment that has been lodged by my colleague, Phil Gallie, I state clearly that I believe that the Foreign Secretary should keep the matter under constant review and that he should use the powers that are available to him to influence the actions of our closest allies in order to uphold international law and treaty obligations when they act, in effect, in our joint interests. If those people are acting in our name—I am prepared to accept that, quite often, they are—it is absolutely imperative that international law be upheld.

I support the amendment in the name of Phil Gallie.

11:26

Mr Kenny MacAskill (Lothians) (SNP): We will support the SSP's motion and the Liberal Democrat amendment, should that be reached.

The debate is not about American foreign policy and I am thankful that the main speakers in the debate have kept off that issue, which is a matter for debate on another day. Like other members, I have criticised the war in Iraq, but the principle in the motion would apply irrespective of what country was carrying out these practices. Whether it was the People's Republic of China or the Federal Republic of Germany, what is at issue is not the actions of the individual country but the values that we uphold. Irrespective of who breaches them, Parliament has a duty to preserve and uphold those values.

Our laws and values are the fundamental issue. They are laws and values that we have held dear over centuries; indeed, we have abided by them since the middle ages. Even under provocation, when in world wars we have faced the possibility of, and have seen, genocide and atrocities wreaked upon our people and our troops, we have refused to retaliate in like manner because to have done so would have gone against the very ethos of our society, so there have been incidents for which our own soldiers or others have been punished for transgressing the laws that we hold dear. The debate is about the dearly held laws and values of Scotland, which underpin our democratic society and have created the society in which we wish to live.

At the outset of the debate, Frances Curran touched on the fact that this is not simply a police matter or a matter for law officers, but a political matter. It is disingenuous for anybody to suggest that it is inappropriate for the law officers to be here. We could not expect the chief constable of Lothian and Borders police or Strathclyde police on his own to risk criticism or his pension—or to risk a trade war embargo or whatever else with whatever country was doing it—by boarding a plane. This comes down to political will: fundamentally, that is what is lacking from the Executive. The Government and the Scottish Executive must stand up for the values to which the people of Scotland adhere and must maintain the laws that we have held dear for centuries.

It is also disingenuous to say that there has been no instigation from the police or others. There was a time, in past years, when the Government of France complained bitterly about Algerians and Islamists who were living in London not being pursued or monitored by the UK police. Nothing happened because the UK did not see a problem. After 9/11, when the matter was perceived differently—lo and behold!—the police could not move fast enough. Why did that come about? It was not because the chief constable of the Metropolitan police suddenly woke up one morning and said, "There is an issue." He was directed by the Government of the United Kingdom to the effect that the police had better

clamp down on what was going on and start doing what the French were asking for. There is political involvement.

Fundamentally, we have to look at what other Governments have done. Frances Curran and other members have mentioned what European governments big and small have been doing. There is another example in the international community of what can be done. Back in the early 1980s when New Zealand declared in its constitution that it would be nuclear free, the Government of New Zealand said to the United States that its ships could not enter New Zealand's harbours unless the US Government confirmed that no nuclear weapons were on board them. The United States refused to confirm or deny that, and on that basis the New Zealand Government—not the law officers or the police—said that the ships were not welcome.

The Executive must make it quite clear to the Government of the United States that we have laws and values, that torture is unacceptable, and that if their planes are carrying people who are involved, they are unacceptable and we do not want them to land in Scotland. If they do, we expect our Government to fully back the police and law officers when they take appropriate action. This starts with the Executive. The tragedy is that even Tory governments in New Zealand have more backbone for preserving the values of their country than a Labour Administration in Scotland has.

11:30

Pauline McNeill (Glasgow Kelvin) (Lab): Rendition flights have existed for some time. Amnesty International cites evidence that it says dates back to 2001 and they probably existed before that. Jack Straw has already said that the UK has refused to allow entry to rendition flights. They are not made up; they are real and there is real public concern. There is substance to the story.

I must confess that I have learned more about rendition flights in the past few weeks that I have in the past few years. It has been a very serious human rights issue for some time and not just in the past few months. I do not care whether it is happening in Scotland, Sweden or Jordan, I condemn it.

The European Parliament has a temporary committee that will conduct an inquiry. It is temporary because current evidence is not hard enough. Menzies Campbell is leading an inquiry for MPs at Westminster, too. I applaud all that work and I will want to look closely at the evidence.

I have no difficulty with the UK conducting an inquiry into airports—I believe that UK ministers have a duty to be proactive on this issue—but the idea that Scotland should not take its own action if evidence exists or if the police suspect that there is evidence is a concession that I am not prepared to make. I expect the Lord Advocate to stick to his word: he has confirmed to Parliament that he will take seriously any credible evidence that any assistance has been given to any rendition flights through landing and refuelling on Scottish soil.

Chris Ballance is right to say that it is a crime if a plane lands while carrying any person who has been tortured while they are on their way to their destination. However, it is dangerous to suggest that the police, special branch and police authorities are incompetent; it is dangerous to hold that view of our police authorities.

Gordon Jackson is right that we need to be alive to the US definition of torture. It does not really matter to us whether it is the same as the definition in the UN convention on torture; any behaviour that is designed to hurt, intimidate or force individuals to admit a truth that is not really a truth is not acceptable in our books. I applaud the recent House of Lords decision that any evidence that is gained through torture will not be legal in a court in this land.

If we are a grown-up Parliament, we should be unanimous. There should be 129 votes condemning rendition flights, kidnapping, honour killings, Guantanamo bay, and violation of basic human rights throughout the world. Our differences are about how we should deal with the real and credible evidence that is required so that we can take action on rendition flights. It is very cynical and dangerous to think that the Lord Advocate and our police have been presented with but are deliberately ignoring evidence that would warrant a criminal investigation.

Amnesty International is an organisation for which I have a great deal of respect. I trust its judgment on many issues. If it has evidence, I will believe it, but I urge Amnesty to meet the Lord Advocate, to whom the evidence should be presented, rather than to Parliament, so that the police authorities can act. That is fundamental.

Chris Ballance: Will the member give way?

The Deputy Presiding Officer: The member is not going to give way.

Pauline McNeill: If members want a mature debate about such a serious issue, we should respect one another's views and we should believe that 129 of us condemn torture and rendition flights. If there are differences of opinion about how to go about taking action, we should have a mature debate about it.

11:34

Ms Rosemary Byrne (South of Scotland)

(SSP): We all oppose rendition flights and abhor torture in any shape or form, but there seems to be an argument about whether there is enough evidence. Pauline McNeill said that evidence that is held by groups such as Amnesty and Liberty should be handed over, but I know that my colleague Chris Ballance has handed over that evidence, so the argument about whether there is evidence is false. There is plenty of evidence and it has been cited repeatedly by many members this morning, although I will repeat some of it. If evidence is the problem, we can now dismiss that problem because the evidence is clear. As Pauline McNeill said, we all respect the work that Amnesty International does and the care that it takes in gathering information. We should not dismiss its evidence.

We speak for the people of Scotland. As Kenny MacAskill rightly said, we represent the people of Scotland in whose name and on whose soil these things are happening. We should be careful about what we say here about things that are happening in this country in the name of the people of Scotland.

I am glad to see that some ministers are now entering the chamber; they are just in time for general question time, although it is a pity that more of them could not have sat in on this morning's debate to respond on behalf of the Executive.

Article 5 of the Universal Declaration of Human Rights of 1948 states:

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

That is the bedrock on which we should base our views, although rendition flights break many other international agreements as well.

We believe that there are sufficient grounds to justify a full police inquiry; there is more than enough evidence. The evidence from Amnesty International has been mentioned over and over again. Let me quote the Amnesty briefing:

"On 15th December, Amnesty International stated that the UK had allowed the CIA to operate flights on its territory to transport terrorism detainees illegally. The context for the statement was the mounting evidence that suspects were being flown in planes operated by CIA 'shell companies' to countries where they were liable to be tortured.

"The Amnesty statement named several men it said had been abducted by the CIA and flown to Jordan and Egypt as a programme of "extraordinary rendition." In each case a Gulfstream V, registration N379P, had stopped to refuel at Prestwick airport, Scotland, on its way back to the United States after dropping off its passengers, it said.

The organisation cited the case of Jamil Qasim Saeed Mohammed who was reportedly seen being bundled aboard the CIA plane by masked men in Karachi on

October 23, 2001. The plane then flew to Jordan and the following day, now without its passenger, it flew to Prestwick and then on to Dulles International Airport near Washington.”

Prestwick is not many miles from where I live.

The briefing continues:

“Amnesty said that on January 12, 2002, Indonesian security officials saw Muhammad Saad Madni being put on the plane in Jakarta and flown to Cairo.”

Those people have now disappeared, but many other cases of the same type could be cited. Scott Barrie should note that Amnesty International has done its research and has the evidence that he asked for.

Those facts and the fact that the chief constable of Greater Manchester police, Michael Todd, is currently leading an inquiry make the case for a full police inquiry in Scotland. If Greater Manchester police feel that it is important to carry out an inquiry, why cannot we have an inquiry in Scotland? The Danish Government has made it crystal clear that the CIA can no longer use its country's airspace; we could do the same. The Swiss Parliament has opened an inquiry and similar inquiries have been opened in Italy, Spain, Sweden, Poland, Iceland, Finland, Hungary, Norway and Romania. If all those countries can have inquiries, why cannot we? If they have evidence, why cannot we believe the evidence that we have been given. Is that because of political manoeuvring? I believe that it must be.

Hugh Henry has previously stated:

“the Minister for Justice, the First Minister and the Executive have explicitly stated that we find torture abhorrent and do not support it in any shape or form. If there is evidence that torture has taken place, it should be—and must be—dealt with as soon as possible in the most vigorous manner.”—[*Official Report*, 9 December 2005; c 21579-80.]

Will the minister deal with it now? Will he now believe that the evidence exists and ensure that it is passed to the right people? He should speak to Chris Ballance, who has already put some of the evidence in front of the authorities.

Scott Barrie talked about dividing lines. The only dividing line that I can see in Parliament is that some members do not, for political reasons, want to accept the evidence. They should open up their minds and move forward, so that we can ensure that the people of Scotland are represented. On Sunday there were demonstrations in Glasgow, Edinburgh and Prestwick. Those demonstrations were well attended by many ordinary people—they were not all politicians or political activists, but people who care about what is happening in our country. I say to Scott Barrie that we need action not words, and that we have the evidence.

There is a need for the Lord Advocate to compel the police to act. He is in a position to do so. Contrary to what was said earlier, evidence is in the hands of both the UK intelligence services and the Foreign and Commonwealth Office. It is not disputed that CIA flights land at Scottish airports. I am amazed that Phil Gallie accepts the Foreign Secretary's assurances on that point. I hope that he has been listening to what we have said and that he will change his mind.

Jim Wallace talked about Shannon airport and about Amnesty International. The evidence exists—I just wish that members would open their minds. We have had a good debate and there have been many positive and strong speeches. I thank the members who made them. Sandra White really broadened out the debate and Chris Ballance's speech made some people shift in their seats. The evidence exists and has been produced. I call on members to support the SSP motion.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:42

Sustainable Development Strategy

1. Robin Harper (Lothians) (Green): To ask the Scottish Executive by what proportion it estimates that Scotland's ecological footprint will be reduced by 2015 as a result of its sustainable development strategy. (S2O-8599)

The Deputy Minister for Environment and Rural Development (Rhona Brankin): The ecological footprint powerfully illustrates how our way of life puts pressure on the world's natural resources. However, it is not yet a sufficiently robust statistical measure to be used as the basis for target setting in its own right. The actions and commitments in our sustainable development strategy and its main delivery programmes will between them help us to reduce the main elements affecting the size of Scotland's footprint, by becoming more energy efficient, reducing waste and being smarter about what we consume.

Robin Harper: It is the opinion of many people that separate targets would be extremely useful if they were set across the board. Does the minister agree that the admission by the Executive in the news release launching the strategy that

"If everyone on Earth lived the same way"

as us,

"it is estimated that three planets would be needed to sustain us"

is particularly striking? Can she outline how the Executive intends to ensure that the strategy becomes a touchstone for all Executive departments and does not end up just gathering dust somewhere on a shelf in Victoria Quay?

Rhona Brankin: We are absolutely committed to making Scotland an exemplar of sustainability, which will protect our natural heritage and resources in the long term, reduce our impact on the global environment and, importantly, improve the quality of life for individuals and communities throughout Scotland. That requires action on the part of all of us—Government, business and consumers—so that we all live more sustainably. We need to take action through education and opportunities for lifelong learning, but we also need to be much clearer about what sustainable development means. I agree absolutely that we must commit ourselves to improving sustainable development and integrating it into the work of the

Government and the wider public sector, right across the board. That is exactly what we intend to do.

Memorandum of Understanding and Supplementary Agreements

2. Margo MacDonald (Lothians) (Ind): To ask the Scottish Executive whether it plans to review the operation of the memorandum of understanding and supplementary agreements. (S2O-8559)

The Minister for Parliamentary Business (Ms Margaret Curran): The United Kingdom Government and the devolved Administrations have always been committed to keeping the text of the memorandum of understanding under review. The memorandum is working well and no wide-scale review is considered necessary at present.

Margo MacDonald: I am disappointed by the minister's reply, because she knows as well as I do that she is one of the few ministers to have had a meeting under the concordats. I should explain to the chamber that the memorandum is meant to be the mechanism by which we ensure that there is joined-up government between the southern Parliament and the devolved Parliaments. I recently asked for a complete list of the meetings that have taken place. The answer: zilch, apart from meetings that were held to discuss Europe.

The Presiding Officer (Mr George Reid): A question, please, not a statement.

Margo MacDonald: I ask the minister to think again and say why she thinks that the Home Office can with impunity make the sort of announcement that it did about 90-day detention without having a meeting under the memorandum.

Ms Curran: Margo MacDonald has reached her conclusion without fully appreciating the work that the Executive undertakes or its relationships with the UK Government. We have regular discussions with the UK Government on a variety of issues and across a variety of portfolios. We are in regular contact with our colleagues. We resolve a number of issues with them prior to any public discussion and we continue to discuss issues when matters go into the public domain and are discussed in both Parliaments. I am sure that I speak on behalf of all my colleagues—even though there are two parties in the Executive—when I put on record that we have very constructive and very positive relations with the UK Government, which is as committed as we are to ensuring that devolution works. Look at the track record—it is working. That is a sign of the positive relationship.

Cancer (Waiting Times)

3. Margaret Smith (Edinburgh West) (LD): To ask the Scottish Executive what action it is taking to reduce waiting times for cancer treatments. (S2O-8592)

The Minister for Health and Community Care (Mr Andy Kerr): As I have said many times before, the 2005 cancer waiting time target is a big challenge for the national health service. We set a stretching target and recognise that it is difficult to meet. NHS boards are well aware that meeting the cancer waiting time target is a high priority and that they must take action wherever it is needed to drive waiting times down. For example, they have put in place trackers to track all urgent referrals from initial referral through a range of diagnostic services, such as lab tests and imaging, up to the point of first treatment.

There is no doubt that the £25 million of recurring resources that we have put in is making a difference and it is backed up by £50 million of additional resources for diagnostic equipment. Nonetheless, the situation is being closely monitored and I have made it clear to NHS boards that I want to see continuing improvements as quarterly performance information comes through.

Margaret Smith: I thank the minister for that full answer. Real progress has been made on waiting times, but cancer waiting times remain more disappointing than most. The Scottish Executive has said that breast cancer patients in Scotland should wait no more than two months from the date of urgent referral by their general practitioner to the start of their treatment. In light of the fact that Edinburgh's Western general hospital in my constituency has a maximum wait of 88 days, while Aberdeen royal infirmary has a maximum wait of 276 days, what action is the Scottish Executive taking, working with boards, to end what is in effect a postcode lottery for the treatment of breast cancer patients in Scotland?

Mr Kerr: In addition to the £25 million of on-going resources for the cancer action plan and the subsequent £50 million for diagnostic equipment, which will make a substantial difference, we are working much more closely with boards. We are in regular contact with the outlier boards that are not performing as they should.

Dealing with waiting times for cancer is extremely difficult in many different ways. Of course we want to meet the needs of patients as best we can. People with cancer present in different ways, so it is difficult to track and trace them in the system. Also the aspect of individual treatments lead to some difficulties in the system.

Going back to first principles, since June we have had a clear action plan for boards to ensure that they deliver on the target. We are putting in

resources. In Grampian, the additional consultants will make a substantial difference. However, the target is challenging and we know that we have a problem to deal with. I am ensuring that boards are aware of that. We should remember that the numbers that we are talking about are from June, not December.

Mrs Nanette Milne (North East Scotland) (Con): The minister to some extent answered the question that I was going to ask. Given how worried patients who might have cancer are, does the minister have any idea how long it will take to get waiting times down to an acceptable level?

Mr Kerr: The target that our NHS boards are to meet is the December 2005 target. We will report to the Parliament as and when the results against that target come in. The issue is one of getting into place all the people, equipment and resources that are needed to achieve the target. I want to maintain the pressure on our boards to ensure that we deliver.

As I indicated in a previous answer, I also want to look at why it is taking such a long time for some people to report into the system. Although three out of four patients are getting the treatment that they deserve and we are delivering for them, it is very unfair and unfortunate—and bad for the people involved and their families—that others are having to wait longer. I want to look specifically at the outliers to determine the exact reasons for the long waiting times.

By using trackers, we can ensure that, as the cancer patient comes into our system, whether they are referred by a general practitioner or come from elsewhere in the system, we get them and work them through the system—through the diagnostics and treatment—as effectively as we can. We are making huge efforts, but it is not good enough. We are working to resolve the situation. That reflects exactly the point that the member made about the worry and concern for individual patients and their families.

Richard Lochhead (North East Scotland) (SNP): Will the minister comment on the situation at Aberdeen royal infirmary, which appears to have the longest waiting times for breast cancer treatment in Scotland? Will he hold conversations with the bosses at Grampian NHS Board to see what can be done to reduce those waiting times? Local representatives have had many representations from constituents about long delays. As the minister well knows, there is no more anxious time than that spent by a woman who is waiting for breast cancer treatment.

Mr Kerr: As I indicated in my reply to a previous question, I acknowledge the problems in Grampian. The board has had particular difficulties in recruiting an additional surgeon and in filling a

consultant radiologist post. However, given that the new consultants are now in place, the board has assured me that improvements will be made over time. I am in regular contact with it on the matter. In due course, I expect not to see a big difference between its performance and that of the rest of Scotland.

Pre-school Children (Health Checks)

4. Susan Deacon (Edinburgh East and Musselburgh) (Lab): To ask the Scottish Executive what plans there are to change the arrangements for health checks of pre-school children by health visitors. (S2O-8531)

The Deputy Minister for Health and Community Care (Lewis Macdonald): We published guidance in April to implement recommendations from the fourth edition of "Health for all children"—Hall 4—which is a United Kingdom-wide review of child health screening and surveillance. Under the recommendations, there will be a minimum universal programme of health checks for every child in Scotland, with enhanced support for those families most in need.

Susan Deacon: Does the minister agree that it is vital that parents understand the changes that are taking place in this area and the reasons for them? Will he look at the way in which the information is being communicated to parents? In particular, will he ensure that health visitors are kept fully apprised of the revised arrangements so that they can communicate the information effectively, accurately and timeously to the people with whom they work?

Lewis Macdonald: I absolutely agree that it is vital that people should understand what is involved in the new recommendations. It is for that reason that we are producing a leaflet for distribution to parents across Scotland. Local health boards will adapt it to include local information. Boards will put in place implementation plans and work with staff to ensure that they understand fully the implications of the new recommendations that are being put into force. It is important to say that judgments will be made on the basis of the needs of families. Every family will receive the support that the assessment of that family's needs indicates that it requires.

Fiona Hyslop (Lothians) (SNP): Does the minister acknowledge the shocking levels of obesity and dental decay among young children, even among pre-school children? Cutting the number of visits that health visitors make from six to four will not help that situation. I agree that it is important that vulnerable children are targeted, but the Executive should be going forward with a progressive early intervention strategy. As far as health checks for young people are concerned, it should not be robbing Peter to pay Paul.

Lewis Macdonald: That is either a complete misunderstanding or a misrepresentation of the position. The Executive is putting the focus on the families who most need support. It is possible to take an abstract position on the matter and say that support should be increased for some and, at the same time, remain unchanged for others. However, if we are serious about focusing resources where they are needed, we will have to follow through in practice. That is exactly what the recommendations will do.

Fire Service Control Rooms

5. Marilyn Livingstone (Kirkcaldy) (Lab): To ask the Scottish Executive when it plans to report on the consultations on the future of emergency fire service control rooms in Scotland. (S2O-8540)

The Deputy Minister for Justice (Hugh Henry): We are currently considering the conclusions of further work that was undertaken in response to our initial consultation exercise on the review of emergency fire control rooms in Scotland. In addition, we have asked Her Majesty's chief inspector of fire services to produce a report on the Scottish fire and rescue services' ability to cope with the communications challenge of a major emergency in light of the bomb attacks in London on 7 July. We will make an announcement to Parliament and stakeholders in due course.

Marilyn Livingstone: I know that the minister is aware of the widespread concern about the future of the control rooms throughout Scotland. Is he aware of the concern in my constituency that the innovative approach that has been implemented by Fife fire service and control room staff to reduce response times is not lost? I ask whether local knowledge, which is crucial, will be given the priority that it deserves in the consultation process.

Hugh Henry: Local knowledge is a key feature in the ability to respond quickly, but so too is having access to the appropriate level of technology and information. It would be remiss of us not to reflect on the consequences and aftermath of the London bombings. We need to ensure that our infrastructure is capable and that our staff are well trained—they are and they do a fantastic job—and we need to take the time to get it right and consider all relevant factors.

Bruce Crawford (Mid Scotland and Fife) (SNP): It is now about 16 months since the minister promised that there would be a full consultation on emergency fire control rooms with all stakeholders. Is he aware that while the fire control room operators' futures hang in the balance, anxiety and concerns grow?

In March, Scottish Executive technical efficiency notes were published that said that when

decisions were made, savings would begin to flow. Does the minister accept that that statement served only to heighten concerns and anxieties about the Executive's intent? To help to dispel those fears before Christmas, will he simply tell us that he will not accept the Mott MacDonald report that called for three or fewer control rooms? Will he confirm that he understands that a reduction in the number of control rooms to that level would lead to fewer staff dealing with more calls, leading to increased response times and, inevitably, increased numbers of deaths and injuries?

Hugh Henry: I find that statement shameful, shocking and utterly irresponsible. I acknowledge the anxieties that are caused people by uncertainty about their future. However, if we are a mature organisation and a Parliament worthy of that name, it is incumbent on us to take time to make the right decision. We need to reflect on serious events and ensure that money goes to the right places for the right equipment. Some of the investment decisions that we need to make will have to be substantial. It would be wrong of us to behave in the way that Bruce Crawford suggests. We need to get it right so that we protect people throughout Scotland.

Domestic Abuse Court

6. Michael McMahon (Hamilton North and Bellshill) (Lab): To ask the Scottish Executive, following the initial experience of the domestic abuse court in Glasgow, what plans there are to extend the project across Scotland. (S2O-8546)

The Minister for Communities (Malcolm Chisholm): We are one year into a two-year pilot and the evidence so far is very encouraging. We have commissioned a two-year evaluation that will report in early 2007.

Michael McMahon: I am sure that the chamber welcomes the success of the domestic abuse court. Coupled with the success of the youth court, it shows that the Scottish Executive is developing its court services in a positive manner. However, I am sure that the chamber would like assurances that the resources that are required to ensure that the success of the Glasgow project will be rolled out throughout Scotland will follow.

Malcolm Chisholm: I certainly hope that the rest of Scotland can benefit from the positive lessons that we are learning from the pilot in Glasgow. I was pleased to be at its launch and at the first-anniversary conference recently. It is clear that the specialist knowledge in the domestic abuse court brings great benefits to the women who suffer from domestic abuse. Matters are being dealt with faster, there is a high conviction rate and, crucially, the ASSIST support project provides the necessary support to women who go through the court.

In the recent debate on violence against women, I quoted one woman's heart-rending comment:

"I have suffered over 40 years of abuse and rang the police for the first time after reading about ASSIST and the DA court in the paper."

In passing through the court, men—the perpetrators—are getting the message that such abuse is a crime that the court takes seriously and which we will not tolerate. That message will be restated in the media campaign that will be launched on boxing day with new television adverts.

First Minister's Question Time

12:00

Prime Minister (Meetings)

1. Nicola Sturgeon (Glasgow) (SNP): To ask the First Minister when he will next meet the Prime Minister and what issues they will discuss. (S2F-2019)

The First Minister (Mr Jack McConnell): Presiding Officer, I start by wishing you and your family a very merry Christmas and wishing all members of the Parliament a very happy new year.

I have no immediate plans to meet the Prime Minister.

Nicola Sturgeon: As we know, this is the time of year for handing out awards. Does the First Minister agree that the book of the year is "Lucky Jack: Scotland's First Minister"? It tells us that the First Minister feels neglected by the Prime Minister. One of the First Minister's friends said that

"People would be shocked if they knew how little they spoke"

and that Tony Blair

"has absolutely no interest in what we do."

Is that the explanation? Is it because Tony Blair ignores him that he was so desperate to meet the new Conservative party leader this week?

The First Minister: At least David Cameron was in Scotland, which is more than can be said for Alex Salmond. The Prime Minister and his Government do a great job for Scotland and I am happy to support them always.

Nicola Sturgeon: My next award is speech of the year. Does the First Minister agree that that should go to the Prime Minister for his speech in Scotland, to a Scottish audience, boasting about improvements in the English health service? Does he remember that the Prime Minister also made fun of him in that speech? "Lucky Jack" tells us that the First Minister was "livid" and that he said:

"I would never publicly humiliate a colleague like that ... and he would never do it to anyone else".

That may be so, but I suggest to the First Minister that, while he was licking his wounds, one important question was never answered: why are waiting time targets in Scotland still double the length of those in England?

The First Minister: That is not true. I remember that in speeches and in questions at question time Ms Sturgeon challenged our target for ensuring by 31 December 2005 that no in-patient or out-patient

in the Scottish health service waited longer than six months to have their guarantee of consultation or treatment met. I hope that she will congratulate us when we achieve that.

Nicola Sturgeon: Of course, that target will be met only by neatly excluding the 35,000 patients on hidden waiting lists.

I move on to my personal favourite of the awards—empty promise of the year. There was hot competition for that, but again the winner comes straight from the pages of "Lucky Jack". Does the First Minister recall writing to make it clear to the Prime Minister that, unless he agreed to pick up the costs of the G8 summit, the First Minister would attack him in a public statement? As we all know, the Prime Minister did not pick up the tab and Scotland has been left to foot the bill. I give the First Minister one last opportunity to stand up for Scotland and to make that statement.

The First Minister: I have not read the book and I am not sure whether there is any good material in it, but I am sure that Ms Sturgeon could have found something better than that for the final First Minister's question time of the year. We could have chosen all kinds of quotes about the Scottish National Party's performance this year from books, articles and commentators, including those that I quoted in the chamber earlier this month about the absolute incoherence and incompetence of the SNP's economic policies and its disastrous general election and by-elections in September. However, it is Christmas time—we want to concentrate not on the negative, but on the positive things that have happened this year.

For the first time in a generation, we have a growing rather than a declining population. We have waiting time targets of six months for in-patients and out-patients, both of which will be met. We have school results that have improved for yet another year. Ms Sturgeon talks about awards. We have universities that are winning awards the world over and are being cited as among the very best across the globe. Ms Sturgeon fought tooth and nail against the use of antisocial behaviour orders and the new powers that the Parliament passed, but they are making a difference in our communities and are helping people to stand up against the few who create misery.

That is good news about Scotland this year, but the best thing about Scotland this year has been the compassion and generosity that ordinary Scots have shown. It is unfortunate that, occasionally, not all members have shown such compassion and generosity. Ordinary Scots have been compassionate and generous to Africa, as well as following the tsunami last year, the earthquake earlier this year in Pakistan, Kashmir and India and other disasters and problems elsewhere in the

world. We are proud that Scots have shown their better side this year.

Nicola Sturgeon: Scots are indeed fantastic people. However, the First Minister should show a bit more gratitude. There are two full shopping days until Christmas and “Lucky Jack” has never been given as many plugs as I have given it today.

I draw this year’s hostilities to a close by wishing the First Minister, the Presiding Officer and everyone else in Scotland a very happy Christmas.

The First Minister: I am sure that Ms Davidson is grateful for the publicity for her book.

I reiterate what I said earlier. I wish the Presiding Officer and Ms Sturgeon a very merry Christmas. However, I hope that Ms Sturgeon cheers up a bit in the new year.

Cabinet (Meetings)

2. Miss Annabel Goldie (West of Scotland) (Con): To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive’s Cabinet. (S2F-2020)

The First Minister (Mr Jack McConnell): At the next Cabinet meeting, we will discuss our plans for the new year.

Miss Goldie: I hope that that discussion will be fruitful. As the First Minister and I know, meetings can be very fruitful.

I turn to more serious matters. I am sure that the First Minister was as horrified as everyone else by the story that appeared in yesterday’s press about two 13-year-old girls who were found unconscious in the snow in Aberdeen suffering from acute alcohol intoxication and hypothermia. The police observed that they were lucky not to die. Does he accept that what happened is a shocking symptom of a much wider problem associated with alcohol misuse in Scotland? In Scotland, alcohol-related deaths have risen by 29 per cent since 1999 to more than 2,000 last year and drinking by 13-year-olds has increased by 100 per cent in the past decade. Does he accept, at this time of year in particular, that we all need to promote responsible drinking and to do everything that we can to help to address such a serious social issue?

The First Minister: Absolutely. I thank Miss Goldie for her efforts in arranging meetings this week in the Parliament. I hope that she will attend any such meetings in the future and assure her that reasonable requests for meetings are always accepted by the First Minister.

I turn to the important issue that Annabel Goldie has raised. The Parliament has taken a number of important steps this year to help to tackle what has become an increasing problem in Scotland and

elsewhere in the developed world over more than a decade. The action that we have taken this year to curtail binge drinking through passing the Licensing (Scotland) Act 2005 and our actions in passing the Antisocial Behaviour etc (Scotland) Act 2004 to give the police and others more powers to deal with such problems in communities are important in themselves, but it is equally important that we continue to stress the role of families and people in the community as well as the importance of instilling personal responsibility in teenagers. It is critical that we not only pass laws in the Parliament, but give a lead on important social issues of the day.

Of course I welcome Miss Goldie’s call for a responsible approach to alcohol over the festive season. In particular, I urge everyone to do all that they can to avoid driving after they have been drinking and to ensure that others do not drive after drinking.

Miss Goldie: I certainly welcome any measures that are introduced to make it harder for teenagers to get hold of alcohol. However, I am concerned about how teenagers such as the two girls in Aberdeen are dealt with. Apart from the desperately worrying nature of the case itself, the apparent response to the potentially tragic incident was deeply troubling. I understand that a letter was sent to the parents of the girls telling them that, if something similar happened again, the girls would be referred for counselling. Accepting that it could happen again implies that there is a clear risk that the two girls could die, as the situation in which they found themselves was critical.

Will the First Minister acknowledge that the type of binge drinking that the girls indulged in—and, according to the statistics, many other 13-year-olds throughout Scotland indulge in—places them at risk? Does he not feel that those girls are exactly the sort of children who should be referred to the children’s panel, which would ensure that they were on someone’s radar screen and could receive all the help that they need?

The First Minister: The issue is deadly serious and I share Annabel Goldie’s concern. I believe strongly that those in authority—with firm guidance from the Parliament and with a clear legal framework—should exercise their judgment in individual cases and take the appropriate action in relation to the lives of young Scots. I am sure that several factors are taken into account in each case. I believe, as I have said on many occasions since becoming First Minister, that the legal framework in this country needs to be tougher on those who break the law and on those who disrupt our communities. It also needs to be tougher on parents who do not exercise their responsibilities properly in giving their youngsters a lead. There is a clear responsibility to be taken in the home as

well as in the community. I believe that each case should be dealt with on its merits. I hope that the authorities, when making their decisions, take proper account of the danger that binge drinking poses to the individuals concerned. That is very much part of the risk assessment to which Miss Goldie refers.

Miss Goldie: There is no disparity between what the First Minister and I believe on the issue: there is a clear desire to make progress. The sad fact is that abuse of alcohol plays a major role in social disorder in Scotland. If we do not nip the problems of alcohol misuse in the bud, we will store up trouble. It would be wrong to comment specifically on the desperate case of the two 13-year-old girls, but my concern is that that case may be the tip of the iceberg. There is a level of invisibility whereby such young people do not feature on anyone's radar screen, which is why I ask the First Minister whether he agrees that children's panels should have a much more prominent role in dealing with the problem of drinking among that age group.

The First Minister: I will certainly ensure that the plans that we are developing for the reform of the children's hearings system take that point into account—if it is appropriate to hold a meeting with the minister on the details, I am sure that one can be arranged. I stress that we in the chamber have a responsibility as legislators to ensure that the legal framework is right and that public authorities carry out their responsibilities properly. We need clarity on the responsibilities of those who run off-licences, pubs and licensed premises and we need to ensure that they exercise those responsibilities. Those in the community who buy drink for young people, those who walk past young people who are drinking and do nothing and those in the home who do not give their youngsters an appropriate lead all have to share responsibility for the problem of underage drinking. Politicians and Government have a real responsibility, but so do individuals. If we are to deal with the problem of alcohol abuse in Scotland, we need more than new laws; we need a new culture of responsibility and respect in our communities.

The Presiding Officer (Mr George Reid): I will take two and possibly three urgent supplementaries.

Richard Lochhead (North East Scotland) (SNP): I draw the First Minister's attention to the fishing talks that concluded this morning in Brussels. Will he accept that, although everyone welcomes the significant increase in the prawn quota, 2006 will be an extremely difficult year for many of Scotland's fishing communities? Will he explain to our fishing communities and to the chamber why, at a time of record haddock stocks and when Ross Finnie promised no more cuts in

quotas, Brussels has given Scotland its lowest ever haddock quota? What steps will the First Minister take to ensure that the damage that was inflicted this morning on Scotland's fishing communities, its catching sector and its fish processors will not lead to further job losses?

The First Minister: I suspect that Richard Lochhead had that question prepared before the negotiations had even begun, given his track record in the area and his inability to recognise the significant achievements in the negotiations this week by Ross Finnie and those who worked with him.

I take this opportunity to lay out in some detail to the Parliament what has been agreed. Our priority was to secure a balanced deal that acknowledged the vulnerability of the cod stock but provided improved economic opportunities for Scotland's fleet. We rejected a proposed 15 per cent cut in days at sea, securing a much improved figure of 3 per cent. That figure could indeed be further reduced to 1.1 per cent with the development of an enhanced scientific observer programme to build on our knowledge of key fish stocks.

Crucially, the programme that we have agreed will encourage other member states to do more to meet conservation targets. It will also help to establish greater equity in effort reduction and to make our industry more sustainable, more profitable and better managed. The final agreement included a clear commitment from the Commission to review the important monkfish allocation in mid-year on the basis of improved scientific assessment.

The 13.2 per cent reduction in the haddock quota reflects the revised scientific assessment and must be considered against earlier proposals for a 41 per cent reduction. We should not forget that we secured a substantial increase in the nephrops quota—to 32 per cent in the North sea and 39 per cent on the west coast. That balanced deal was achieved only through close co-operation with the industry, the regional advisory councils, scientists and other fisheries stakeholders. We look forward to building on that partnership as we look again at the cod recovery plan in preparation for next year's fisheries council.

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): When Ross Finnie appeared before the Environment and Rural Development Committee on 14 December, I asked him specifically about the Brussels negotiations and whether he was determined not to lose any more days at sea. His answer was:

"In relation to the white-fish fleet, I am absolutely adamant about that."—[*Official Report, Environment and Rural Development Committee*, 14 December 2005; c 2559.]

He said that he was “absolutely adamant”, yet just a week later we are witnessing yet another cave-in, with the minister conceding yet another five days. How can our beleaguered fishermen believe anything that they are told by the Executive?

The First Minister: I hope that our beleaguered fishermen do not believe anything that they are told by either the Tories or the nationalists. The absolute deception of both parties—one saying that we should reduce Scotland’s influence in the European Union by becoming a separate state, the other saying that we should take Scotland out of the common fisheries policy and not even be part of the negotiations—has to be seen to be believed.

Negotiations are always difficult, but this week’s outcome is outstanding in relation to the original proposals. An original proposal was for a 41 per cent cut in the haddock quota, but that is now down to 13.2 per cent. There has been a substantial increase in the nephrops quota and there will be an opportunity in mid-year to do something about the monkfish allocation. In addition, there has been the potential reduction in the cut in days at sea from 15 per cent to 1.1 per cent. That has been a considerable achievement. Just for once, I ask people to stand up in the chamber and say, “Well done, Ross.”

Mr Alasdair Morrison (Western Isles) (Lab): Well done, Ross Finnie.

Does the First Minister agree that the increases of 39 per cent for prawns and 13 per cent for herring on the west coast have been secured on sound science and not nationalistic ravings? The increases prove that our strategy since 1997 has been correct. They will allow the Western Isles to make substantial progress once our regional management committee is established next March.

The First Minister: I bet that we never thought that we would hear Alasdair Morrison saying “Well done” to a Liberal Democrat minister, but he has done it and that is very welcome.

Of course the increases are important for both the east coast and the west coast and of course they are based on scientific evidence. That is the crucial point. The scientific evidence matters in negotiations. To dismiss or ignore it would damage the Scottish fishing industry because our position in the negotiations would not be credible. It would be a ridiculous position to take. It would mean further cuts and more drastic measures being taken against the Scottish fishing industry. The nationalists’ position would be a disaster for the Scottish fishing industry. It is only by counting on the scientific evidence and by negotiating hard where it really matters that we can make progress. We have done so again.

Equal Pay (Local Authorities)

3. Colin Fox (Lothians) (SSP): To ask the First Minister whether the Scottish Executive will fund the full implementation of equal pay across Scotland’s local authorities. (S2F-2031)

The First Minister (Mr Jack McConnell): Responsibility for the pay and conditions of local government staff, including compliance with employment legislation such as that on equal pay, rests with local authorities. The Minister for Finance and Public Service Reform is due to meet the Convention of Scottish Local Authorities in the new year.

Colin Fox: In the spirit of this afternoon’s proceedings, on behalf of the Scottish Socialist Party I extend my best wishes to the people of Scotland for a happy Christmas and a prosperous new year, when I hope that some of the prosperity will be shared out more evenly.

COSLA believes that the bill for ensuring that women are finally paid the same as men for doing jobs of equal value may be as much as £500 million. Given that no account was taken of that extra demand when the Executive set funding levels for next year, how does the First Minister suggest that local authorities should meet those obligations? Should they do it through huge council tax increases or by cutting services to the public and sacking workers?

The First Minister: I thank Colin Fox for his best wishes and extend my best wishes to him and his party. I am glad that he did not turn up to the Parliament today in his green outfit, as he might have been mistaken for an elf. It is good to offer best wishes on such occasions.

Equal pay is a serious matter but, ultimately, responsibility for the pay and conditions of local authority staff lies with the authorities. It is important not only that they take that responsibility seriously, but that we discuss with them the financial implications of what they intend to do. The Minister for Finance and Public Service Reform will do that in the new year.

Colin Fox: I, in turn, thank the First Minister for his kind words. The fact that he refused to meet Cindy Sheehan a fortnight ago but agreed to meet David Cameron two or three days ago shows us all where his priorities lie.

Perhaps the First Minister should reflect on the fact that in refusing local authorities funding for equal pay, he is forcing working-class women to seek justice through employment tribunals, for which they will engage one of the many sleek lawyers who represent clients on a no-win, no-fee basis. Is it the case that, as a result of following that dangerous path, the Executive may well end up paying a bill of nearer £700 million than £500

million? In the past year, the First Minister has often accused others of being guilty of empty rhetoric, but is he not guilty of that on this occasion, given that he says that he will support equal pay but will not fund it?

The First Minister: I do not think that I have ever accused the SSP of being guilty of empty rhetoric—it might be more accurate to say that it is guilty of having dangerous policies. We need to consider the content of what the SSP says very closely. For example, we know that it wishes to impose on Scotland a national services tax that would take all decision making away from local authorities and end local democracy as we know it. It is clear that the SSP is suggesting that we should do the same with the conditions of service and the pay of local authority employees. I do not agree with that. Local councils should employ their own staff and negotiate with the trade unions and professional associations, but ultimately we should discuss the financial implications of their actions with them and that is what we will do.

Security Measures (Grangemouth)

4. Cathy Peattie (Falkirk East) (Lab): To ask the First Minister what security measures are in place at Grangemouth petrochemical plant. (S2F-2028)

The First Minister (Mr Jack McConnell): The site operator, Innovene, liaises closely with Central Scotland police and Government security advisers, who are content that appropriate arrangements are in place.

Cathy Peattie: I recently wrote to all the emergency services to ask whether they are confident about major incident planning. To date the responses have been positive, but local people are still concerned. Will the Executive review the plans that are in place and will the Minister for Justice agree to meet me to discuss them?

The First Minister: When we have a role to play on such matters through the police and other agencies—we do not always have a role to play—we will be happy to continue to monitor the situation. We looked into the recent suggestions that there had been a breach at the site, which proved to be inaccurate. I am sure that the Minister for Justice would be delighted to meet Cathy Peattie to discuss the matter further. If any concerns remain, they can be raised at that meeting.

Local Enterprise Companies

5. Alex Neil (Central Scotland) (SNP): To ask the First Minister when the Scottish Executive expects proposals for the reorganisation of local enterprise companies to be announced. (S2F-2022)

The First Minister (Mr Jack McConnell): I understand from Scottish Enterprise that no date has been set for any announcement, as it is important that adequate consultation has taken place at all levels.

Alex Neil: Does the First Minister agree that it is essential for Scottish Enterprise to clarify what it seeks to achieve on city region development before it embarks on reorganisation? Does he also agree that simply to split Scotland up into east and west regions would fly in the face of our attempts to try to get Glasgow and Edinburgh to work together? Finally, does he agree that there must be a fundamental review of whether we should organise on the basis of geography rather than on the basis of the industry clusters that Scottish Enterprise is targeting?

The First Minister: Given the debates over recent years and the importance that we attach to growing the Scottish economy, it is important that we have an efficient and effective enterprise agency in Scotland, that that agency has a clear national focus on the industries that are most likely to lead to growth in the future and that we have efficient operation in our local offices and local enterprise companies. It is also important that any decisions are made following full consultation inside the network, with business and, of course, with Government. That is what we will ensure happens. I note that Mr Neil and others in the Scottish National Party have already been campaigning against what they suspect might be about to happen in future for the local enterprise companies.

Alex Neil: Margaret Jamieson has been campaigning against it as well.

The First Minister: Before Mr Neil shouts out too much, I will remind him what the SNP manifesto for the 2003 Scottish elections said about the party's proposed business rate cut. It said:

"The first stage of funding this will come from the resources released by the replacement of local enterprise companies in the Scottish Enterprise area with around half the number of regional offices, and other measures will be taken to fund this change."

He cannot have it both ways. The SNP cannot fight an election and get elected to the Parliament—albeit with depleted numbers—on a manifesto and then, as soon as Scottish Enterprise discusses even adjusting the local enterprise companies or the regional office network, start campaigning against that. The SNP must be more consistent than that if it is ever to be credible or if it ever wants to be treated as a serious party of potential government. Fortunately for us in Scotland, that is unlikely to happen.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Does the First Minister recognise the considerable value that rural enterprise companies add to the local economy of areas such as the one that I represent in the Borders? Will he ensure that the distinctiveness of that effective model in supporting vulnerable economies such as that of the Borders will receive Executive support, so that those companies are not absorbed into larger urban or city-based enterprise companies?

The First Minister: It is important that within the Scottish Enterprise network, and within the Highlands and Islands Enterprise network, too, we have a combination of national focus and local delivery. That is the objective that has been set for the consultation on the potential reorganisation. It is right that consultation takes place, not just with urban Scotland but with rural Scotland, as well as with the enterprise companies and all the other parties that are involved in the process. We want to get the enterprise networks right for the 21st century and for our top priority of growing the Scottish economy. The proposals that are currently under discussion at least merit that discussion and I believe that they will be adjusted in the light of the discussion, which will be a good thing.

Christine May (Central Fife) (Lab): How will the First Minister ensure that the review takes account of wider economic development opportunities across Scotland—including in Fife, where former coalfield regions such as Glenrothes and Levenmouth in my constituency are on the periphery of two metropolitan regions—rather than a narrow, city-centric approach, which might ultimately disadvantage Scotland?

The First Minister: A number of issues need to be dealt with as a result of the consultation. We must recognise the absolute importance of the cities of Scotland as the key generators of economic growth and we must recognise the regions surrounding them as the beneficiaries of and the complement to that. At the same time, in addition to the challenges that are faced in parts of rural Scotland, there are issues in places such as Fife about how to ensure that such areas can benefit from growth not only in the cities but in the towns. Getting the right industry focus on potential high-growth areas will be essential. Getting a network operation that supports and enhances that and makes it happen will be a challenge. I hope that, in the new year, we will be able to continue those discussions.

Murdo Fraser (Mid Scotland and Fife) (Con): Given that we now seem to have cross-party consensus in favour of efficient government, does the First Minister believe that it is still appropriate for Scottish Enterprise to have 12 individual local

companies, each with its own chief executive and board? Surely some slimming down would be a step in the right direction.

The First Minister: I am certain that the network could be even more efficient, although considerable savings have been made in Scottish Enterprise in recent years, all of which have been redirected into the important work that helps us to grow the Scottish economy. Of course, we have now had growth in the Scottish economy for every quarter since the 2003 election. The continuation of that is our number 1 priority in government. However, at the same time, it is important that we make the structure more efficient rather than abolish it, which of course is Murdo Fraser's policy. He has made it clear that

"The only correct Tory conclusion is that Scottish Enterprise should be abolished."

That would be bad for Scotland, although I am afraid that he clearly thinks that it is a good idea.

Alcohol-related Health Problems

6. Donald Gorrie (Central Scotland) (LD): To ask the First Minister what further action the Scottish Executive is taking to reduce alcohol-related health problems. (S2F-2037)

The First Minister (Mr Jack McConnell): Ministers are taking wide-ranging action to address alcohol-related health problems by encouraging personal responsibility and ensuring that early and appropriate help is available for those who need support. We are taking tough action to combat the negative impact of alcohol abuse in our communities. As I mentioned earlier, the Licensing (Scotland) Act 2005 will curtail the irresponsible promotions that fuel binge drinking and new powers in the Antisocial Behaviour etc (Scotland) Act 2004 will help the police and other agencies to deal with alcohol-related crime and disorder. Moreover, we have issued guidance making it clear that national health service staff have the option—it may be especially appropriate at this time of year—of withdrawing treatment from patients who are drunk and violent or abusive.

Donald Gorrie: That is encouraging. Experience with smoking in recent years has shown that, through the efforts of many people, it is possible to move public attitudes and opinions considerably. Will the Executive learn the lessons from that and try to repeat the changes with regard to alcohol, perhaps by focusing on younger people, who may be more open to argument, to persuade them that one can have a good time without getting paralytic and that violence, whether on the street or in the home, is absolutely unacceptable, so that we start changing attitudes towards the misuse of alcohol?

The First Minister: That is a valid point. Campaigns that we have run and are running and our efforts in schools and elsewhere with young people are designed to achieve that goal. We will continue with those efforts in the new year, backed up by a legal framework that, I hope, helps to give a clear signal about what is acceptable and unacceptable in today's Scotland.

As I stressed earlier in answer to Miss Goldie, personal responsibility is fundamental. One of the best things that we can do for young people in Scotland is to give them alternatives to the way of life that Donald Gorrie mentions. That is why we have created the national volunteering programme, project Scotland; it is why we have invested in colleges and universities and in training and employment and made efforts through schools to ensure that young people take on responsibility and make a positive contribution. It is also why we praise all the young people of Scotland who cared so much this year and who contributed to the make poverty history campaign and to Africa and the rest of the world. To ensure that young people have positive attitudes and a contribution to make is probably the best Christmas present that we could give them and their families this year.

Gas Work Notification Scheme

The Deputy Presiding Officer (Trish Godman): The next item of business is a members' business debate on motion S2M-3698, in the name of Andrew Welsh, on the gas work notification scheme.

Motion debated,

That the Parliament notes with concern the introduction by CORGI of a mandatory notification scheme for all new gas installations in April of this year; further notes that, whilst supporting all measures which genuinely improve gas safety standards, the Gas Work Notification Scheme does not serve to improve standards or to tackle cowboy traders, that it was conceived around the requirements of the Home Information Pack which will apply only in England and Wales and that it places a wholly unnecessary time and cost burden on Scottish registered gas installers, which in turn places an additional cost burden on their major customers, such as Scottish housing associations and local authorities, with no benefit to the Scottish customer; is concerned at the implications of the scheme for gas installers and consumers in Angus; is further concerned that the scheme was introduced by CORGI without due consultation with Scottish member organisations, and considers that the Scottish Executive should ensure that this scheme is withdrawn from Scotland.

12:34

Mr Andrew Welsh (Angus) (SNP): I appreciate the opportunity to debate this motion, which has generated support from members of all parliamentary parties. It addresses an issue that affects small and medium businesses and their customers throughout Scotland. At first glance, the issue may seem relatively minor or esoteric, but the reality is that it highlights both general problems concerning devolution functions and what happens when United Kingdom quangos fail to take account of the reality of present-day devolved government.

In April this year, the Confederation for the Registration of Gas Installers, which is the UK gas safety quango, introduced a new gas safety measure throughout the UK as part of its mandate to regulate the gas industry. When gas work is done by a CORGI-registered installer, the customer receives a certificate from CORGI to say that the work was done by a registered gas installer. While that may seem straightforward, there are three problems with the system for Scotland.

Under the CORGI notification scheme, whenever gas work is done anywhere in the UK, CORGI has to be notified and receive the paperwork, along with a fee. CORGI in turn notifies the local council that the work has been done. That process is based on building regulations in England and Wales, but those regulations do not apply in Scotland. There has never been such a requirement in this country, nor

has there been any indication that similar regulation will be forthcoming. The CORGI scheme also meets the requirements of the homeowner information pack, which requires certification of all gas works, but, once again, that is exclusively England and Wales legislation and it is not applicable in Scotland.

The gas notification scheme means that Scottish small and medium enterprises and their Scottish customers pay a heavy and unnecessary price in extra costs and bureaucracy for no gain in customer safety, based on regulations that do not apply in Scotland.

The first problem is obvious: CORGI is forcing English regulations and unnecessary cost burdens and bureaucracy on to Scottish small businesses and their customers. It is estimated that, to cover registration and the productivity time lost on registration, between £10 and £15 is added to the customer's bill for each gas appliance installed. Such an amount is a negligible proportion of the cost of a full central heating system, but when it is added to the cost of installing each gas cooker, fire or hob, it could, taking into account the additional VAT charged, increase the bill by as much as 30 per cent. That is especially the case if the firm provides only the labour element of the installation.

In short, Scottish small businesses are losing revenue through lost productivity time and Scottish customers are bearing additional costs due to the unnecessary implementation in Scotland of an England and Wales scheme. Local authorities and housing associations are also helping to meet the costs of implementing the scheme every time a gas appliance is installed. Over time, that will have a significant impact on the costs of and budgets for housing and other improvement schemes.

The second problem is that the method imposed by CORGI contradicts the views of the Health and Safety Executive. The HSE's fundamental review of gas safety in 2001 described CORGI's chosen approach as inefficient, cumbersome and costly. At a cost of £2.50 to £4.50 for each registration a gas fitter makes, and with an estimated 7 million to 8 million gas fittings a year, the scheme will cost between £17 million and £36 million to operate. That is money that for the most part will be taken out of small businesses; it will not add to public safety. The HSE believes

"this would be unduly bureaucratic and burdensome on industry, and would offer little safety advantages over the approach recommended."

According to the HSE report, a system in which individual installers issue the certification would be better, as it would be more cost-effective and easier to operate.

I commend the work done by the Scottish and Northern Ireland Plumbing Employers Federation and the Heating and Ventilation Contractors Association. SNIPEF, which represents the vast majority of CORGI-registered gas installers in Scotland, and the HVCA say that the scheme simply increases the cost to the consumer of any gas work and offers none of the safety benefits of a self-certification scheme. In short, the scheme has been identified at UK level and in Scotland as ineffective in increasing public safety and costly for consumers and tradesmen.

The third problem is the straightforward lack of consultation in Scotland. When I instructed my researcher to contact CORGI board members in Scotland to determine what level of consultation had taken place, he found that not one Scottish member of CORGI had been consulted prior to implementation. After that, I asked him to contact the other CORGI council members, as advertised on the CORGI website, to ask them what level of consultation took place. Out of the 16 responses he received, only four stated that they had been consulted. Of those four, only three were in favour of the scheme.

In addition, it was unclear from our research whether what was called consultation was genuine or was simply a *fait accompli*. The simple fact is that none of the bodies that represent Scottish interests were consulted prior to implementation. That clearly indicates that the scheme did not take the interests of Scotland into account.

To recap, I have three main concerns: the scheme flies in the face of HSE recommendations; it is based, in part, on legislation that is not applicable in Scotland; and there was a complete lack of consultation north of the border.

What can be done? I look forward to hearing positive proposals—and to action—from the minister today. First, I recommend that the scheme be withdrawn from Scotland in its entirety and replaced with something that is more amenable to the industry, which has recommended another approach. Secondly, proper consultation should be undertaken in Scotland to determine the needs and desires of all of the stakeholders in the gas industry in Scotland, from the consumer to the tradesman. Thirdly, the HSE's recommendations should be followed. Fourthly, there should be greater involvement by ministers and elected representatives, to ensure that unelected UK quangos are aware of the reality of devolved government and the needs of Scottish businesses and consumers.

My speech is not anti-CORGI; CORGI does a tremendous public service. I want only to correct an existing and obvious problem: we need a scheme that is less bureaucratic, meets HSE standards and is of less cost to small businesses

and the consumer. The sooner such a scheme is introduced with the agreement of the industry and its representatives, the better.

12:42

Eleanor Scott (Highlands and Islands) (Green): I am happy to speak in this debate, just as I was happy to sign Andrew Welsh's motion when he explained the issue to me. As he said, the issue is fairly esoteric, but I understood it at the time and felt that it needed to be addressed. Nevertheless, I do not think that I could have written an essay on the subject after signing the motion, so I am grateful to SNIPEF and the HVCA for giving me a briefing on the subject, which means that I now know a lot more about it.

As Andrew Welsh said, the charge was introduced without any consultation. It is not clear to me what purpose it serves in Scotland. For example, I would be interested to learn what Scottish local authorities do if they are notified. It seems to me that notification serves no purpose other than to add to bureaucracy and the bits of paper that are flying around.

The charges do not seem to be much, but the industry assures me that, when staff time and so on is factored in, they can amount to £16 to £20. In the context of an entire heating system, that might not seem much, but it is quite a lot to pay if only a cooker is being installed. Further, of course, the charge is levied not only on private companies but on bodies that are funded from the public purse, such as local authorities and registered social landlords. There is an issue about what we are paying this money for and why we are paying it at all.

It is clear that the scheme was devised with the situation in England and Wales in mind. It dovetails reasonably well with the information pack, but it does not seem to dovetail at all with the seller's information in Scotland. Nor does it include any element of quality control. In fact, there is a danger that the scheme might act against quality control because only CORGI-registered firms will have to go through it. I hesitate to use the term "cowboy", but outfits that are less well regulated and are of lesser quality will not be obliged to go through the process, which means that they will be able to charge less. I would hate standards to be driven down as a result of the scheme.

As Andrew Welsh said, CORGI does a good job and it is important that firms are registered with it, but the charge is levied only on initial installation, not on service. It just does not seem to make any sense.

Our small firms in this area of work have enough difficulties. They have difficulties getting involved

in the Government's central heating schemes, of which I am supportive. I would like small, local firms to be able to take part in those schemes a lot more. I do not think that they need any extra burdens.

There is an issue in the fact that the scheme was drafted at UK level. I do not fully understand the advantage of it even at the England and Wales level, but it clearly meshes in much better with the legislation there. In Scotland, the scheme is simply an extra bit—a blister on the side of other regulations that it does not relate to at all. It is pointless, punitive and illogical. If, through negotiations with Westminster and whatever the appropriate route is, we can get rid of the scheme, we will be doing our tradesmen and their customers a big service.

12:45

Euan Robson (Roxburgh and Berwickshire) (LD): I was Scottish manager of the Gas Consumers Council for some 12 years. Driving up standards in the gas installation industry was key to our remit at that time. I do not intend to rehearse what Andrew Welsh said so eloquently.

The CORGI scheme is overbureaucratic and costly, and it is perhaps not the way forward. Self-certification of installations, such as is conducted in the electrical contracting industry, is probably the way forward, but it is not simple in this case. It is possible for someone to install an entire central heating system apart from one element—the connection to the gas supply—without being CORGI registered. The registration relates to the connection to the gas network. Who takes responsibility for the installation and who signs off the certificate is a key component. Often, the person who carries out the first maintenance check has to certify that the whole system is working correctly. Self-certification is the way forward, but it is not as simple as it might be in the electrical contracting industry.

The need for CORGI to take account of the Scottish dimension is one of the areas in which there needs to be some change. In my time, it used to do that. I do not know what has happened since, but there has probably been some misunderstanding of the situation in Scotland. The Gas Safety (Installation and Use) Regulations 1994 have always applied throughout the UK, but building standards have not. Appliance installation instructions and British standards have applied across the board. There is some difficulty because of building regulations, but CORGI should be aware of that and it should have consulted more widely than it appears to have done.

It is fair to say that Scottish consumers should perhaps have had a better deal. Energywatch lost

the role of looking after gas appliances and customers' interests when the change from the Gas Consumers Council took place. If I am wrong about that, I apologise, but I believe that that is the case. If it is the case, it is something that energywatch should be given the authority and resources to take up again. We used to apply considerable pressure to the industry by pursuing court cases when there had been negligent installation.

Mr Welsh: Does the member accept that, when a United Kingdom quango deals directly with an English ministry, there is a danger that it forgets the reality of devolution? I have found that our small businesses in other aspects of industry have been affected, too. This is a wake-up call to say that the reality of devolution is such that Scotland should be consulted automatically.

Euan Robson: I accept what Andrew Welsh says. I do not understand what happened within CORGI, but there is a lesson to be learned.

Appliance installation is vital. A gas installation is a safe and efficient installation if it is properly installed. If it is not properly installed, the consequences can range from some cost and inconvenience to the consumer to a potentially lethal situation in a domestic dwelling.

Having seen the results of carbon monoxide poisoning—whether prolonged illness with no explanation, someone being overcome and taken to hospital on two or three occasions before being correctly diagnosed as having carbon monoxide poisoning, or a fatality—I understand very clearly the need for the highest of standards.

Although I accept what Andrew Welsh said, I do not know whether there is a ready solution to hand. There is a solution, but gas installations must be safe and efficient.

12:50

Murdo Fraser (Mid Scotland and Fife) (Con): I congratulate Andrew Welsh on securing the debate. I was happy to sign the motion, for which he obtained cross-party support before lodging it with the chamber desk. Although it refers specifically to Mr Welsh's Angus constituency, I believe that that was a device to get the motion through the chamber desk; the issue is relevant to all Scotland. I congratulate him also on the comprehensive case that he made for the change mentioned in the motion. In fact, he addressed the issue so comprehensively that he has not left me much to say.

The issue might seem to be esoteric and of little interest—the chamber is not exactly packed this afternoon—but it is important for the people who are involved and so seems to be an appropriate

subject for a members' business debate. I will be interested to hear what the minister has to say in response. Given that we are about to go into our Christmas recess, it is also appropriate to be discussing issues about the heating of our homes.

The introduction of the gas work notification scheme has placed more administration on registered gas installers, and that means more costs for local authorities, housing associations, customers and people right across the country. I am sure that everyone in the chamber would agree that the last thing that Scottish gas consumers need is higher, unnecessary administration costs, especially when there has been such a rise in energy prices across the board.

The scheme was introduced by CORGI in April 2005. It seems ludicrous that a scheme based on building regulations in England and Wales and aimed at installers there has been imposed on registered installers across Scotland. I would be interested to hear whether the minister thinks that that is right when Scottish building regulations do not require such a notification scheme. The gas work notification scheme does nothing to improve the safety standards for gas installation in Scotland, as is stated in the motion.

It would be interesting to hear about the Scottish Executive's contribution to any consultation in advance of the scheme's introduction and whether it expressed any views to CORGI. What action does the minister propose to take to try to resolve the issue? To be fair to the minister, I am not sure what locus the Executive has in this particular matter. As far as I am aware, CORGI is not a statutory body; it is a confederation of gas installers. However, I would expect the Deputy Minister for Enterprise and Lifelong Learning, as someone who is concerned about the impact of regulation on business, to be able to make representations to a private body and to express the concerns of Scottish businesses. The Parliament is about promoting the Scottish economy and that is a stated aim of the Executive. If the scheme is inappropriate and unnecessary, the Executive should be doing what it can to have it removed. There is no need to put additional costs on gas installers north of the border or their customers in the public and private sectors.

There is genuine cross-party agreement that the gas work notification scheme is inappropriate and should be withdrawn from Scotland. We must have high standards, but contractors and consumers are being unfairly penalised by the application of a scheme designed to meet requirements in England and Wales. With the evidence that is before us, it seems to be folly to continue with the scheme.

Christmas is coming. Would it not be a nice present for the gas installers of Scotland, and their customers, if the Executive was to ensure that the scheme is removed?

12:54

The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson): I join Murdo Fraser in congratulating Andrew Welsh on succeeding in getting the issue debated. I accept that it is probably not of major interest to everyone, but it is obviously of considerable importance to the people who are affected—but more of that later.

I have listened with interest to and noted the views of those who have taken part in the debate. I am also aware that four employer representative organisations that are CORGI council members—including the Scottish and Northern Ireland Plumbing Employers Federation, to which several members referred—were not content with the way in which CORGI introduced the gas work notification scheme. Such was their discontent that one of the four organisations submitted a claim for a judicial review of CORGI's decision, but the judge rejected the submission on the basis that CORGI had the vires to promulgate the scheme. Although the judge thought that—as Andrew Welsh mentioned—CORGI's consultation could have been more detailed, the judge also decided that the consultation was not sufficiently inadequate.

I do not agree with Andrew Welsh's fundamental analysis, but he is to be commended for his tenacity in keeping the issue alive through his parliamentary questions and today's debate.

Mr Welsh: The case to which the minister referred took place in the English courts. Is he not concerned that the fundamental problem is that United Kingdom quangos have not understood what devolved government means? If they continue to deal directly only with English ministries and ministers, there will be a problem. Is the minister happy to allow English building regulations to determine what happens in Scotland? Was he consulted?

Allan Wilson: That question was also asked by Murdo Fraser. We had no input to the consultation process. I will deal in due course with the other two issues that Mr Welsh has raised.

The message that I am trying to convey is that my officials have tried to be supportive throughout. They have kept in regular contact with the Health and Safety Executive in an attempt to gain a satisfactory solution. I hope that Andrew Welsh will accept that.

We are all keen to support measures that improve gas safety standards. That should go

without contradiction. However, if I may answer the question that Murdo Fraser asked, the Scottish Executive does not have the legal competence to take action directly by withdrawing the scheme from Scotland in the way that the motion suggests.

Putting those matters to one side, we need to consider the detail of the scheme—as ever, the devil is in the detail—before we consider the differences of opinion between CORGI and some gas installer organisations. The Greens suggested that the scheme was a pointless punitive measure, but Euan Robson took a more measured approach. It is fair to say that CORGI believes that, thanks to five factors, the scheme will help to tackle the problem of work being done by non-registered installers and will increase the credibility of registered installers.

First, the tightening up of the inspection process for registered installers will enable CORGI independently to select work for inspection rather than rely on installers identifying inspection sites. Secondly, the scheme will make it more difficult for illegal, non-registered installers to practise. The declaration of safety will enable CORGI to reinforce key safety messages and to increase consumer awareness of the need to use a CORGI-registered installer. Fourthly, the scheme will aid product recall and ensure that comprehensive, accurate information on installations and replacement work is available. Finally, it will assist with the identification and rectification of risk factors, such as common problems with installing a particular product, and will ensure that a comprehensive, accurate and centralised record of the work that has been undertaken is available. I put it to members, as reasonable men and women, that those are potential advantages to both the Scottish consumer and the industry.

UK installer bodies, including SNIPEF, believe that the scheme is flawed such that it will have no impact on the extent to which non-registered installers operate—as Andrew Welsh mentioned—and have expressed their concerns directly to CORGI, of which they are members.

CORGI is approved by the Health and Safety Executive to operate the statutory registration scheme for gas installers under the gas safety regulations to which Euan Robson referred. The HSE sets broad criteria under which the registration body—which, in this instance, is CORGI—should function, but it is open to the registration body to determine the detailed arrangements under which it operates its registration scheme.

That is how it should be. The criteria require CORGI to be constituted with a board of directors that is accountable to a “principal representative body”—the CORGI council. That arrangement was

put in place specifically to give organisations the opportunity to play a significant role in furthering gas safety and in representing their individual members. As a consequence, CORGI may carry out its activities free of control or interference from the HSE, subject to the criteria and its public law obligations. To respond to the specific point that Andrew Welsh made, most of us agree that that is how it should be.

Mr Welsh: The Health and Safety Commission summed up its view on CORGI's completion certificate scheme as follows:

"We believe that this would be unduly bureaucratic and burdensome on the industry and would offer little safety advantage."

Those comments strike me as pretty straightforward. Is the minister placing no weight on the Health and Safety Commission's views? Although he has no legal powers to intervene, he has the ability to gather together those involved in the industry in Scotland to try to thrash out a solution that is more suited to the Scottish situation.

The Deputy Presiding Officer: Minister, you are entering your last minute.

Allan Wilson: I crave your indulgence, Presiding Officer. Because of the complex nature of the debate, I would like to see it through to its conclusion. At the scheduled end of my speech, I will say something that relates specifically to the issue that Andrew Welsh has raised.

I have set out the relationship between CORGI, gas installers and the Health and Safety Executive. I take my relationship with all three very seriously. I have been advised that CORGI's core reason for introducing the gas work notification scheme is to enhance gas safety and that it was not solely conceived, as has been argued, around the requirements of the home information pack. As members have said, those requirements apply only in England and Wales, under the terms of the Housing Act 2004.

Irrespective of the position that one takes on the issue, the Housing (Scotland) Bill contained provisions, which we recently approved, that will allow ministers to make regulations prescribing documents that will have to be provided to potential buyers when a house is marketed in Scotland. The precise nature of the documents to go into purchaser information packs has yet to be developed.

Even if there is still a difference of opinion on the core reason for the introduction of the scheme, we need to accept that, in practice, all home owners can be pressed to provide information about gas installations in their homes when they offer them for sale. That is a salient point. In my view, it suggests that the gas work notification scheme is

of benefit to all home owners, irrespective of whether they are located in Scotland, England or Wales.

It is not for me, other ministers or the Health and Safety Executive to intervene. The HSE says that the introduction of the complete safety initiative and the gas work notification scheme is a matter for CORGI, its council members and members of the registration scheme. As I mentioned earlier, SNIPEF is a member of the CORGI council.

I thank Andrew Welsh for raising the matter for debate. I welcome the recent announcement by the HSE that it will undertake a new gas safety review and sincerely hope that all those who have an interest in the issue will have an opportunity to feed their views into the process. Recently I met Lord Hunt in London to discuss the matter. I spoke to him again only yesterday. He will be happy to consider, in conjunction with the review, the views that members and I have expressed in the debate.

The review will examine whether the current regulatory arrangements continue to provide an appropriate and—to respond to a point made by Murdo Fraser—cost-effective means of securing gas safety. A cost-benefit analysis will be carried out. The work will be taken forward through three research projects, one of which will review CORGI, focusing on the part of the organisation with which the HSE is concerned—the registration scheme for gas installers.

I hope that the review, the process and the research that has been instigated will address all members' concerns. They will have the opportunity to feed into the process. My officials and I will keep in close contact with the HSE in Scotland as that work progresses. I encourage everyone else to do likewise.

13:05

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Education and Young People, Tourism, Culture and Sport

Colyn Evans

1. Iain Smith (North East Fife) (LD): To ask the Scottish Executive how it will respond to the recommendations in respect of social work and related services of the joint Social Work Inspection Agency and Her Majesty's inspectorate of constabulary report on the Colyn Evans case. (S2O-8585)

The Deputy Minister for Education and Young People (Robert Brown): I cannot begin to imagine the torment that must have been visited on the Dewar family by the loss of their daughter in such circumstances. We owe it to them to ensure that the lessons from any mistakes are learned and acted upon. The SWIA and HMIC report follows an earlier report by Fife Council and the police. Both reports conclude that, although mistakes were made, the escalation of Colyn Evans's behaviour to the point where he committed murder could not have been predicted.

The SWIA and HMIC report identifies a number of issues, including some to be addressed by the Scottish Executive. Substantial work is already being done to address the issues, including work under the child protection programme, work by the youth justice strategy and the work that is being done on the management of sex offenders. In particular, the youth justice improvement group and the expert panel on high-risk young people, including those with sexually problematic behaviour, will report around March 2006. An inspection of Geilsland School has just been carried out and we await receipt of the report.

Iain Smith: The minister will appreciate that my constituents, the Dewar family, and the residents of Tayport are particularly concerned about the events that led to the death of Karen Dewar earlier this year. Does the minister agree that the joint SWIA and HMIC report identifies significant shortfalls in services that deal with children who exhibit inappropriate sexual behaviour? Secondly, does the minister agree that there is a major problem with people's transition from care to non-care services? In the case of Colyn Evans, there seems to have been a complete breakdown of support services at a time when he was at his most vulnerable because he was coming out of

residential care and into the wider community. That probably led to the circumstances that, sadly, led to the death of my constituent.

Robert Brown: I substantially agree with Iain Smith. The recommendations in the report concentrate on identification and risk assessment of, and planning for, young offenders, especially those with sexually aggressive behaviour. That is a particularly difficult area and there is a shortage of expertise on it throughout the country.

As I indicated, a professional group with expertise in adolescent sex offending has been set up to examine the issues and to produce a programme urgently to tackle, and to form a strategy for dealing with, the issues that arise. That will involve bringing on board the expertise of people who specialise in those areas. A risk assessment tool is available for dealing with adult sexual offenders, but it is not entirely appropriate for dealing with juvenile sex offenders. Part of the work, therefore, will involve refining the tool and assessing the availability of mechanisms for identifying, assessing and dealing with people who are in that particular position and increasing the system's capacity to handle them.

Tricia Marwick (Mid Scotland and Fife) (SNP): One of the greatest concerns about the case is that social workers failed to ensure that all the available information was placed before the children's hearing before Colyn Evans was discharged from supervision. The social workers' report appeared to understate any difficulties in relation to Colyn Evans's inappropriate sexual behaviour. Does the minister agree with the report's statement that professional staff should recognise their individual responsibilities for such matters? In the light of the catastrophic failures of judgment and action, is the minister concerned that no disciplinary action is being taken by Fife Council? If so, will the minister tell us what action he thinks the Executive should take so that, in the future, professional staff will be held to account for their failure to act in cases involving children and young people?

Robert Brown: Tricia Marwick makes some clear and sensible points, which have also been made in a number of reports. The issues of people falling between different services and the failure to identify and pass on information are fairly commonplace issues that are at the heart of the Executive's programme to address the child protection programme in particular. The problem also exists in other areas such as additional support for learning, on which a bill was recently passed in the Parliament.

I will not comment on the council side of things, because, as I have indicated, various inquiries, not least the inspection of Geilsland School, are ongoing. We will have to wait and draw our

conclusions when we see the outcome of some of those inquiries and hear whether the Lord Advocate has an interest in the matter.

At our level, we are concerned about learning lessons that can be applied nationally to ensure that we reduce as much as possible the opportunities for such a situation to recur.

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): Does the minister agree that the implications of the Colyn Evans case go far beyond the county of Fife and that the parents will not be satisfied until there is a full public inquiry on all aspects of the case? After all, it is relevant not only to Fife but to Scotland as a whole.

Robert Brown: There is no doubt that a number of issues arise from the case. Indeed, as I have indicated, the report's findings will have implications not only for the local authority in the immediate future, but for the police and the Scottish Executive. All those are helpfully laid out in the report. I have touched on the duties of the Lord Advocate, who, if he is minded to do so, can ask for a fatal accident inquiry to be carried out. However, the matter is entirely at his discretion and I do not wish to comment on it.

Following this episode and other incidents in allied areas, the Executive is keen to do everything that is humanly possible to prevent this sort of thing from happening again. I very much share members' concerns about some of these matters.

Education for Peace

2. Chris Ballance (South of Scotland) (Green): To ask the Scottish Executive what progress it has made in encouraging education for peace in schools. (S2O-8595)

The Deputy Minister for Education and Young People (Robert Brown): The current and planned approaches to the school curriculum aim to develop pupils with the capacity for thoughtful and responsible participation in political, economic, social and cultural life. Many positive signs of progress, including a focus on citizenship and anti-discriminatory issues, are central to the Executive's new anti-bullying schools information resource pack, which was distributed to schools in Scotland in June 2005.

Chris Ballance: As the minister is aware, a year ago, I secured a members' business debate on this subject, during which his predecessor made very encouraging noises. As this is the season of peace and new year's resolutions, I invite the minister to make a resolution to do at least one more thing to promote education for peace in schools. Moreover, is he willing to meet me and peace educators in the new year?

Robert Brown: I am more than happy to meet Chris Ballance and others on this matter if it is appropriate, and I suggest that he contacts my office in that regard.

Mr Ballance made a number of interesting suggestions in last year's debate, which I believe were followed up by correspondence with Euan Robson and Peter Peacock. However, Mr Peacock made it very clear that there is substantial potential for advancing the matter in the national priorities for education and the curriculum review. Indeed, many initiatives in that respect have been introduced across Scotland. For example, I recently attended the launch at an Edinburgh school of a promotional CD for a very impressive global citizenship pack. We are doing many things not just in the field of peace education, but in the more general area of citizenship education.

Childhood Obesity

3. Carolyn Leckie (Central Scotland) (SSP): To ask the Scottish Executive what new or revised policies it is considering introducing in relation to initiatives in schools to address the issue of childhood obesity. (S2O-8578)

The Deputy Minister for Education and Young People (Robert Brown): I am having a busy day today.

All schools in Scotland are required to be health promoting by December 2007. To support that measure, the Executive is investing in a programme of school initiatives that are designed to educate young people in healthy lifestyles and which cover aspects such as good eating habits and physical activity.

Carolyn Leckie: I am sure that the minister has seen the latest figures on obesity in children, which show that, unfortunately, those initiatives—although welcome—are not working. In the previous school year, more than a third of 12-year-olds were classified as overweight. Moreover, almost 20 per cent of those children were classified as obese and 11 per cent as severely obese.

Does the minister not agree that the best way to tackle children's diet is to make available healthy free school meals so that they do not have the money in their pockets to take out of the school and buy chips and other unhealthy food? That would be the single most effective measure. If he does not agree, how much funding will he provide to make healthy, nutritious food available to our children in schools and to increase the uptake of it?

Robert Brown: A number of issues are involved in that. I agree with Carolyn Leckie that obesity is a growing—in several senses of the word—issue

in all developed countries although it is greater among boys and there is a suggestion that it is declining slightly among girls.

It will take some time for our policy on obesity to demonstrate its long-term effects. It is a matter of changing culture, habit and style, which is why there has been an emphasis on beginning it in primary school. The policy is linked to physical activity. We have invested £12 million a year in the active schools programme. More than 600 active schools co-ordinators are now in post and we are moving forward rapidly on that. Not too long ago, the hungry for success programme was assessed by Her Majesty's Inspectorate of Education, which gave a favourable assessment of what we are doing.

Most observers regard what is happening in Scotland as being well ahead of the field. Carolyn Leckie spoke about free school meals, but I do not accept that that is the answer. The problem is much broader than the rather simplistic solutions that are sometimes put forward by Scottish Socialist Party members would allow.

Elaine Smith (Coatbridge and Chryston) (Lab): Given that breast-fed children are less likely to become obese, will the minister consider encouraging schools to promote the benefits of breast feeding? That was done in Rosehall High School in Coatbridge as part of its healthy lifestyles initiative.

Robert Brown: That probably goes a little beyond my remit as Deputy Minister for Education and Young People, but I am more than happy to talk to my colleagues in the Health Department to find out what part we can play in it. The passing of Elaine Smith's Breastfeeding etc (Scotland) Act 2005 was a significant step in that direction, which the Executive supports strongly.

Asylum Seekers (Child Welfare)

4. Patrick Harvie (Glasgow) (Green): To ask the Scottish Executive what policy changes at United Kingdom level it would be satisfied would ensure that the sensitive and humane treatment of children is reflected in policies on the removal of failed asylum seeker families. (S2O-8596)

The Deputy Minister for Education and Young People (Robert Brown): We have made clear on many occasions our commitment to work with the Home Office to help ensure that any removals involving asylum seeker families with children are handled sensitively and humanely. The improvements that will be made will benefit families throughout the UK. Discussions are positive and on-going. It would be wrong to comment on the detail of those discussions before they are concluded.

Patrick Harvie: That is disappointing. Three months ago, we were told that a protocol was necessary to ensure the sensitive and humane treatment of children but that we would have to wait for the detail. Two months ago, we were told that meetings were taking place and constructive work was happening but that we would have to wait for the detail. One month ago, we were told that a protocol was not the appropriate way forward but that UK-level policy changes were imminent and we would not have to wait much longer. This is our last meeting before the Christmas recess; is there nothing concrete that the Executive feels that it ought to tell us?

Robert Brown: I understand Mr Harvie's impatience on this important matter, but the end result is what counts. Discussions with the Home Office are progressing well. Senior officials met again on 16 December and it is clear that there are many areas of potential agreement. The whole exercise has had considerable benefits in getting the Home Office to understand the sensitivity of the issues, particularly in Scotland and on early morning removals. The Executive will continue to discuss and agree a way forward with the Home Office and we will report back to the Parliament as soon as we have anything positive to say.

Ms Sandra White (Glasgow) (SNP): Is the minister aware of the removal of the Hakobian family from Scotstoun in Glasgow and the events that led to eight-year-old Naipi being given his mother's medication and having to be rushed to Bedford general hospital, where he was put on a heart monitor? Does he agree that that is totally unacceptable and merits not only an investigation but the collection and collation of information on asylum seeker removals? Malcolm Chisholm said in answer to a question from Linda Fabiani:

"The Scottish Executive does not collect or collate information on asylum seeker removal."—[*Official Report, Written Answers*, 15 December 2005; S2W-21228.]

Does the minister further agree that that is inadequate and that it will do nothing to prevent such situations arising in the future?

Robert Brown: Let me be clear: responsibility for asylum issues resides primarily with the United Kingdom Government and with the Home Office. It is to them that many of those questions should more properly be directed.

I am not in a position to comment on individual cases; Parliament would not expect me to do that. However, we have concerns about some of the practices that are associated with asylum seeker removals, and those concerns have been expressed by the First Minister and by other ministers over time. We are keen to make progress on those matters. Progress is being made and will be announced to the Parliament as soon as we can give positive information about it.

Young People (Football)

5. Mary Scanlon (Highlands and Islands)

(Con): To ask the Scottish Executive what action it is taking to give young people the opportunity to participate in football. (S2O-8569)

The Minister for Tourism, Culture and Sport (Patricia Ferguson): The 10-year youth football action plan will radically overhaul the structure and organisation of youth football, from recreational to elite levels. The Executive will invest more than £12 million in the implementation of the plan, which will increase the quality and quantity of coaches and youth development programmes in football generally. In addition, other programmes such as active schools will help to increase children's and young people's opportunities to participate in football and other sports.

Mary Scanlon: I am pleased that some progress is being made. Earlier this year, the Enterprise and Culture Committee was told that the current level of training facilities and resources across Scotland are not of a sufficient scale for youth football development. Bearing in mind health concerns about high levels of childhood obesity, will the minister look to increase access by providing more local football facilities, which would improve not only general fitness and health but the prospects of Scottish football?

Patricia Ferguson: Mary Scanlon raises an interesting point that is very dear to my heart. However, it is important to see the issue in the context of the regional and national facilities programme that we put in place just over a year ago. This week, sportscotland announced that it would provide £2 million to improve sports facilities in Scotland, of which £1.19 million is dedicated to football-related facilities across the country. That gives us optimism that such facilities will be available in future. In Mrs Scanlon's own area, the Highland football academy, which is a joint venture between the local authority, Ross County and Inverness Caledonian Thistle, is a successful and worthwhile enterprise. The future of youth football is in very good hands.

Michael Matheson (Central Scotland) (SNP): Is the minister aware that the biggest barrier to many young people's participation in sport is not having access to good-quality local sports facilities, particularly in the field of football? Is she aware of the growing frustration at the lack of a physical process for building the new facilities under the national and regional facilities strategy? What action will she take to expedite such a process to make sure that the facilities are actually built? Given that funding was announced this week to support the Spartans community football academy, is she prepared to take on board the Enterprise and Culture Committee's recommendation and revisit the possibility of

providing public money to help to establish football academies across the country?

Patricia Ferguson: There will be some football academies across the country, but it is not solely the role of the Government to make them happen. It is important to remember that it is not just the Executive that is involved in putting facilities in place; local authorities and other partners are involved too. We are monitoring progress on facilities to ensure that they proceed; it is certainly our intention that they should, because they are part of what supports our overall intentions for football and other sports.

At the same time, it is important that members know that, at a more local level, just this week £2 million was announced for a variety of projects across the country. Some of them are directly football related; others are related more to other events and sports. That is good progress.

Sport for Young People (Highlands)

6. Maureen Macmillan (Highlands and Islands) (Lab): To ask the Scottish Executive how young people in the Highlands are being encouraged to take part in sport. (S2O-8541)

The Minister for Tourism, Culture and Sport (Patricia Ferguson): The active schools programme is one of the ways in which the Executive wants young people to be able to participate in a range of sports in their own areas. As my colleague the Minister for Education and Young People said earlier, more than 600 active schools co-ordinators are in place across the country. We hope that that will lead to the kind of participation that I am sure everyone in the chamber would like to see.

Maureen Macmillan: Is the minister aware of concerns on the part of the Camanachd Association that physical education teachers are no longer trained in how to teach shinty, which means that shinty is not being mainstreamed, even in schools in the shinty heartlands? Is she aware that the Camanachd Association fears that that is having an impact on the long-term viability of shinty? I would be grateful if she would look into the situation.

Patricia Ferguson: I am certainly happy to look into the matter further on behalf of Mrs Macmillan, and also to speak with her further about the issue. It is important to recognise that, during the past year, there has been an announcement of an allocation of £100,000 to the Camanachd Association, which will allow it to employ development officers, who will link their work to the active schools programme. That money will also be used to develop further the association's coaching programme.

Since 1999, around 16 new shinty clubs have come into being. At the same time, about 1,180 young people have been enjoying shinty across Scotland. Over the past five years, the figure has doubled. It is fair to say that the level of participation in shinty is increasing. That is of course a good thing, but I am certainly happy to look into the specific matter that Mrs Macmillan has raised.

Finance and Public Services and Communities

Glasgow City Council (Meetings)

1. Paul Martin (Glasgow Springburn) (Lab):

To ask the Scottish Executive when it last met representatives of Glasgow City Council and what issues were discussed. (S2O-8542)

The Minister for Finance and Public Service Reform (Mr Tom McCabe): Ministers and officials meet representatives of Glasgow City Council on a regular basis to discuss a range of issues. My last meeting with the leader of the council was on 30 November. The meeting was constructive and underlined the forward-looking agenda that Glasgow City Council is adopting.

Paul Martin: Almost every league table and academic report that refers to Glasgow mentions the deprivation challenges that face the city. Does the minister think that the time has now come to carry out a radical overhaul of how the allocation of council funding is calculated, ensuring that, when funding is distributed throughout Scotland, deprivation is the main factor that is taken into account?

Mr McCabe: I have said on a number of occasions that I am more than willing to enter discussions with the Convention of Scottish Local Authorities on the distribution methodology. I have acknowledged, both publicly and to COSLA, that I do not think that some of the shortfalls that have been inherent since 1995—and, indeed, since before then—are being addressed in that methodology. However, agreement is required between ourselves and COSLA. I assure the member that I will do all that I can to bring our discussions to a fruitful conclusion and to seek agreement with COSLA on a different way ahead for the future.

Mr John Swinney (North Tayside) (SNP): When it comes to setting the council tax for Glasgow City Council, and for other local authorities around the country, for that matter, is the minister satisfied that councils will deliver only efficiency savings, as he would characterise them, or is there a danger that, because of the inadequacy of the local government settlement, councils will deliver the traditional, old-fashioned,

contemptible cuts in budgets that we all used to condemn when the Conservatives were in power, but which now seem to be acceptable to new Labour?

Mr McCabe: The only old-fashioned and contemptible thing is the inference that was contained in that question from Mr Swinney. I assure members that I can see no prospect whatever of cuts. We have said on many occasions that the local government settlement that is in draft at the moment, and which will be confirmed in the new year, is enough not only to maintain but to improve services where local authorities think that that is appropriate. We are continuing a dialogue with COSLA with regard to local government funding, which I regard as productive. I look forward to that dialogue continuing in the future.

Equal Pay (Local Authorities)

2. Tommy Sheridan (Glasgow) (SSP): To ask the Scottish Executive what further steps it will take to assist local authorities to meet their equal pay responsibilities towards women workers who have been underpaid over the last six years. (S2O-8576)

The Minister for Finance and Public Service Reform (Mr Tom McCabe): Responsibility for the pay and conditions of local government staff, including compliance with employment legislation, rests, of course, with local authorities themselves. I am due to meet representatives of the Convention of Scottish Local Authorities in the new year to discuss local government funding issues generally.

Tommy Sheridan: Does the minister agree that it would be morally and politically wrong to have local authorities choose between maintaining or improving current jobs and services, increasing council tax or meeting their legal obligations to pay women workers what they are legally due? Does he agree that it is a cop-out for the Executive on the one hand to support equal pay but on the other hand not to provide the resources to deliver it at local authority level?

Mr McCabe: As the First Minister pointed out adequately earlier today, Mr Sheridan and his party advocate taking away local government's discretion over the levying of local taxes. He is again advocating taking away employers' discretion to decide locally terms and conditions and to negotiate them with their employees. We want that approach to continue. It would be entirely wrong if any employer negotiated a set of conditions with the people whom it employs and then failed to make adequate provision for those conditions.

Local government negotiated a settlement in 1999. We are now at the end of 2005. The intervening period has been one of record increases in the resources available to local government. I therefore expect that when I have discussions with COSLA in the new year the local authorities will demonstrate to me how they have made provision for the agreement that they reached.

Mr Frank McAveety (Glasgow Shettleston) (Lab): Given that, as of March 2005, nearly £500 million in poll tax remains uncollected and that £761 million of council tax remains uncollected, does the minister agree that the real cop-out is by politicians who shed crocodile tears in the chamber about equal pay but who have engaged in persistent campaigns that have undermined resources for local government for the past decade? Does he agree that that income would have helped to meet the needs of women workers in relation to equal pay and would therefore have benefited the most needy section of the working class?

Mr McCabe: I certainly agree with the member that if Mr Sheridan had not engaged in the kind of rhetoric that encouraged people not to pay their obligations a good few years ago, local government would have had a considerable amount of additional resources available to it to ensure that the terms and conditions of the people whom it employs are adequate and modern. However, that was not—

Tommy Sheridan: Many of Mr McCabe's colleagues used to support non-payment, including Frank McAveety before his career got in the way.

The Presiding Officer (Mr George Reid): Order, Mr Sheridan.

Mr McCabe: That will be a first.

I dealt with the consequences of Mr Sheridan's actions a good few years ago, when I watched decent individuals who had never had a debt in their life have to cope with the fact that, because they listened to his nonsense, they found themselves with a massive debt. They were ashamed of that, and some people still carry that burden. That was wrong then and it is wrong now.

Tommy Sheridan: Happy Christmas to Tom McCabe, too.

The Presiding Officer: Mr Sheridan, please.

Young People (Local Authority Funding)

3. Brian Adam (Aberdeen North) (SNP): To ask the Scottish Executive whether Scotland's local authorities will benefit from the Chancellor of the Exchequer's announcement that local authorities are to receive £500,000 each over the

next two years to fund activities for young people. (S2O-8519)

The Minister for Finance and Public Service Reform (Mr Tom McCabe): The Scottish Executive will receive £2.687 million in each of the next two years as a Barnett share of the funds allocated for youth services in England and Wales. We will decide in due course how those funds should be used.

Brian Adam: It would be helpful to know exactly what the Executive intends and when "in due course" is likely to arrive. Could the money be used to establish real community funds in each council area to support community activities for young people for which, for whatever reason, lottery funding has not been sought?

Mr McCabe: "In due course" means just that. We in Scotland pride ourselves on the fact that we make the decisions on how our resources are allocated, not anyone else. The resources that come across to us are for discussion among Scottish ministers and we will apply them to the most important priorities in Scotland. Some people think that the resources should be applied to the local government settlement; others would like them to be applied in other directions. Of course it is only right that we look at the horizon in Scotland and decide what is the most appropriate and effective application of those resources.

Social Rented Housing (Development Constraints)

4. Mr Jim Wallace (Orkney) (LD): To ask the Scottish Executive what progress is being made to eliminate development constraints on plans for social rented housing. (S2O-8588)

The Minister for Communities (Malcolm Chisholm): Where development constraints are preventing the provision of an adequate housing supply, we are determined that they should be overcome. In relation to water and sewerage infrastructure, a huge increase of resources has been secured to overcome strategic constraints on all housing development.

Mr Wallace: I thank the minister for meeting me and members of the Orkney Housing Association to discuss a specific problem in Kirkwall occasioned by water and sewerage constraints, for the evident subsequent interest that he has taken in the matter and for his letter indicating the progress that has been made following further meetings with various stakeholders. Will he agree to keep an eye on the situation to ensure that that progress leads to a successful outcome?

Parts of my constituency and remote, rural parts of other members' constituencies are involved in the initiative at the edge. Does the minister accept that there are often similar issues in places in

which there is a relatively small number of units? Does he further agree that those units are vital if islands and rural communities are to be regenerated? Does he recognise that there are specific constraints relating to water and sewerage in such places, but that solutions are necessary if there are to be housing developments there?

Malcolm Chisholm: I am pleased that there has been progress in the past couple of weeks in Orkney and I have no doubt that a satisfactory conclusion will be reached in that case. The Executive is conscious of the wider problems surrounding the issue, and that is why Scottish Water has been given the specific objective of providing sufficient strategic water and sewerage capacity to enable all anticipated new housing developments between 2006 and 2014 to be connected to the public networks. The funding mechanisms are being put in place to deliver that significant commitment, and the legal framework will take effect from April next year. On 3 October, Scottish Water was given directions on investing by the Executive.

Mr John Home Robertson (East Lothian) (Lab): I remind the minister that the main development constraint on plans for social rented housing in many parts of Scotland is the prohibitive and unaffordable cost of land. I remind him again of the concern that was expressed on all sides of the chamber about the urgent need for affordable rented housing in the debate on 28 September. Will he take the opportunity of the Planning etc (Scotland) Bill to provide for land to be made available for affordable rented housing, wherever it may be needed in Scotland?

Malcolm Chisholm: We have already seen some progress with the publication of the Planning etc (Scotland) Bill on Wednesday, but I am mindful of the need to examine other suggestions, and Johann Lamont and I are actively considering what further options may be available to encourage the release of land for housing in general and for social rented housing in particular. We shall certainly consider all the options, and I hope that we will be able to make further proposals in the not-too-distant future.

Deprived Communities (Regeneration)

5. Helen Eadie (Dunfermline East) (Lab): To ask the Scottish Executive what plans it has to increase resources for the regeneration of the most deprived communities. (S2O-8532)

The Deputy Minister for Communities (Johann Lamont): Regeneration is a key priority for the Executive. We are firmly committed to regenerating the most deprived communities. Our key programme, the community regeneration fund, is providing more than £318 million over the next three years to help to do that. For Scotland, that

represents a 5 per cent increase on predecessor programmes over the previous three years. For Fife, the level of funding has nearly tripled, from just over £2.2 million over the period 2002-05 to £6.6 million over the period 2005-08. Future levels of funding for regeneration and the way in which they are targeted will be considered in the context of the next spending review.

Helen Eadie: Glasgow is acknowledged to be one of the most disadvantaged areas in Scotland—there is no doubt that it is—but will the minister say how she plans to ensure that former mining towns and villages, such as Ballingry, Lochgelly and Cowdenbeath, which are at the top of the list of deprivation of more than 200 electoral wards in Fife, are provided for in the context of delivery of those additional resources? Will she consider meeting me to discuss what can be done to improve provision for towns in the former mining communities?

Johann Lamont: The whole point of our regeneration policy is to focus on deprived communities. The index drives down into small groups, so the areas that Helen Eadie has identified will require and receive support. We understand the specific issues that affect the coalfields. I recently had the pleasure of visiting Coalfields Regeneration Trust initiatives in Helen Eadie's constituency, to which we are giving £3 million over the next two years to address the specific problems that affect coalfield areas. I emphasise that the complex issue of multiple deprivation and the geography of poverty must be addressed, and we are funding that fully.

Public Services (Access)

6. Marlyn Glen (North East Scotland) (Lab): To ask the Scottish Executive what measures are being taken to ensure access to public services for people whose first language is not English. (S2O-8534)

The Deputy Minister for Communities (Johann Lamont): Key public bodies including the Executive, local authorities, health boards and the police have a specific duty under race relations legislation to ensure access to the information and services that they provide, and must set out their arrangements for compliance in their race equality schemes. Updated race equality schemes were published last month. We have written to local authorities and other public bodies asking them to develop or improve language plans for the communities that they serve. We are also working to double the number of British Sign Language interpreters in Scotland to ensure that BSL users can access public services. We shall in the new year publish research into provision and quality of translation, interpreting and communication

support services across Scotland. That research will help development of policy in that area.

Marlyn Glen: I thank the minister for that answer, particularly the detail on British Sign Language. The United Kingdom register of public service interpreters lists only 17 translators in Scotland. Can the minister say how many public authorities have access to services such as Language Line, which is a commercial telephone interpretation service? Given the importance of the issue, has the Executive considered drawing up and implementing a national translation and interpretation strategy to ensure that all public authorities have access to good-quality translation services?

Johann Lamont: The research that will be published early in the new year, which will consider how the support service is delivered throughout Scotland, will inform what we do next. We have emphasised to local authorities and public bodies their responsibility—they must have plans that identify local needs. Although we may later consider the gaps and how the Scottish Executive can provide support, the emphasis at this stage must be on local authorities and local bodies understanding local needs and taking responsibility for delivering services. However, I am keen to keep the issue under review and I am happy to give Marlyn Glen the specific information that she seeks about the quality of the service, and to explore further how imaginative and creative ways of addressing the issue can be taken on.

The Presiding Officer: I know that the holidays are almost here, but there is too much chatter in the chamber. We should be listening to questions and answers.

Black and Minority Ethnic Community (Capacity Building)

7. Cathy Peattie (Falkirk East) (Lab): To ask the Scottish Executive how it plans to build capacity within the black and minority ethnic community. (S2O-8555)

The Minister for Communities (Malcolm Chisholm): We shall continue to support the work of the specialist minority ethnic voluntary sector in its twofold role of providing direct services to minority ethnic communities and working to challenge racism and encourage embedding of race equality into mainstream services. As part of that, we have created a £2 million race equality, integration and community support fund, which is open to minority ethnic and mainstream organisations from the voluntary and public sectors, and which will run from April 2006 for two years. We have already invited bids and we will announce which projects are to receive funding in early 2006.

Cathy Peattie: That announcement is welcome, but will the minister consider how the money can be used at grass-roots level to build communities and the infrastructure that is needed? Will he also consider how to encourage the training of more black and ethnic minority workers in Scotland, particularly for community development work?

Malcolm Chisholm: That is an important suggestion, which I heard when I attended the Equal Opportunities Committee recently. Particular initiatives are going on in relation to black and ethnic minority workers in social work and housing, but work is also needed in relation to community development. We will try to make progress on Cathy Peattie's suggestion.

Affordable Housing (Linlithgow)

8. Mrs Mary Mulligan (Linlithgow) (Lab): To ask the Scottish Executive what contribution it has made to ensure the availability of affordable housing in the Linlithgow constituency. (S2O-8552)

The Minister for Communities (Malcolm Chisholm): In the Linlithgow constituency, investment in the five years to March 2005 has been £7.6 million, which has provided more than 200 affordable homes. Communities Scotland is working with West Lothian Council and agreement has been reached that a joint procurement strategy will result in the provision of 348 new-build units in West Lothian in the next 18 months. Fourteen strategic sites that are in the ownership of the local authority have been identified in the constituency; they will potentially be available for affordable housing.

Mrs Mulligan: That sounds like good news, but I am still concerned—as are, I am sure, colleagues who represent the rest of the Lothians and Fife—that as people are forced out of the Edinburgh market to avoid high property prices, the property prices in Linlithgow and other areas are rising, which means that local people cannot afford to buy. That has forced more people to turn to local authorities, which are struggling to meet demand. Is it possible that my constituents could benefit from the homestake initiative that the minister launched this morning?

Malcolm Chisholm: I acknowledge that the housing situation in West Lothian is changing—that was indicated in a report that was produced on Monday—and we are keeping up to date with it. In general terms, that outturn spend in West Lothian has already increased from £2.3 million in 2001 to £7.7 million in 2004-05, which is an increase of 230 per cent, which is a good base on which to build. I agree with Mary Mulligan that more needs to be done, including through the homestake initiative that was launched some time ago. However, I was pleased to visit a person in

Edinburgh this morning who has benefited from the open market pilot for homestake in Edinburgh and West Lothian. West Lothian will benefit not just from the open market pilot but from the new build homestake that is taking place across Scotland and which is a significant and distinctive feature of our shared equity scheme.

Business Motion

14:55

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-3759, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for legislation.

Motion moved,

That the Parliament agrees that the Justice 2 Committee reports to the Health Committee by 13 January 2006 on the draft Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2006.—[*Ms Margaret Curran.*]

Motion agreed to.

Decision Time

14:56

The Presiding Officer (Mr George Reid):

There are potentially seven questions to be put as a result of today's business. In relation to this morning's debate on blood products, if the amendment in the name of Lewis Macdonald is agreed to, the amendment in the name of Nanette Milne will fall. In relation to this morning's debate on "torture flights" on Scottish soil, if the amendment in the name of Scott Barrie is agreed to, amendments in the name of Phil Gallie and Jim Wallace will fall. If the amendment in the name of Phil Gallie is agreed to, the amendment in the name of Jim Wallace will fall.

The first question is, that amendment S2M-3767.2, in the name of Lewis Macdonald, which seeks to amend motion S2M-3767, in the name of Carolyn Leckie, on blood products, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 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)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (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)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

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

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (North East Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)

Morgan, Alasdair (South of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 76, Against 16, Abstentions 21.

Amendment agreed to.

The Presiding Officer: The amendment in the name of Nanette Milne therefore falls, which takes us to the next question, which is, that motion S2M-3767, in the name of Carolyn Leckie, on blood products, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 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)

McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (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)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

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)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Martin, Campbell (West of Scotland) (Ind)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (North East Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)

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

The Presiding Officer: The result of the division is: For 77, Against 14, Abstentions 22.

Motion, as amended, agreed to.

Resolved,

That the Parliament expresses its profound sympathy for those patients who have been infected with Hepatitis C through NHS treatment with blood or blood products; welcomes the payments which are being made by the Scottish Executive to help with the suffering and hardship involved; notes that there have been significant improvements in knowledge and in the safety of blood products since these events took place; believes that there is now more information in the public domain and that the debate has moved on, and believes that the focus should now be on practical action which would benefit the future delivery of services or patient care.

The Presiding Officer: The third question is, that amendment S2M-3766.4, in the name of Scott Barrie, which seeks to amend motion S2M-3766, in the name of Frances Curran, on "torture flights" on Scottish soil, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 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)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brown, Robert (Glasgow) (LD)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 Martin, Campbell (West of Scotland) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, 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)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)

Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Presiding Officer: The result of the division is: For 47, Against 53, Abstentions 12.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S2M-3766.1, in the name of Phil Gallie, which seeks to amend motion S2M-3766, in the name of Frances Curran, on "torture flights" on Scottish soil, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 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)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Tosh, Murray (West of Scotland) (Con)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brown, Robert (Glasgow) (LD)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lyon, George (Argyll and Bute) (LD)
 Martin, Campbell (West of Scotland) (Ind)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 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)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (North East Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 59, Against 33, Abstentions 21.

Amendment agreed to.

The Presiding Officer: The amendment in the name of Jim Wallace therefore falls, so the final question is, that motion S2M-3766, in the name of Frances Curran, on "torture flights" on Scottish soil, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Richard (North East Scotland) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
Brownlee, Derek (South of Scotland) (Con)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gillon, Karen (Clydesdale) (Lab)
Glen, Marilyn (North East Scotland) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Goldie, Miss Annabel (West of Scotland) (Con)
Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Johnstone, Alex (North East Scotland) (Con)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
Maclean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
May, Christine (Central Fife) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Milne, Mrs Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Murray, Dr Elaine (Dumfries) (Lab)
Oldfather, Irene (Cunninghame South) (Lab)

Peattie, Cathy (Falkirk East) (Lab)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Tosh, Murray (West of Scotland) (Con)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
Baird, Shiona (North East Scotland) (Green)
Ballance, Chris (South of Scotland) (Green)
Ballard, Mark (Lothians) (Green)
Brown, Robert (Glasgow) (LD)
Byrne, Ms Rosemary (South of Scotland) (SSP)
Canavan, Dennis (Falkirk West) (Ind)
Curran, Frances (West of Scotland) (SSP)
Finnie, Ross (West of Scotland) (LD)
Fox, Colin (Lothians) (SSP)
Gorrie, Donald (Central Scotland) (LD)
Harper, Robin (Lothians) (Green)
Harvie, Patrick (Glasgow) (Green)
Kane, Rosie (Glasgow) (SSP)
Leckie, Carolyn (Central Scotland) (SSP)
Lyon, George (Argyll and Bute) (LD)
Martin, Campbell (West of Scotland) (Ind)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
Pringle, Mike (Edinburgh South) (LD)
Radcliffe, Nora (Gordon) (LD)
Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
Scott, Eleanor (Highlands and Islands) (Green)
Sheridan, Tommy (Glasgow) (SSP)
Smith, Iain (North East Fife) (LD)
Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Gibson, Rob (Highlands and Islands) (SNP)
Grahame, Christine (South of Scotland) (SNP)
Hyslop, Fiona (Lothians) (SNP)
Lochhead, Richard (North East Scotland) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Mather, Jim (Highlands and Islands) (SNP)
Matheson, Michael (Central Scotland) (SNP)
Maxwell, Mr Stewart (West of Scotland) (SNP)
McFee, Mr Bruce (West of Scotland) (SNP)
Morgan, Alasdair (South of Scotland) (SNP)
Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
Robison, Shona (Dundee East) (SNP)
Robson, Euan (Roxburgh and Berwickshire) (LD)
Scott, Tavish (Shetland) (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)
Swinburne, John (Central Scotland) (SSCUP)
Swinney, Mr John (North Tayside) (SNP)
Wallace, Mr Jim (Orkney) (LD)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 59, Against 26, Abstentions 28.

Motion, as amended, agreed to.

Resolved,

That the Parliament supports the UN Convention Against Torture, of which the United Kingdom is a signatory; believes that there is never any justification for torture; welcomes the judgement by the Law Lords that evidence obtained under torture was inadmissible in court and was also inadmissible in a Special Immigration Appeals Commission case; notes the allegations in the press that CIA rendition flights have refuelled in Scotland; trusts that the Foreign Secretary's assurances that such flights have not landed in Scotland are true, and calls for the Scottish Executive to detail what communications it has had with the Foreign Office over this matter.

The Presiding Officer: That concludes decision time. I wish you all a happy Christmas and a good new year.

Meeting closed at 15:03.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

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Monday 9 January 2006

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