

MEETING OF THE PARLIAMENT

Wednesday 26 April 2006

Session 2

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CONTENTS

Wednesday 26 April 2006

Debates

	Col.
TIME FOR REFLECTION	24913
BUSINESS MOTION	24915
<i>Motion moved—[Ms Margaret Curran]—and agreed to.</i>	
POINT OF ORDER	24916
INTERESTS OF MEMBERS OF THE SCOTTISH PARLIAMENT BILL: STAGE 3	24917
BUSINESS MOTIONS	24975
<i>Motions moved—[Ms Margaret Curran]—and agreed to.</i>	
Donald Gorrie (Central Scotland) (LD)	24976
The Minister for Parliamentary Business (Ms Margaret Curran)	24976
PARLIAMENTARY BUREAU MOTION	24978
<i>Motion moved—[Ms Margaret Curran].</i>	
DECISION TIME	24979
CHERNOBYL	24980
<i>Motion debated—[Des McNulty].</i>	
Des McNulty (Clydebank and Milngavie) (Lab)	24980
Christine Grahame (South of Scotland) (SNP).....	24983
Lord James Douglas-Hamilton (Lothians) (Con)	24984
Marlyn Glen (North East Scotland) (Lab)	24985
Mr Mark Ruskell (Mid Scotland and Fife) (Green).....	24987
Rosie Kane (Glasgow) (SSP)	24988
Rob Gibson (Highlands and Islands) (SNP)	24989
The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson)	24991

Scottish Parliament

Wednesday 26 April 2006

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

Time for Reflection

The Presiding Officer (Mr George Reid): Good afternoon. The first item of business today is time for reflection, which is led today by Ms Maariyah Masud, of the youth steering committee of the Scottish Inter Faith Council.

Ms Maariyah Masud (Scottish Inter Faith Council Youth Steering Committee): Respected Presiding Officer and respected members of the Parliament, it is an honour to have the chance to be here today and lead today's time for reflection.

We live in a world and society in which too many people reflect and not enough act. True, self-reflection is paramount, but it is empty without action.

Margaret Mead said:

"Never doubt that a small group of thoughtful citizens can change the world. Indeed, it is the only thing that ever has."

She has succinctly described what can be, and has been, achieved when a group of people with a passion for justice and progress actively seek to improve their world.

As a Scottish Muslim, I believe that life is not a sport, nor is it purposeless. Rather, I believe that the purpose of life is a life of purpose. From the Islamic perspective, everything has meaning because the concept of God's purpose in creation gives meaning to human life.

The term "social cohesion" in Islam is intended as a system for training the spirit and the conscience of the individual and for the cultivation of personal capabilities for useful and productive endeavour. It encompasses the family and social relations as well as financial and economic relationships within society.

In other words, the Islamic scheme for social reform can be called a results-oriented method. Study of the Prophet Mohammed's life reveals the distinction that he made between his ideas and the way in which he put them into practice. Although he was the greatest of idealists and loved perfection, he kept reality firmly in sight and remained ever practical when dealing with people.

One saying of the Prophet Muhammed has inspired me from a very young age. He said that, when you see an evil action, you should change it with your hands; if you cannot do that, you should change it with your tongue; and, if you cannot do

that, you should at least acknowledge the wrong action in your heart. That, he said, is the lowest level of faith.

However, for me, this is not just an issue of faith. Regardless of which faith or ideology we adhere to, our binding force is our humanity. I believe that it is on that level that we must unite in an effort to become agents of positive change in our society and our country and in the interests of a move toward a better world. Alfred North Whitehead said:

"The art of progress is to preserve order amid change and to preserve change amid order".

Business Motion

14:34

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-4295, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, which sets out a timetable for stage 3 consideration of the Interests of Members of the Scottish Parliament Bill.

Motion moved,

That the Parliament agrees that, during Stage 3 of the Interests of Members of the Scottish Parliament Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the Stage begins and excluding any periods when other business is under consideration or when the meeting of the Parliament is suspended (other than a suspension following the first division in the Stage being called) or otherwise not in progress:

Groups 1 to 3: 1 hour and 20 minutes

Groups 4 to 6: 1 hour and 50 minutes—[*Ms Margaret Curran.*]

Motion agreed to.

Point of Order

14:35

Tommy Sheridan (Glasgow) (SSP): On a point of order, Presiding Officer. Although I accept that, under rule 9.10.5, you have full control over the terms of the debate and the amendments that are selected for debate, I am unhappy that the amendment that was originally lodged in relation to the registration of properties for members who use the Edinburgh accommodation allowance to purchase properties has not been allowed to be debated here today. The manuscript amendment that was lodged yesterday, with different terms of reference, has not been accepted either.

There is a lot of public concern over this issue and I ask you to consider that, in future, such issues should be given as much of an airing as possible. I know that the issue has been debated before but there is still a lack of knowledge and understanding of it. It has to be debated even more in future.

The Presiding Officer (Mr George Reid): As you know, Mr Sheridan, I do not normally give reasons for my decisions on such matters. However, today I can tell members that I have received a letter from the First Minister asking that the Scottish Parliamentary Corporate Body consider the issue raised in the amendment that you refer to, so that the matter can be considered in a more appropriate forum.

Interests of Members of the Scottish Parliament Bill: Stage 3

14:37

The Presiding Officer (Mr George Reid): The next item of business is stage 3 consideration of the Interests of Members of the Scottish Parliament Bill. I will make the usual announcement about the procedures to be followed. First, we will deal with amendments to the bill; then we will move to the debate on the motion to pass the bill. For the first part, members should have the bill—SP bill 44A—as amended at stage 2; the marshalled list, which contains the amendments selected for debate; and the groupings, which I have agreed. In relation to amendments, proceedings will be suspended for five minutes before the first division, and the period of voting for the first division will be two minutes. Thereafter, I will allow a voting period of one minute for the first division after a debate, and 30 seconds for all other divisions.

Section 2—Registrable interests

The Presiding Officer: I ask members to refer to the marshalled list of amendments. Amendment 4, in the name of Brian Adam, who is the member in charge of the bill, is grouped with amendments 5 to 10 and 33.

Brian Adam (Aberdeen North) (SNP): Amendments 4 to 10 and 33 seek to reverse a decision made by the Interests of Members of the Scottish Parliament Bill Committee at stage 2 to remove from the bill the requirement to register non-financial interests. The Standards and Public Appointments Committee's remit includes

"consideration of matters relating to members' interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties".

It was in fulfilment of our remit that we introduced the bill and included within it the registration of non-financial interests.

Six years ago, Scottish ministers introduced such a requirement on councillors when they issued a code of conduct under the Ethical Standards in Public Life etc (Scotland) Act 2000, which this Parliament passed. The 2000 act specifically required that the councillors' code should include pecuniary and non-pecuniary interests. The consultative steering group also recommended that such interests be registered. Non-financial interests potentially wield as much influence as financial interests; registration is therefore consistent with the consultative steering group's recommendations.

By far the largest response from the limited number of respondents to the Standards and

Public Appointments Committee's consultation was provoked by this issue. Over half the respondents highlighted a need to disclose non-financial interests.

It is worth taking a few moments to look at what the amendments in this group actually do. The bill concentrates on interests that may influence a member. The underpinning ethos of the bill emanates from paragraph 4.1.1 of the code of conduct for members, which states:

"The main purpose of the Register is to provide information about certain financial interests of members which might reasonably be thought by others to influence members' actions, speeches or votes in the Parliament, or other actions taken in their capacity as members."

Successive standards committees have agreed that, if a financial interest could influence a member's actions, a non-financial interest could have a similar effect.

Like the bill committee, the Standards and Public Appointments Committee had difficulty in determining how best to make registration relevant, but we wanted to avoid long lists of interests that required registration. We took the purpose of the register as set out in the code of conduct—to address influence—and devised a relatively simple requirement that was consistent with that approach. That led us to the objective prejudice test.

The same test applies when we decide whether we need to make a declaration of interest before participating in proceedings. Members generally take a cautious approach to declarations; if they have any doubts, they declare. The amendments in the group will require any and all non-financial interests that meet the prejudice test to be registered. No list, no updating—just a test that members already use and are used to. Under our proposals, registration requirements will apply only when a matter is relevant, and we feel that they will not be unduly intrusive into an MSP's life when that has no bearing on our work.

As I have said, non-financial interests were the subject of much consideration. We wanted to address influence, we wanted openness and transparency within reason and we reflected what we heard in the consultation. We saw merit in taking an approach that is consistent with what is required of councillors. We decided against a list-based approach because a list would be prescriptive, and would create the potential for an organisation to be left off the list. The list would also need to be subject to continuing review. The bill committee also considered a form of list in an amendment from Mike Rumbles but rejected such an approach.

We have reflected on another of Mike Rumbles's amendments and feel that it provides a way

forward that could satisfy members from both points of view. Amendment 33, which will reinsert the proposed new schedule on registrable non-financial interests, includes a power for the Parliament to amend the schedule by making a determination. That will allow the Parliament to modify the schedule in any way that it considers necessary or expedient. If we are proved wrong and the registration of non-financial interests that meet the prejudice test proves difficult in practice, Parliament could adopt a list-based approach without the need for a further bill.

Alasdair Morgan (South of Scotland) (SNP):

Will the member expand on the amendment or modification that might be possible to the proposed new schedule? As members will see, the proposed new schedule is very short and covers any registrable non-financial interest. The introduction of a list would seem to involve deleting the proposed new schedule and replacing it with something else. If the member thinks that that is a likely or acceptable way forward, why did he not lodge an amendment in such terms?

Brian Adam: I did not do that because the committee and I do not believe that that is necessary. Paragraph 2 of the proposed new schedule will allow the Parliament to make a determination. I presume that such a matter would in the first instance be referred to the Standards and Public Appointments Committee—that would be in the hands of the Parliament—to discuss the detail of how we might rectify any deficiency.

Allowing the Parliament to make a determination means that the whole Parliament will not need to revisit the matter or go through the whole process. The question would be left to the committee structure in the same way as the Standards and Public Appointments Committee is allowed to give directions to the Scottish parliamentary standards commissioner, for example. Parliament could allow the Standards and Public Appointments Committee to make a determination of how to proceed.

Alasdair Morgan *rose*—

Brian Adam: Further down the page that Alasdair Morgan is holding, it can be seen that amendment 33 reflects what I have said.

14:45

Alasdair Morgan: I am seeking an assurance. Mr Adam seems to be giving the impression that any further modification would not require primary legislation. Is that the case? Is he saying that he believes that the introduction of such a list would not require primary legislation?

Brian Adam: Yes.

Alasdair Morgan: That seems conclusive.

Brian Adam: The unequivocal answer to the member's question is yes.

On problems in the light of experience as a result of my amendments, I highlight to members the fact that, as far as I am aware, there have been no problems at all for councillors. Things might well be different for members of the Scottish Parliament, but if they are, the Parliament could, without having to go back to primary legislation, instruct the appropriate committee—presumably the Standards and Public Appointments Committee—to consider the matter and bring forward a determination for the whole Parliament to agree. That can happen with the proposal.

During the stage 1 debate, I gave notice of my intention to bring forward guidance on the registration and declaration of non-financial interests. If the amendments are agreed to, the guidance will contain an indicative—not a prescriptive—list. Members are encouraged to engage in the process through the Standards and Public Appointments Committee. The idea behind the guidance is to assist members in determining whether they should register an interest, and it will be incorporated into the code of conduct. Members may be aware that the code of conduct is under review. The intention is to separate the aspirational part of the code from the regulations and the guidance.

The Standards and Public Appointments Committee reviewed all the amendments that were lodged at stage 2 and concluded that the removal of schedule 2 would, in its opinion, clearly undermine the principles of the bill and establish double standards for those in public life in Scotland.

Alex Fergusson (Galloway and Upper Nithsdale) (Con): I hope that Mr Adam will acknowledge—I am sure that he will—that members of the Standards and Public Appointments Committee agreed that the amendments be lodged so that the whole Parliament could determine an outcome. Doing so did not necessarily signal individual approval of the amendments.

Brian Adam: I am more than happy to acknowledge Mr Fergusson's point. Indeed, I have encouraged continued discussion of the major issues throughout the process so that they could be considered today and so that all of us, rather than the seven members of the Standards and Public Appointments Committee and the five members of the bill committee, could be responsible for making decisions. I acknowledge that there would be a majority view among members of the Standards and Public Appointments Committee for taking one direction or the other on several of the amendments. Indeed, I may find myself in a minority in another

debate in supporting an amendment that the majority of the committee might not support. Such an approach is right. It is for all of us as individuals to make such decisions.

On behalf of the committee, I ask members to consider the public's perception of members of the Parliament and to accept that amendments 4 to 8, 10 and 33 are in tune with the founding principles of our Parliament.

I move amendment 4.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Like Brian Adam, I am pleased that the issue is being debated by all members at stage 3. I agree that it is not right that only five members of the bill committee should make a decision on a matter that will affect all of us. We should all have an unwhipped input in making the decision.

Let us be clear about what we are being asked to do. Only one of the five members of the bill committee did not agree to removing the non-financial interests provisions from the bill. We removed those provisions for specific reasons, which I will go over.

What the Standards and Public Appointments Committee wanted, and what Brian Adam is now asking us to put back into the bill, is a requirement for substantial work: having to declare any non-financial interests that have a bearing on our work in the Parliament. It is my contention that, if we do that, we will leave it to each and every MSP to decide what is and is not declarable, so we will have 129 different interpretations of that. Why should that cause a problem? I guarantee that it will, because what is not declarable to one person—membership of a church, for example—because they regard it as no one's business but theirs, will be very much declarable to someone else. Just last week, there was a controversy about that issue. In such cases, complaints will be lodged and will be referred to the standards commissioner, who will decide what MSPs should and should not declare. That is the key issue. I am not questioning the ability, reliability or anything else of the standards commissioner—it is right that we should have an independent standards commissioner. However, it is our duty to decide what we think is important for us to declare or not to declare. It is not for the standards commissioner to do that.

Brian Adam: I accept that there is a certain weight to the argument that the member deploys. However, surely if the provision was causing a problem that would have shown itself by now, given that in excess of 1,100 councillors have to deal with exactly the same rule. There are a lot more of them than there are of us.

Mike Rumbles: I do not have to address that issue. Members can make up their own minds

about who is subject to greater scrutiny and media and press attention. I do not accept the argument that Brian Adam makes, because I think that a lot of mischief will be made as a result of these provisions. There will be 129 different interpretations, many complaints will be lodged and there will be many investigations. Effectively, we are telling the commissioner to create case law, whereas we should be creating statute law. The bill is statute, and we must be very clear about what MSPs should declare and what they do not have to declare.

I am a convert on the issue. Members should be aware that we are now three years further on. In the previous session, I was in Brian Adam's position and published the draft replacement for the Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order 1999 on behalf of the Standards Committee. The provision that we are debating was a fundamental part of the draft replacement. At the time, I was convinced that that was the right approach. Over the past three years, experience has shown me that if we go down that road we will be heading for a disaster. It will be a dog's breakfast, if I may say that. I am convinced that I was wrong three years ago and do not want us to take the road down which Brian Adam wants to take us. That would be a big mistake.

Mr Kenneth Macintosh (Eastwood) (Lab): There is none so impressive as the converted. As another convert—a former member of the Standards Committee who initially supported the provision on the ground that it would increase transparency—I ask Mike Rumbles whether he agrees that, potentially, it would denigrate the standards of the Parliament, because it would create a host of spurious complaints that were not based on substance but involved comparing one person's declaration of membership of, for example, a church with another member's non-declaration of such membership. That would merely lower the standing of every member of the Parliament and of the institution. We should be here to protect not ourselves, but the standing of the institution.

Mike Rumbles: I could not agree more. We have all heard the saying, "There is no smoke without fire." We will have to get to grips with such issues if we agree to these amendments.

I would much prefer to have a defined list of issues to declare. Issues that can affect members but which are not financial are important. The list that I submitted to the bill committee referred to office bearers. It was about people being members of organisations in which they had influence—in other words, being officers of organisations. The list was strictly limited, and the Standards and Public Appointments Committee would have been

given the power to amend it. The bill committee was not convinced by that argument. That is fair enough; it was my personal view. However, I ask members please not to make the mistake of going down the route that Brian Adam suggests, because it is the wrong route. As I said, I promoted that same route three years ago and now speak in the light of experience.

The Presiding Officer: Since Mr Rumbles got up, another four or five members have asked to speak. Speeches will be kept to four minutes.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): Brian Adam is right to remind us of the founding principles of this Parliament; he is right to remind us of the CSG report; he is right to remind us of the motivation that lay behind looking at the registration of non-financial interests; and he is right to remind us of the job that dozens of members have been involved in over the years of trying to enshrine those principles not just in our rules, but in our practices. All of us should regularly revisit our thinking, as well as our practices, in that area.

Let me put today's debate in context. Whatever we opt to do this afternoon, the register of members' interests is but one relatively small part of what we need to do to uphold and promote the founding principles of this Parliament. No matter how members vote on group 1 amendments this afternoon, those who vote for them will not be giving more support to those founding principles than those who vote against them. The question is not whether we should uphold high standards of conduct in this Parliament or whether we should have high standards of openness and transparency; the question is how we should best achieve those high standards.

Neither is the question this afternoon whether we should register non-financial interests. I do not know of anyone who disputes the fact that there will be occasions when non-financial interests ought to be registered. Indeed, even the most cursory look at the miscellaneous section of the current register of members' interests will show how many members opt voluntarily to do just that. The question is whether we can or should attempt to legislate in this area, or even whether we can or should adopt a prescriptive, rules-based approach.

This afternoon is clearly the time for confessions and conversions, so I will join the queue. I also sat on the former Standards Committee some years ago and was involved in the earlier debate that set us in the direction of travel that Brian Adam has continued since and described to us this afternoon. I also think that we got it wrong. We were well intentioned and we were right to try to see whether we could enshrine non-financial interests in our rules and in statute. However, it is important that when we reach a point at which we

think, "Actually, not only can it not be done, but it will have all sorts of unintended consequences", we ought to say so.

If I have a concern, it is that I have spoken to several members of the Standards and Public Appointments Committee, who have said, "Well, I have my doubts, but we felt obliged to continue in that direction of travel because it was what we inherited." I suggest to colleagues that that mindset occurs frequently in this place. Even if somebody started the train running in a particular direction, if we get on part of the way along the journey and think that it is going in the wrong direction, we should be prepared to say so. Some of us are saying just that this afternoon.

I have three further points to make. First, although the prejudice test is a good addition to the bill in this area, it is not a panacea. Secondly, the comparison with local government is an apples-and-pears comparison, in relation to both the letter of the law and the environment in which individuals operate. Thirdly, I remind members that the code of conduct will be reviewed in the near future, when there will be ample opportunity to promote high standards in it.

Although I am in no doubt that intentions are good across the chamber this afternoon, if we go down the road that Brian Adam suggests, we will create an unworkable and disproportionate system. We will have myriad cases that will be subject to dispute and, ultimately, to interpretation by the standards commissioner. We will not aid transparency, but add to the fog and noise in the system, and there will be a genuine risk of our disappearing into a vortex of detail and damage with the potential to inflict serious damage on the reputation of this institution.

I urge members to support the bill as amended at stage 2 and to reject Brian Adam's amendments.

15:00

Bill Aitken (Glasgow) (Con): I regret having to take issue with my good friend Brian Adam, who consistently speaks good sense in the chamber, but I believe that we are in serious danger of making life far too complicated for ourselves. Although we all believe in transparency and accountability, with issues such as these we face a very thin line that it can be dangerous to cross. What we are being asked to do is simply not sensible.

As far as amendment 33 is concerned, I believe that the existing prejudice test is enough to maintain the balance between transparency and privacy.

Day in, day out, members of the public make representations to us that, quite frankly, show a

lack of balance in their opinions. Who is to decide what constitutes a fair-minded member of the public? I know that the reasonable man or woman is a concept in Scots law—although I have to admit that, in my experience, it has been somewhat elusive—but amendment 33 might leave us vulnerable to attack from all sorts of people who have a particular axe to grind and whose course of action could, as Susan Deacon pointed out, place us in a fairly chaotic situation.

We must place some faith in elected members' probity. I have criticised my political opponents in the chamber for many things, but I have had no cause to question their personal probity and I do not imagine that I will have to do so in future.

The bill committee got this matter perfectly right. It is a pity that amendment 33 is being debated today. If the rules become any more intrusive, people will simply opt out of public life, which would be disappointing.

When does an interest become registrable? The answer is dead easy with regard to pecuniary interests, but does my membership of the Partick Thistle supporters association render me liable to criticism if I speak in a sports debate?

The Minister for Environment and Rural Development (Ross Finnie): Absolutely. [Laughter.]

Bill Aitken: I fully accept that members might question my sanity, but I do not think that my membership of that association would create any problems in a sports debate. However, some unfair-minded member of the public might think differently and the matter might then have to go before the standards commissioner for his determination. Why make ourselves hostages to fortune? We should reject the amendments, because what they propose is much more trouble than it is worth.

Alasdair Morgan: This whole area requires a workable and practical proposal. I largely understand the motivation behind the amendments, but they are far too broadly drawn. Amendment 33 asks us to register any non-financial interest—not just membership of organisations—that “meets the prejudice test”. According to section 3(2), an interest meets the prejudice test if it could

“give the appearance of prejudicing”

our

“ability ... to participate in a disinterested manner in any proceedings of the Parliament”,

including, I presume, proceedings that are as yet undreamt of.

The crucial word in that regard is “disinterested”. We all come to this Parliament with a variety of

interests. After all, that is why we are here; if we did not have those interests, we would be poorer parliamentarians and our decisions and judgments would be the worse for it. [Interruption.] Back-bench members are determined to interrupt me with bottles.

We are not a court of law. We do not come here without views or interests to make us impartial. In the terms of the prejudice test, we are very definitely not “disinterested”. The amendments under discussion would force us to list all our interests—assuming we could think of them at the time.

I argue that almost all of our interests would meet the prejudice test. For example, I am particularly interested in renewable energy. I would be hard pushed to say that I would be impartial in an energy debate, but does that mean that I need to register my interest in wind farms in the register of members' interests? No matter how long my or every other member's list of interests might be, under the terms of the prejudice test we would always forget some other interest. Although that would not be a criminal offence, it would leave us open to complaints and all sorts of public opprobrium.

Two of these amendments include an interesting measure to allow a determination by the Parliament to change the legislation. That is a new one on me. If his argument is valid, I would be interested in using the measure a lot more, because there are a lot of bills in which it could be inserted, but I am reluctant to use it for the first time in this bill. Brian Adam's introduction of the measure at this stage betrays a definite uneasiness on his part about what he is proposing.

The councillors' code of conduct, which Brian Adam mentioned, refers specifically to membership of organisations, but the amendments refer simply to interests. If we were talking only about membership of organisations, that would be one thing, but what he proposes is far wider—much, much too wide—and would force us to register everything under the sun, including membership of our own political parties, for goodness' sake, which would presumably fail the prejudice test. However, we would have to put that in the list, not to mention a few other things.

The tenor of the debate has shown that, as one member said, we got on the train at an early stage, but we have now decided that it is going to the wrong destination.

Donald Gorrie (Central Scotland) (LD): The high standard of the debate is an argument for abandoning whips altogether and having debates in which members say what they actually believe.

I will concentrate on two points, the first of which concerns the prejudice test and non-financial

interests. If Brian Adam's proposal is agreed to, the sin will not be that a member has allowed a particular interest to prejudice his performance and make him vote in a funny way: the sin will be that he failed to dream up all the right things to put in the list for the prejudice test, when somebody else thinks that a membership or a view that he holds prejudices him. I have not felt that. The proposal would create a whole new sort of crime—the crime of failing to think of all the strange things that one believes in that might influence one's performance.

My second point concerns the analogy that Mr Adam has drawn with councillors' interests. There is a difference between MSPs and councillors. In politics, ministers can do things and councillors can do things, but members of the Parliament, although they can pass bills and make life difficult for the Executive, cannot take executive action. For a councillor, the fact that he or she is a member of a body to which he or she might give planning permission, or the fact that that body might have some involvement in a new development, could be highly relevant, but we are not in that sort of position. Very rarely has a member of the Scottish Parliament been in a position materially to advance the cause of whatever he is interested in, so there is no parallel with councillors, who are involved in different things.

Today is a day for confessions, so I should say that I originally thought that we should address non-financial interests. However, the more I thought about it the more it seemed that we were sowing dragons' teeth that would—I do not know what dragons' teeth do—[*Laughter.*] They would probably bite us in the backside. So, like many members, I have honestly changed my view on the matter. Although the motives of everyone involved are excellent, I cannot personally support the amendments in the group.

Tricia Marwick (Mid Scotland and Fife) (SNP): I welcome the opportunity that Brian Adam has given the Parliament by lodging the amendments and allowing us to hold this debate. We need to put in context how we got here. In 1999, there was a new Labour Government, we had come through the Tory years of corruption and sleaze, this Parliament was brand new and we were aware that we wanted to do things differently from the way in which they had been done at Westminster. I was on the Standards Committee at the time.

Like other members, I now believe that declarations of non-pecuniary interests should not be part of the bill. I genuinely and sincerely believed then that, given that the Ethical Standards in Public Life etc (Scotland) Act 2000 put an onus on councillors to make a declaration vis-à-vis organisations, it was right and proper that

as the Parliament had so legislated on behalf of councillors it should legislate in the same way on its own behalf.

As Alasdair Morgan said, the 2000 act referred to councillors declaring interests with regard to organisations, but the amendments go much further than that, which is what gives me the greatest concern. MSPs are being invited to declare non-financial interests that meet the prejudice test, which is that the interests could give the appearance that we would be influenced by them. As other members have said, if we do not make a declaration someone could make a complaint against us in the future—with hindsight—to the standards commissioner. The test would not be whether we believed at that point that we should have made a declaration. It would be open to interpretation by an individual—the standards commissioner—who could decide that we should have registered the interest. If we had not done so, we would be deemed to have committed an offence.

Brian Adam: It was perhaps remiss of me not to advise Parliament that a breach of the provision, if the amendments are passed, would not carry the same sanction as a breach of the provision on financial interests. No criminal offence would have occurred.

Tricia Marwick: I am sure that members welcome the measure of comfort that Mr Adam has given us. Nonetheless, as Mr Adam acknowledges, an offence would be created. We are talking about putting the provision into statute and must consider the issue carefully before we go down that road.

The amendments are too widely drawn. It would be almost impossible to capture every interest that we might have and we would leave ourselves open to an interpretation by others of what we should have declared previously. We should now say that we have gone this far on the train and it is time to reverse.

The Deputy Presiding Officer (Murray Tosh): I ask Brian Adam to wind up and to indicate whether he wishes to press or withdraw amendment 4.

Brian Adam: My friends in this debate may be as rare as gnats'—or hens'—teeth rather than the dragons' teeth to which Donald Gorrie referred. I will look with close interest at the positions adopted by Mike Rumbles, Ken Macintosh, Susan Deacon, Bill Aitken—not Bill, because he has not been involved in the process up to now—Alasdair Morgan, who had a fleeting time on the Standards and Public Appointments Committee, Donald Gorrie and Tricia Marwick, to see how many times they admit between now and the election that they have made mistakes. There is now a range of declared recanters.

I will deal with the substantive issues. Colleagues who have taken part in the debate so far have reflected concerns that many of us have, as individuals and collectively, about the way we have been treated. The concern is not so much about the way we have treated our posts as the way we have been treated. There are also fears about how we might be treated in the future, not necessarily by complainers, but by the press—no one used the word but it lay hidden behind the comments—and about how others, in particular the standards commissioner, might choose to interpret what we do. We will still be in a position whereby others will interpret what we do, so the principle of amendment 4 is still correct.

I want to address the point that Donald Gorrie made about drawing a distinction between councillors and MSPs. Not all councillors have executive roles, so the comparison is invalid. The implication of what Donald Gorrie said is that MSPs are powerless while councillors are all-powerful. There may well be a political argument there that I could support, but I do not wish to address amendment 4 on that basis.

15:15

Christine May (Central Fife) (Lab): Does Brian Adam accept that on, for example, licensing boards and planning committees councillors do have executive powers?

Brian Adam: A number of councillors have executive powers and a number of MSPs have executive powers. The code that deals with those who have executive powers in the Parliament is certainly different from the code that deals with those of us who do not have such powers. I accept that distinction. However, it is not generally true that all councillors have executive powers.

What is being proposed for the registering of non-financial interests is different from the original provision in the bill, because it would allow the Parliament to make a determination about the register in the light of experience. I am all in favour of our addressing things in the light of experience—that is the way forward. I found it disappointing that I was attacked for recognising that the argument on the other side of the debate might have some weight.

I am delighted that we have had this debate, but I hope that I find that I have more friends than those who took part in it. I commend amendments 4 to 10 and 33 to the Parliament.

The Deputy Presiding Officer: Just for the record, Mr Adam, can you confirm whether you are moving amendment 4?

Brian Adam: I moved amendment 4 at the end of my initial speech.

The Deputy Presiding Officer: The question is, that amendment 4 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. We will have a five-minute suspension before the question is resolved.

15:17

Meeting suspended.

15:22

On resuming—

The Deputy Presiding Officer: While members resume their seats, I remind you all that this will be a two-minute division.

I remind everyone that the question was, that amendment 4 be agreed to. We were not agreed and there will therefore be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Ballard, Mark (Lothians) (Green)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gillon, Karen (Clydesdale) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)

Ingram, Mr Adam (South of Scotland) (SNP)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 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)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Mr Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)

The Deputy Presiding Officer: The result of the division is: For 19, Against 56, Abstentions 2.

Amendment 4 disagreed to.

Amendment 5 not moved.

Section 3—Initial registration of registrable interests

Brian Adam: Perhaps it would be helpful if I explain why I wish to move amendment 6.

The Deputy Presiding Officer: No, that would not be appropriate.

Amendment 6 moved—[Brian Adam].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)

Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Murray, Dr Elaine (Dumfries) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marilyn (North East Scotland) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hyslop, Fiona (Lothians) (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)
 May, Christine (Central Fife) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Petrie, Mr Dave (Highlands and Islands) (Con)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Welsh, Mr Andrew (Angus) (SNP)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)

The Deputy Presiding Officer: The result of the division is: For 40, Against 28, Abstentions 2.

Amendment 6 agreed to.

Brian Adam: On a point of order, Presiding Officer. I know that it is not normal procedure, but

given the unusual circumstances it might have been helpful to have offered a small explanation of the nature of amendment 6, which is purely technical. I do not think that there are any more amendments like that, but should there be I crave your indulgence to give such an explanation. Amendment 6 is totally non-contentious, but judging from the vote members thought that it was contentious.

The Deputy Presiding Officer: When someone speaks to their amendments it is usual for them to take advantage of the opportunity to point out such matters. However, if similar situations recur this afternoon, in certain circumstances it might be helpful for members to point out when they move their amendments whether the amendments are technical or consequential.

Section 12—Declarable interests

Amendments 7 and 8 not moved.

Section 19—Interpretation

Brian Adam: Will the Presiding Officer give me a moment to explain why I wish to move amendment 9?

The Deputy Presiding Officer: If you are going to say that it is technical or consequential, that will do.

Brian Adam: It is decidedly technical.

The Deputy Presiding Officer: That is sufficient information for members.

Amendment 9 moved—[Brian Adam].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Ballard, Mark (Lothians) (Green)
Barrie, Scott (Dunfermline West) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Canavan, Dennis (Falkirk West) (Ind)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Fabiani, Linda (Central Scotland) (SNP)
Fox, Colin (Lothians) (SSP)
Gillon, Karen (Clydesdale) (Lab)
Glen, Marlyn (North East Scotland) (Lab)
Gordon, Mr Charlie (Glasgow Cathcart) (Lab)

Grahame, Christine (South of Scotland) (SNP)
Harper, Robin (Lothians) (Green)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Maclean, Kate (Dundee West) (Lab)
Martin, Campbell (West of Scotland) (Ind)
Martin, Paul (Glasgow Springburn) (Lab)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Mather, Jim (Highlands and Islands) (SNP)
Maxwell, Mr Stewart (West of Scotland) (SNP)
May, Christine (Central Fife) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Morgan, Alasdair (South of Scotland) (SNP)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Murray, Dr Elaine (Dumfries) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
Scott, Eleanor (Highlands and Islands) (Green)
Sheridan, Tommy (Glasgow) (SSP)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Iain (North East Fife) (LD)
Sturgeon, Nicola (Glasgow) (SNP)
Wallace, Mr Jim (Orkney) (LD)
Watt, Ms Maureen (North East Scotland) (SNP)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
Douglas-Hamilton, Lord James (Lothians) (Con)
Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
Finnie, Ross (West of Scotland) (LD)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gibson, Rob (Highlands and Islands) (SNP)
Gorrie, Donald (Central Scotland) (LD)
Matheson, Michael (Central Scotland) (SNP)
McNeill, Pauline (Glasgow Kelvin) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Petrie, Mr Dave (Highlands and Islands) (Con)
Pringle, Mike (Edinburgh South) (LD)
Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
Scott, Tavish (Shetland) (LD)
Smith, Margaret (Edinburgh West) (LD)
Swinburne, John (Central Scotland) (SSCUP)
Welsh, Mr Andrew (Angus) (SNP)

The Deputy Presiding Officer: The result of the division is: For 56, Against 18, Abstentions 0.

Amendment 9 agreed to.

Amendment 10 not moved.

Schedule

REGISTRABLE FINANCIAL INTERESTS

The Deputy Presiding Officer: Group 2 is on related undertakings. Amendment 11, in the name of Margaret Jamieson, is the only amendment in the group.

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): Amendment 11 seeks to provide greater clarity for MSPs on related undertakings. It is only right and proper to inform members that I attempted to incorporate such clarity in the bill at stage 2, but during consideration of amendment 22 in my name, it became clear that the amendment was too wide in that it would apply to members' electricity and gas bills, their mortgages and everything else, which was obviously not my intention. My intention was to provide clarity for members who have an interest in a private business and receive no financial remuneration or tangible benefit in kind. However, that interest could be a large and significant asset, lying dormant and accumulating in value over a number of years. At some point in future, an estate or trust could be sold or wound up. It was therefore believed that such related undertakings should be covered by the bill, to allow members to sign up and be as clear as possible.

15:30

Some people believe that the bill should not include such related undertakings. At stage 2, colleagues in the bill committee believed that the principle and the intention were correct. The convener of the Standards and Public Appointments Committee, who is the member in charge of the bill, supported the inclusion of such undertakings. I am grateful to colleagues for allowing some discussion to take place between stage 2 and stage 3 and to the clerks for their assistance in ensuring that the amendment before us provides that clarity.

I move amendment 11.

Alex Fergusson: I cannot support amendment 11. It is not that I do not understand where Margaret Jamieson is coming from or that I misconstrue her intentions, which I think are to try to provide more clarity in what is a slightly cloudy area. It is just that the bill should be as minimalist as possible in its approach. On that score, the amendment is not entirely necessary, for the simple reason that, as the Scottish Parliament information centre briefing explains so well, the amendment seeks

"to widen the registration requirement to cover activities in which a Member has a financial interest (which may result in remuneration should that interest be wound up)".

When that financial interest is realised, it will be registrable. The amendment is unnecessary and I shall not support it.

Brian Adam: Alex Fergusson raises an interesting point, but the situation he describes could well happen when someone is no longer an MSP. In effect, the situation that Margaret Jamieson describes is to do with deferred income.

I was pleased that she asked for my support for amendment 11—I do not know whether that is the kiss of death, given my track record this afternoon. A similar amendment was debated at stage 2 but was withdrawn on the technical grounds to which Margaret Jamieson referred. The proposed new paragraph replaces the existing paragraph 3 of schedule 1 and in so doing widens its scope beyond being a director in a related undertaking to include being a partner in a firm.

In producing the bill, the Standards and Public Appointments Committee—here's hoping that we do not have a lot more recanting like we had earlier—considered the matter of related undertakings and recommended the extension of the provision to allow for the prejudice test to be applied in cases in which a member held a directorship but disposed of it prior to election. However, other unremunerated directorships that, under the current arrangements, do not require to be registered, may be registered voluntarily under section 7 of the bill. It is easy to envisage situations in which the additional provision applies. I repeat the example that I gave at stage 2 of a member with an unremunerated financial interest in a family business—possibly a large asset—which may result in a payment to the member should the business be wound up.

Basically, we are talking about unrealised income, which could be regarded as an influence. If a member is receiving no remuneration from their interest, there is no current requirement to register. We believe that there should be such a requirement. At stage 2, the committee supported the aim of an amendment that we felt was consistent with the overall aims of the bill. I beg members to support amendment 11.

Margaret Jamieson: I do not fully accept the comments that Alex Fergusson made because I believe that an influence could emanate from an interest that does not currently provide remuneration for a member. A member of the public might be able to say that an MSP voted a certain way because, 10 years down the line, they will get a payment from a certain interest that they have not declared. It is right and proper that we should have clarity in the bill and I urge members to support amendment 11.

The Deputy Presiding Officer: The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Ballard, Mark (Lothians) (Green)
Barrie, Scott (Dunfermline West) (Lab)
Brankin, Rhona (Midlothian) (Lab)

Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Martin, Campbell (West of Scotland) (Ind)
 McCabe, Mr Tom (Hamilton South) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Petrie, Mr Dave (Highlands and Islands) (Con)
 Sheridan, Tommy (Glasgow) (SSP)

ABSTENTIONS

Pringle, Mike (Edinburgh South) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)

The Deputy Presiding Officer: The result of the division is: For 65, Against 10, Abstentions 2.

Amendment 11 agreed to.

The Deputy Presiding Officer: Group 3 concerns thresholds for the registration of sponsorship and gifts. Amendment 2, in the name of Alasdair Morgan, is grouped with amendment 3.

Alasdair Morgan: The purpose of amendments 2 and 3 is to raise the limits above which certain financial declarations have to be made. Amendment 2 changes the monetary limit above which sponsorship—that is, financial or material support—in a single session must be declared from 0.5 per cent of salary to 1 per cent of salary. Amendment 3 changes the monetary value above which it is necessary to declare a gift of heritable or moveable property or a gift of a benefit in kind to a member or a member's spouse, civil partner or cohabitant, to a company in which the member has a controlling interest, or to a partnership of which the member is a partner, from 0.5 per cent of salary to 1 per cent of salary—that is, from £258 to £516.

The Standards and Public Appointments Committee and the bill committee have accepted that there should be such a lower limit, which is why it is in the bill. I think that they have done that because of several factors that count against the listing of every interest no matter how small, which would be the alternative to not having a lower limit. Those factors are the need for members to be open without being unnecessarily intruded on; the need to create a system that is not unduly bureaucratic; and the need to set limits that do not cause members to break the rules inadvertently because they did not realise that a gift or sponsorship was over the limit. Basically, the lower that we set the limit, the more bureaucracy we need to run the system, the more intrusion we must unnecessarily suffer in our private lives and—depending on other decisions that we will make later this afternoon—the lives of our spouses or partners, and the greater chance of inadvertently breaching the rules over an essentially trivial matter.

The committees have accepted that. What remains to be done is to make a judgment about what limit best achieves the correct balance between satisfying public accountability and having a sensible system. That is simply a judgment that members have to make for themselves and I accept that, to some extent, it is arbitrary. However, I note that the House of Commons has set the figure above which its members must register gifts at 1 per cent of their

significantly higher salary, rather than the 0.5 per cent that we have set the limit at.

The entries of gifts in our current register of interests that fall between the limit that is proposed by the committee and the limit that is proposed in my amendment 2 include, for example, a bus pass and hospitality at Ibrox stadium—which I think was overvalued by the member in their declaration. There was also a trip in a seaplane and attendance at a technology awards final in London, comprising the cost of flights and accommodation.

I mention that last example because the bill specifically excludes from gifts

“attendance at a conference or meeting”.

Is attending an awards final the same as attendance at a meeting? I somehow doubt it. However, I would contend that it would equally merit exclusion from having to be registered in the register of interests of members.

My contention is that the declaration of the types of so-called gifts that I have mentioned does not enhance our public accountability one iota; it does not give the public any more confidence in our probity; it creates work for bureaucrats; it creates a frisson of interest among those who are insatiably curious; and it puts honest members in danger of inadvertently transgressing the rules. The balance has to be struck. My opinion is that it is better struck at 1 per cent of a member's salary than at 0.5 per cent.

I move amendment 2

Alex Fergusson: I entirely agree with what Alasdair Morgan has said. We have sometimes fallen into the trap of believing that, because we are different from Westminster—and rightly so—we should always be seen to be more rigorous, open and accessible than our Westminster colleagues, and that we should always give more attention to detail than they do. As Alasdair Morgan says, the figure is bound to be arbitrary. Under amendment 2, I think that it would come to £510, rounded down to the nearest £10. Nonetheless, I think that a figure of 1 per cent is not unreasonable. It allows us to be perfectly open about these things, while hiding—or rather, not having to register—a lot of the minute details to which Alasdair has referred.

I seek your guidance, Presiding Officer. In speaking to the previous group of amendments, I think that I should have referred members to my entry in the register of interests of members, as I am a sleeping partner in a farming partnership.

The Deputy Presiding Officer: You have done that now, and I am sure that that is sufficient.

Brian Adam: I welcome this debate on amendments that were also considered at stage 2,

on which the bill committee was divided. As I said then, it is important that members have the opportunity to explore the trigger levels that are set for the registration of gifts and sponsorship. The amendments in the name of Alasdair Morgan seek to raise the level from 0.5 per cent to 1 per cent of a member's salary. The bill makes provision for sponsorship to be a registrable interest.

The bill's definition of sponsorship is new. It has been drafted on the basis of the requirements of the members' interests order in the light of experience to date. The definition applies when a member is receiving, or has received, any financial or material support as a member

“from the same person on more than one occasion which, over a parliamentary session, amounts, in aggregate, to more than the specified limit”,

being 0.5 per cent of the member's salary.

The principal effect of the change to the definition is to remove the need to register volunteer assistance. Gifts that exceed 0.5 per cent of the member's salary on the date when they were received require to be registered if the prejudice test is to be met. The inclusion of the prejudice test is also new. It is designed to restrict the registration requirements to gifts that prejudice, or could give the appearance of prejudicing, the ability of the member to participate in a disinterested manner in any proceedings of the Parliament. Not all gifts will therefore require to be registered.

The committee considered whether and on what basis the current threshold of £258 for the registration of gifts should be reviewed. If Alasdair Morgan's amendments are accepted, the trigger level for registration of gifts or sponsorship would double to £516. In our consultation paper, we included a question on whether the thresholds should be set at 0.5 per cent or 1 per cent of an MSP's salary. Many respondents thought that all gifts should be registered, regardless of value, as they could have a prejudicial effect on members. However, we received only 23 responses.

The committee also noted that the House of Commons code of conduct sets a 1 per cent threshold, as Alasdair Morgan pointed out. On the other hand, the consultative steering group working party recommended the lower threshold of 0.5 per cent. In preparing the bill, we had to strike the right balance between placing an unreasonable administrative burden on members, to which Alasdair Morgan has referred, and transparency.

The Standards and Public Appointments Committee and I welcome the fact that the levels that trigger registration will be set following this debate. We are pleased that the Parliament is

scrutinising these matters closely. When considering the proposed amendment, the majority of my committee supported leaving the threshold at 0.5 per cent of a member's salary—it will be interesting to see how many recant on that this afternoon. Having deliberated on the matter for a period of time, I would like it to be noted that at the most recent committee meeting, I declared that I intended to support Alasdair Morgan's amendment. I will do so as an individual this afternoon.

15:45

Christine May: My head tells me that Alasdair Morgan is quite correct, but my heart tells me that the lower limit still represents a significant amount of money in the eyes of the general public and the many out there who, quite rightly, take an interest in what we do on their behalf. For that reason, Mr Adam will be pleased to know that I intend to support the committee position, even though our convener is deserting us.

Alasdair Morgan: I have one point to make in response to Christine May. The specific reason why I raised the issue of a trip to London was that, because it is still the home of the imperial Parliament—we are working to change that—it is fairly reasonable for a member to have to go there to attend some kind of function and stay overnight, which would incur what is, under the bill, a gift in kind in excess of the 0.5 per cent limit that is being proposed. It is ridiculous, tedious, bureaucratic and unbelievable that every time we come back from one such trip, we have dutifully to tell the clerk to the Standards and Public Appointments Committee about it. Some months later, the clerk would tell us that the entry would have to come off the register again, because its time had expired. That is a nonsense. We have to cut down the entries in the register to the things that count and in which the public should be interested. We stand a much better chance of doing that if we have a 1 per cent threshold rather than a 0.5 per cent threshold.

The Deputy Presiding Officer: The question is, that amendment 2 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
Aitken, Bill (Glasgow) (Con)
Barrie, Scott (Dunfermline West) (Lab)
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
Brown, Robert (Glasgow) (LD)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Douglas-Hamilton, Lord James (Lothians) (Con)

Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
Finnie, Ross (West of Scotland) (LD)
Gibson, Rob (Highlands and Islands) (SNP)
Gillon, Karen (Clydesdale) (Lab)
Glen, Marlyn (North East Scotland) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grahame, Christine (South of Scotland) (SNP)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Maclean, Kate (Dundee West) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
Mather, Jim (Highlands and Islands) (SNP)
Matheson, Michael (Central Scotland) (SNP)
Maxwell, Mr Stewart (West of Scotland) (SNP)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Mitchell, Margaret (Central Scotland) (Con)
Morgan, Alasdair (South of Scotland) (SNP)
Muldoon, Bristow (Livingston) (Lab)
Murray, Dr Elaine (Dumfries) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Petrie, Mr Dave (Highlands and Islands) (Con)
Pringle, Mike (Edinburgh South) (LD)
Scott, Tavish (Shetland) (LD)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Iain (North East Fife) (LD)
Smith, Margaret (Edinburgh West) (LD)
Sturgeon, Nicola (Glasgow) (SNP)
Swinburne, John (Central Scotland) (SSCUP)
Wallace, Mr Jim (Orkney) (LD)
Watt, Ms Maureen (North East Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Baillie, Jackie (Dumbarton) (Lab)
Ballard, Mark (Lothians) (Green)
Brankin, Rhona (Midlothian) (Lab)
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)
Fabiani, Linda (Central Scotland) (SNP)
Fox, Colin (Lothians) (SSP)
Harvie, Patrick (Glasgow) (Green)
Lamont, Johann (Glasgow Pollok) (Lab)
Martin, Campbell (West of Scotland) (Ind)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
May, Christine (Central Fife) (Lab)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
Scott, Eleanor (Highlands and Islands) (Green)
Sheridan, Tommy (Glasgow) (SSP)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)

The Deputy Presiding Officer: The result of the division is: For 53, Against 22, Abstentions 2.

Amendment 2 agreed to.

The Deputy Presiding Officer: We come to group 4, on spouses, civil partners and cohabitants of MSPs. Amendment 12, in the name of Susan Deacon, is grouped with amendments 14 to 31.

Susan Deacon: I begin by finding common ground with Brian Adam and reiterating a theme that has run through much of the discussion on the bill in both the Standards and Public Appointments Committee and the Interests of Members of the Scottish Parliament Bill Committee. There are certain issues on which many of us have always thought that it was right that every member should reach a view and on which the Parliament should decide explicitly. The amendments in my name in this group address one such issue.

When I drafted the amendments, I did so to reflect concerns that were raised eloquently by a number of members in the stage 1 debate in December. I wanted to facilitate a debate on the issue in the bill committee. However, the more I have explored the issues, the more convinced I have become that it would be right for us to agree to the amendments today.

The number of amendments in this group is not proportionate to the complexity of the issues, which are relatively straightforward and relate to whether and to what extent we should enshrine in statute, backed by criminal sanctions, the need for a member to declare the financial interests of their spouse, civil partner or cohabitant—I hope that members will forgive me if I simply use the word “partner” during the rest of my contribution.

There are a number of reasons why we should consider agreeing to these amendments. First, as was said during the stage 1 debate, there is an issue about whether we can or should know the detail of our partners’ financial interests. Secondly, there is an issue about why the bill singles out our partners. If the bill were passed unamended, the provisions that we are discussing would apply to gifts, heritable property and shares. If someone were to give a substantial gift to one of our children, that might influence us—or not, as the case may be—as much as if they had given it to our partner. A similar argument applies to property that our parents own or shares that our siblings have in a particular area. Indeed, if a member were determined to conceal some financial interest—although I hope that they would not—they could use many other relationships to do so.

There are more fundamental issues. As many colleagues said during the stage 1 debate, it is we who stand for elected office, not our partners. There is a question about whether their interests

and financial affairs should have to be placed in the public domain. Alex Fergusson told us about a real case involving someone who thought twice about seeking election to the Scottish Parliament because their partner had said, “I am not prepared to go through that.”

My final point is one of principle. The approach that we have taken in this bill is the product of a bygone era when parliaments were predominantly made up of people of one gender, not another. The rules of our modern Parliament should reflect a world in which men and women are increasingly active in their own right—politically, financially, professionally and in many other ways.

If the amendments are agreed to, I am sure that many of us will continue to do what we already do and declare various interests relating to our partners and other significant people in our lives, either in the register of members’ interests or during proceedings, if we judge that it is appropriate to put that information into the public domain. As I have said before, if we remove the provisions from the bill by supporting the amendments in the group, it would be appropriate to use the code of conduct to continue to encourage high standards of openness and transparency in this area. If we support the bill as it currently stands, our approach will be disproportionate, impractical and wrong in principle.

I move amendment 12.

Alex Fergusson: I congratulate Susan Deacon on lodging the amendments in the group and on the eloquence with which she presented them to the chamber.

Experience and hindsight are great things. As I think Tricia Marwick said in her contribution to the debate on an earlier grouping, most members arrived at the Parliament in 1999 with the intention of creating a Parliament that had the highest possible standards. We want to be seen as being open and accountable, above question and of high integrity.

As I said, experience is a great thing. It gives me no pleasure to say that, in this case, it tells me that each time that we have attempted to make ourselves more open, accessible and honest, we have simply handed more ammunition to those who seek to do us down. Those people will seek to do that whatever the shape of the bill that emerges this afternoon.

I am fascinated at how the debate has moved on since the stage 1 debate, during which two or three members suggested rather tentatively that the time might be right to reconsider the issue. Susan Deacon is to be hugely commended for what she has done. Donald Gorrie made a very good point in the debate, which was that his wife

does not apprise him of her financial circumstances. Being the very sensible partner—or spouse or whatever else we want to call it—that he is, he does not press the issue. Why should he? However, if the amendments in the group are not agreed to today, Donald Gorrie might be put in a very difficult position.

On a previous occasion, I drew attention to the fact that, if my wife was to inherit some property, her response to my saying, “That is very nice, my dear. I am now off to see the Standards and Public Appointments Committee to register that,” would be to say, “Over my dead body.” On a bad day, that might be quite tempting, but I am delighted to say that we have more good days than bad days. I would be put in a very difficult position if I had to register that. As elected members, we have to take the heat. Who are we to say to our spouses or partners, “You must divulge information to us because we have to register it.” It is time that we took the brave step—one that no member nor the Parliament would be any the worse for taking—of agreeing to the amendments in Susan Deacon’s name.

The Deputy Presiding Officer: I must impose a three-minute limit on speeches. More members have now indicated that they want to speak on the group than was first expected.

Donald Gorrie: The last speaker stole most of my speech.

The argument that Susan Deacon advanced is a strong one. Why are partners and not parents, children, brothers, sisters or whoever being picked on? Many of us could be more influenced if someone were to provide a house for our elderly parents or something of that sort than we would by anything that our partners might do. It is ridiculous to pick on partners and ignore everyone else.

If our partner refuses to divulge their shareholding or whatever, are we supposed to compel them by putting them in an arm lock or threatening to send them to jail? If they say, “I am not telling you that,” they are quite within their rights. For quite a number of years, husbands and wives have been taxed separately; previously, they were taxed together. Everyone has the right to privacy in their financial and tax arrangements. I seek clarification from those who oppose Susan Deacon’s amendments of how they will compel recalcitrant spouses to divulge their affairs. Will it be a case of, “We have ways of making you tell us about your money”?

The whole provision is misconceived. We should not impose such duties on people merely because their partner happens to be foolish enough to stand for public office.

It was suggested to me that somebody could give a sports car to a member’s partner, which

might influence the member. I am sure that the press are competent enough to get hold of such an issue, which they could pursue if they wished.

It is much better not to make hundreds of rules and to make the system as simple as possible. We should have equality between the sexes and between partners and should not impose the downside of public life on our partners. Therefore, we should support Susan Deacon’s amendments.

16:00

The Deputy Presiding Officer: I call Marlyn Glen. [*Interruption.*]

Alasdair Morgan: Somebody has the wrong card.

The Deputy Presiding Officer: Does anyone else think that they have pressed their request-to-speak button?

Margaret Jamieson: Perhaps Marlyn Glen is in the room next door.

The Deputy Presiding Officer: She will need to come through here. I call John Home Robertson.

John Home Robertson (East Lothian) (Lab): I thank Susan Deacon for lodging the amendments, which follow points that I and other members made in the stage 1 debate. There may have been a time in history—perhaps not long ago—when husbands had complete control of their spouse’s finances; indeed, they had legal responsibility. However, those days are well and truly gone—thank goodness. As I said in the stage 1 debate, I have never seen my wife’s bank statement. I do not see why we should pass legislation to give Jim Dyer or any journalist access to such information. To pass such legislation would be improper and I strongly support the amendments in Susan Deacon’s name.

Brian Adam: The amendments in Susan Deacon’s name are similar to stage 2 amendments that she withdrew so that we could all accept the responsibility for making a key decision about members’ interests.

It is important that we have the debate, but it is also important that the public have confidence in what we do. With great trepidation, I refer again to the debate that took place six years ago when the Parliament passed what became the Ethical Standards in Public Life etc (Scotland) Act 2000 to ensure that the highest standards are maintained in public life. The amendments are at odds with that and would leave the Parliament open to substantial criticism.

I will deal with the detail of the amendments in turn. Members do not have to vote for all the amendments. Current arrangements in the members’ interests order include some relevant

provisions. In its wisdom, the Standards and Public Appointments Committee decided to level them up to cover shares, heritable property and gifts rather than to level them down, as these amendments would do.

Amendment 12 would remove the requirement under paragraph 6 of the schedule for a member to register a gift received by their spouse, partner or cohabitant. Currently, any gift worth more than £250 that a member's spouse or cohabitant receives is to be registered. The bill will remove the ridiculous situation in which intra-family gifts needed to be registered; the prejudice test takes care of that, so nobody need be concerned about that.

We could do as Susan Deacon says, but that would leave members open to criticism. The Standards and Public Appointments Committee has found a legislative solution that should take account of the many and varied circumstances in which gifts are received, which the prejudice test will address. Under our proposals, only gifts that exceed the financial limit and meet the prejudice test will require registration.

Amendments 14 to 22 would remove the requirement for a member to register heritable property that is owned or held solely by their spouse or cohabitant. Some members had concerns about that. The financial test is that such property must be worth more than 50 per cent of a member's salary and the prejudice test must be met before the property is required to be registered. In other words, the holding must be over the limit and the member must believe that, after taking into account all the circumstances, the interest could reasonably be considered to prejudice, or to give the appearance of prejudicing, their ability to participate in proceedings disinterestedly.

The committee considered the detail of the provisions and decided to bring registration of heritable property into line with provisions on shareholdings and gifts. We are trying to maintain high standards of probity while trying to minimise the administrative burdens on members.

Amendments 23 to 31 would remove the requirement for a member to register an interest in shares that are held solely by their spouse, partner or cohabitant. Currently, under the members' interests order, members must register shareholdings that are held by their spouse or cohabitant where those holdings meet the financial threshold. I do not think that we can avoid the situation south of the border—I need only mention Tessa Jowell in that respect. If we go down the route that Susan Deacon wants us to go down, we will expose ourselves to similar accusations. As it stands, the bill is proportionate and will protect members' interests. I understand the concerns

that members have expressed, especially in respect of the changing nature of family relationships, but I do not think that we have reached the point at which what our partners have and what they do have no influence over us, and I do not think that the public have reached that point either.

The Deputy Presiding Officer (Trish Godman): Mr Macintosh has one minute.

Alasdair Morgan: On a point of order, Presiding Officer. The amendments rather than the final debate on passing the motion form the meat of the debate. Therefore, would it be appropriate to extend the session on the amendments at the expense of the debate on the motion?

The Deputy Presiding Officer: A motion to extend the debate must be moved. There is only half an hour for the debate on the motion to pass the bill, so we are pushing things anyway.

The Minister for Parliamentary Business (Ms Margaret Curran): May I make a judgment and move a motion, Presiding Officer? I think that some members would be willing to shorten the final debate.

The Deputy Presiding Officer: Okay.

Motion moved,

That, under Rule 9.8.5A, the time-limit for groups 4 to 6 be extended by 20 minutes.—[*Ms Margaret Curran.*]

Motion agreed to.

The Deputy Presiding Officer: Mr Macintosh still has one minute. [*Laughter.*]

Mr Macintosh: I will use up 10 seconds by stating for the *Official Report* that my button was pressed throughout the debate. I suspect that my machine told you that Marlyn Glen rather than I had pressed the request-to-speak button, Presiding Officer.

In the stage 1 debate, I said that I thought that a duty for our spouses to declare their gifts and properties was wrong in principle, and I have not changed my mind about that. We all know that we give up some of our right to privacy when we stand for public office and that we become public property. The public expect many things of us, including knowing a little bit about us, where we come from and our interests, and we put huge expectations and burdens on our partners and family members who support us in standing for public office. However, they do not make the same decision as we make. It is unfair for members to ask their partners to give up their right to privacy in addition to supporting their decision to stand for public office.

I whole-heartedly support amendment 12. Several members have said that the part of the bill

in question is redolent of a bygone age of patrician and sexist attitudes in which a wife's property was regarded as part of a husband's property. Such attitudes are very old-fashioned. The part of the bill that we are discussing is not transparent. Having information about members' partners in the public domain does not aid the Parliament's transparency. Members rather than their partners need to be open to public scrutiny.

I support the amendments in the name of Susan Deacon.

Susan Deacon: I sincerely thank Brian Adam for his clarification on technical issues relating to the group of amendments. For the avoidance of colleagues' doubt, I will return to that. I also welcome the steps that the Standards and Public Appointments Committee took in drafting the bill to address the issue of intra-family gifts, to which Brian Adam referred. Over the years, many of us have joked that we would love our nearest and dearest to give us presents that are worth more than £250. On the odd occasion on which they might do so, it would be nonsense to have to register such presents. I commend the Standards and Public Appointments Committee for dealing with that matter.

I will briefly address a couple of the points that have been made. Brian Adam referred to one well-publicised case. There have been other such cases south of the border and, no doubt, elsewhere. Let us not confuse the role of and rules governing members, as distinct from ministers, and let us remember that there always will and should be ministerial codes, too. We should remember that we cannot legislate for or produce a set of rules to deal with everything, as was said earlier. Ultimately, the court of public opinion will reach judgments. We must live with that, and we have learned to do so.

I conclude by picking up on Brian Adam's point about public confidence and repeating some of the points that I and other members made earlier. By now, we ought really to have learned that we will not win the confidence or trust of the public by putting more and more detail into our rules and regulations or by creating more and more detailed administrative systems, however well intentioned those might be. We will do so by how we conduct ourselves individually, by what we do in the Parliament, by the difference that we make to people's lives and by being seen to respond effectively to their needs.

I have no idea how much the press or others externally are paying attention to this afternoon's debate, but if we are criticised either for our earlier decision on non-financial interests or for agreeing to the amendments in my name, I suggest that that will be a short-term presentational problem compared with the number of disputes that there

will be further down the track if we attempt to overlegislate and to be overly prescriptive in this area or, as others have said, if we create situations in which members inadvertently forget or fail to register something that subsequently becomes a massive issue. Let us get the matter in perspective.

I have already moved amendment 12. In light of the comments that colleagues have made—I am grateful to them for their support—it is my intention to move all the remaining amendments in my name. Amendment 12 deals specifically with gifts. Amendments 14 to 22 deal with heritable property, and amendments 23 to 31 deal with shares. As Brian Adam indicated, it is open to members to choose to vote differently on each of the three elements. I hope that that clarification is helpful.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Muldoon, Bristow (Livingston) (Lab)

Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Mr Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ballard, Mark (Lothians) (Green)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gillon, Karen (Clydesdale) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)
 Swinburne, John (Central Scotland) (SSCUP)

ABSTENTIONS

Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Harper, Robin (Lothians) (Green)

The Deputy Presiding Officer: The result of the division is: For 61, Against 3, Abstentions 16.

Amendment 12 agreed to.

The Deputy Presiding Officer: Margaret Curran's motion was to extend consideration of amendments by 20 minutes, so consideration of amendments must conclude by 16:45, leaving at least 15 minutes for debate on the motion to pass the bill. I have discretion to extend that period by postponing decision time until after 5 o'clock, but I will not do so unless that is the mood of the Parliament.

Amendment 3 moved—[Alasdair Morgan].

16:15

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Barrie, Scott (Dunfermline West) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 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)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Muldoon, Bristow (Livingston) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Mr Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Baillie, Jackie (Dumbarton) (Lab)
 Ballard, Mark (Lothians) (Green)
 Brankin, Rhona (Midlothian) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Harvie, Patrick (Glasgow) (Green)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Martin, Campbell (West of Scotland) (Ind)

May, Christine (Central Fife) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Butler, Bill (Glasgow Anniesland) (Lab)
 Harper, Robin (Lothians) (Green)

The Deputy Presiding Officer: The result of the division is: For 58, Against 17, Abstentions 2.

Amendment 3 agreed to.

The Deputy Presiding Officer: Group 5 is on overseas visits. Amendment 13, in the name of Brian Adam, is the only amendment in the group.

Brian Adam: Amendment 13 is reasonably self-explanatory and we do not need to have a great debate on it. We debated the matter at stage 2 when the relevant amendments were withdrawn. Although I am certain that amendment 13 will not satisfy everyone today, it is designed to relieve some of the burden on members by introducing the prejudice test to other matters.

In order to be clear about one of the practical effects for members that was discussed at some length at stage 2, I point out that under the present bill, hospitality is registrable if it involves provision of an overseas visit or falls under the provision concerning gifts. However, where a member pays for travel but no accommodation cost is incurred, because the member stays as a guest in a friend's or someone else's home outwith the UK, nothing is registrable.

I move amendment 13.

Bill Aitken: The matter is straightforward. We agreed to amendment 2 from Alasdair Morgan in which he proposed to raise the pecuniary sum to £516, as I remember it, but we are now talking about amounts that could be considerable in certain circumstances. A weekend in Spain might not cost all that much, but a fortnight in Ocho Rios in the West Indies could be a considerable financial benefit to the individual concerned. It is probably appropriate that amendment 13 be agreed to.

Brian Adam: I am delighted to have Mr Aitken's support—I think that I got it there—and I hope that I will have the support of the rest of the membership, which will be a record for this afternoon.

The Deputy Presiding Officer: Can I assume that you intend to press amendment 13?

Brian Adam: I intend to press amendment 13.

Amendment 13 agreed to.

Amendment 14 moved—[Susan Deacon].

The Deputy Presiding Officer: The question is, that amendment 14 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 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)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Mr Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Ballard, Mark (Lothians) (Green)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Swinburne, John (Central Scotland) (SSCUP)

The Deputy Presiding Officer: The result of the division is: For 64, Against 8, Abstentions 8.

Amendment 14 agreed to.

The Deputy Presiding Officer: Amendment 15 is in the name of Susan Deacon.

Susan Deacon: Before I move amendment 15, I clarify that amendments 15 to 22 are essentially consequential to amendment 14.

I move amendment 15.

The Deputy Presiding Officer: The question is, that amendment 15 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)

Kerr, Mr Andy (East Kilbride) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 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)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Muldoon, Bristow (Livingston) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Mr Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Fox, Colin (Lothians) (SSP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Ballard, Mark (Lothians) (Green)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)

The Deputy Presiding Officer: The result of the division is: For 65, Against 6, Abstentions 7.

Amendment 15 agreed to.

Amendment 16 moved—[Susan Deacon].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)

Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 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)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Mr Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Fox, Colin (Lothians) (SSP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Ballard, Mark (Lothians) (Green)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)

The Deputy Presiding Officer: The result of the division is: For 66, Against 6, Abstentions 7.

Amendment 16 agreed to.

Amendment 17 moved—[Susan Deacon].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 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)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)

Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Mr Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Ballard, Mark (Lothians) (Green)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)

The Deputy Presiding Officer: The result of the division is: For 65, Against 5, Abstentions 7.

Amendment 17 agreed to.

Amendment 18 moved—[Susan Deacon].

The Deputy Presiding Officer: The question is, that amendment 18 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)

Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 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)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Mr Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Fox, Colin (Lothians) (SSP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Ballard, Mark (Lothians) (Green)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)

The Deputy Presiding Officer: The result of the division is: For 66, Against 6, Abstentions 7.

Amendment 18 agreed to.

Amendment 19 moved—[Susan Deacon].

The Deputy Presiding Officer: The question is, that amendment 19 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 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)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Mr Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Fox, Colin (Lothians) (SSP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Ballard, Mark (Lothians) (Green)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)

The Deputy Presiding Officer: The result of the division is: For 66, Against 6, Abstentions 7.

Amendment 19 agreed to.

The Deputy Presiding Officer: Do members object to amendments 20 to 22 being moved en bloc and to a single question being put?

Members: No.

Amendments 20 to 22 moved—[Susan Deacon].

The Deputy Presiding Officer: The question is, that amendments 20 to 22 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)

Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 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)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Mr Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Fox, Colin (Lothians) (SSP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Ballard, Mark (Lothians) (Green)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)

The Deputy Presiding Officer: The result of the division is: For 66, Against 6, Abstentions 7.

Amendments 20 to 22 agreed to.

The Deputy Presiding Officer: Do members object to amendments 23 to 31 being moved en bloc and to a single question being put?

Members: No.

Amendments 23 to 31 moved—[Susan Deacon].

The Deputy Presiding Officer: The question is, that amendments 23 to 31 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 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)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Mr Dave (Highlands and Islands) (Con)
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 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Barrie, Scott (Dunfermline West) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)

Martin, Campbell (West of Scotland) (Ind)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Ballard, Mark (Lothians) (Green)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)

The Deputy Presiding Officer: The result of the division is: For 63, Against 9, Abstentions 5.

Amendments 23 to 31 agreed to.

The Deputy Presiding Officer: We turn now to registrable financial interests and the power to modify the schedule. Amendment 32, in the name of Brian Adam, is in a group on its own.

16:30

Brian Adam: I wish to inform members of what a determination is, because I suspect that many members will not know. A determination is an affirmative statutory instrument that means that if we were to choose to change any of the items in the schedule, we could do so without going back to primary legislation. It is another form of subordinate legislation. The schedule to the bill defines the various financial interests that require to be registered.

Alasdair Morgan: I was interested to hear about the new procedure, because it opens up some interesting possibilities. Could Mr Adam expand on how one would introduce such a determination? What parliamentary procedures cover it?

Brian Adam: It is wonderful to be working with Mr Morgan, who gives us challenging jobs. My resignation will be in tomorrow. No, not quite.

If members were concerned, they could approach the appropriate committee—almost certainly the Standards and Public Appointments Committee—to ask it to consider the matter and to decide whether a review would be appropriate. The mechanism would allow Parliament—it could be done by the Parliamentary Bureau through a motion before Parliament—to ask the appropriate committee—

Ms Curran: This is a new procedure for Parliament and it seems that we have not been appropriately briefed on it. Given that we have a responsibility to ensure that our procedures are straightforward, I ask Brian Adam to present us with a briefing.

In principle, I do not want to stand in the way of what the bill is trying to achieve. It is a committee bill, so it would not be appropriate for the Executive to stand in its way. However, speaking as an MSP, I say that it is important that our

procedures are consistent, work properly and are fully explained, although that is not always the case. I point out for the record that Executive bills would follow a different procedure. That is well established.

Brian Adam: I thank the minister for that clarification. If it would be helpful, I will be happy to ask the clerks to the Standards and Public Appointments Committee to send to all MSPs the briefing that each member of the committee was given on the use of determinations.

Margaret Jamieson: I seek further clarification. My concern is that we are faced with making the choice this afternoon. The matter was not debated at stage 1, nor was it introduced at stage 2. What happened between stage 1 and today?

Brian Adam: What happened between stage 1 and stage 2 and between stage 2 and today is that, as members engaged with the process, a number of issues were raised that highlighted the fact that it is very difficult for us to make changes to legislation. The determination is an appropriate vehicle that will allow Parliament to make changes without introducing primary legislation. An appropriate committee of Parliament would still have to consider the matter, through the usual processes, and every member would be entitled to attend. The committee would make a recommendation to the whole Parliament for it to debate, but primary legislation would not be required. The mechanism is another form of secondary legislation.

John Home Robertson: It sounds like an interesting device, reminiscent of a Sewel motion. Will it be called an Adam motion?

Brian Adam: I did not catch the last question. Perhaps that is just as well.

If Parliament will allow me to proceed to outline the detail of the process, members might become more enlightened. The mechanism is not meant to undermine the role of Parliament but is, rather, intended to protect Parliament's time. So far, two standards committees have considered the issue. We were given responsibility to produce the bill and it has taken us seven years to get to this point. We should not leave as an inheritance to the next Parliament and the next standards committee a problem in that if we wish to revisit the matter we will have to do it through primary legislation. That might mean that it would hit the buffers, as in the first session of Parliament, because of the Executive's legislative programme. The determination mechanism allows proper parliamentary scrutiny through secondary legislation.

Mr Jim Wallace (Orkney) (LD): I am grateful to Brian Adam for giving way. I hear what he says about the need not to use up Parliament's time.

However, amendment 32 states:

"The Parliament may, by a determination, make any modifications of this schedule which the Parliament considers necessary or expedient."

I am sure that the Executive would just love to have such a provision in an Executive bill. Would Mr Adam support it if there were?

Brian Adam: There is a major distinction between an Executive bill that gives powers to ministers to make decisions and a bill such as the one that is before us. Most bills grant powers to ministers to make decisions, which are usually reviewed through the subordinate legislation process. What amendment 32 proposes is the equivalent of that, but it would be a matter for all members of the Parliament. No one would be denied an opportunity to participate in such a debate. I certainly believe that the debate would be non-partisan, as this one has been, and that it would be an appropriate vehicle to protect Parliament's time and to allow an appropriate determination to be made.

Ms Curran: On a point of order, Presiding Officer. I think that I might need a ruling from you. Margaret Jamieson said that what amendment 32 proposes was not raised during stage 2. I was not fully aware that that was the case and I think that it raises a serious constitutional issue, so I ask for your advice. The mood of Parliament seems to be that it does not wish to decide on what amendment 32 proposes at this time because it has not had proper information on it. Is it possible for us to postpone the decision on amendment 32, but to vote on other amendments?

Mr Macintosh: On a point of order, Presiding Officer. I do not know whether my comments will be of benefit, but the matter was brought to the attention of, and was discussed by, the Subordinate Legislation Committee yesterday. The advice that we were given was that subordinate legislation cannot be laid by parliamentary committees. Jim Wallace referred to the legislative device that is open to the Executive of making subordinate legislation, but Parliament cannot follow that course. Such a legislative device is not available to a parliamentary committee or to an individual member of Parliament. It is available only to the Executive.

The choice that faces anybody who wishes to make any changes to the eventual act would be whether to lodge another bill. The Subordinate Legislation Committee was told that the only way to get round that—I hope that Brian Adam will correct me if I am wrong—is to make a determination. My understanding is that a determination is effectively an opportunity for Parliament to vote on and decide a matter by majority. Therefore, a determination would work like an affirmative instrument. It would be moved

by a parliamentary committee and Parliament would have to approve it by a vote.

My understanding is that the determination device was created because it is not open to Parliament to use the device that is open to the Executive. I hope that that is helpful.

The Deputy Presiding Officer: My advice is that amendment 32 is an admissible amendment, so Parliament can vote for or against it. That is up to Parliament, and it is up to Mr Adam, if he wishes, not to move amendment 32.

Dennis Canavan (Falkirk West) (Ind): On a point of order, Presiding Officer. Can you tell us whether there is an acceptable definition of a "determination"?

The Deputy Presiding Officer: That is a matter of legal interpretation. Parliament will be asked whether it supports amendment 32. It is also up to Brian Adam to decide whether to move the amendment, so it is a matter for Parliament.

Brian Adam: Thank you, Presiding Officer. I do not believe that I can offer any further elucidation of the matter. I am grateful to my colleagues for wishing to pursue the matter, but if I am given the opportunity to present my case, perhaps we can make a little progress.

The schedule to the bill lists all the things that are required to be registered. If we wish to vary that list, the current option—as Ken Macintosh rightly pointed out—is to go back to primary legislation, unless we were to use the route that amendment 32 proposes, which is another form of subordinate legislation and is the only non-Executive route to deliver subordinate legislation. Amendment 32's proposal that there could be a determination made is meant to be helpful. It was not specifically mentioned during stage 2, but the amendment was lodged to address deficiencies in how we would be able deal with a change of mind in the light of experience. Amendment 32 proposes an appropriate legislative route.

I move amendment 32.

Alex Fergusson: I think I am about to become one of a growing list of members—I am not so much changing my mind, as guilty of not picking up the consequences of the proposal when it went through the Standards and Public Appointments Committee. I have to say that I have grave reservations about the opening sentence on this subject in the Scottish Parliament information centre's briefing on the bill as amended at stage 2, which states:

"A determination is a legally binding form of subordinate legislation that is not subject to the usual types of Parliamentary procedure".

Parliament's time has been extraordinarily well used in this afternoon's debate on standards. It

has been a mature and grown-up debate, from which the bill is emerging much stronger. If we go down the route of bringing in a determination—thereby bringing in change if not by the back door then by a short cut—we will do away with the opportunity for mature and extended debate on matters that have proved to be of great importance to all members. I have grave reservations about the determination procedure.

The Deputy Presiding Officer: A considerable number of back benchers wish to speak on the matter. I can extend the debate by 10 minutes if any member is minded to move such a motion.

Motion moved,

That, under Rule 9.8.5A, the time-limit for groups 4 to 6 be extended by a further 10 minutes.—[Ms Margaret Curran.]

Motion agreed to.

Iain Smith (North East Fife) (LD): I will be extremely brief, Presiding Officer. I simply want to know whether the determination system is covered in the Scotland Act 1998 or the Parliament's standing orders. I am not aware of the procedure or how it would operate.

Brian Adam: May I help the member? It is not a new procedure. In fact, Parliament agreed to the use of similar powers in the Scottish Parliamentary Standards Commissioner Act 2002, which contains a number of powers to amend by determination.

Iain Smith: I am not sure that that answered my question, which was whether there is anything in standing orders or the Scotland Act 1998 that states how the procedure would operate. I am not aware that there is, and I am reluctant to agree to give powers without knowing how they would be operated.

Alasdair Morgan: The power that Brian Adam proposes is something that we should have in the bill. As with any other bill, where there is detail, there is often a desire to go back and amend that detail without having to use primary legislation.

The question is whether we should agree to include the power in the bill, given that it seems to have come as a surprise to most members, despite such powers being in the other bill that Brian Adam mentioned. I was about to ask the same questions as the member for North East Fife. The word "determination" does not appear in the Scotland Act 1998 and, as far as I know, it does not appear in standing orders. I presume that, because we have never used a determination before, the Procedures Committee has not come up with any procedures on how to use it. It is a bit strange to create the rule first and to consider later how to deal with it.

The Interests of Members of the Scottish Parliament Bill is a committee bill, but when it is passed and becomes an act, it will simply be an act. The memory of how the bill came about—whether it came from the Executive, a member or a committee—will be lost. It will simply be an act of Parliament. I therefore wonder why it is so different.

Mike Rumbles: Earlier, I tried to intervene on Brian Adam to ask him about determinations. I am concerned about what will happen as a result of this afternoon's debate and the amendments that we have not passed which were lodged by the Standards and Public Appointments Committee. They were rejected by the bill committee, which did not consider the matter, and they were rejected by members this afternoon—[*Interruption.*] I apologise for my phone ringing. If it is left to the committee to produce a determination at a future date, what will be the system? Will the committee decide on the determination, with Parliament just saying yes or no? That is the problem.

Pauline McNeill (Glasgow Kelvin) (Lab): The procedure may or may not be a useful one—we are not sure. I am not clear whether the Executive has an equivalent power to amend legislation that began as a committee bill. That is my worry. Perhaps the Procedures Committee needs to consider the matter, because I would like us to be clear about it. Does the member agree?

Mike Rumbles: I do.

To avoid another division, I wonder whether Brian Adam would consider seeking to withdraw amendment 32.

16:45

Linda Fabiani (Central Scotland) (SNP): It will be up to Brian Adam to decide whether to withdraw amendment 32 when he winds up. He is the convener of the Standards and Public Appointments Committee and he has already told Parliament that such a procedure exists in the Scottish Parliamentary Standards Commissioner Act 2002. It is important to accept that the proposed procedure is not brand new and is not being sprung on Parliament for the first time.

Some members have used phrases such as "in the light of experience" and "with hindsight" when arguing that certain procedures have not worked properly. If we accept that that position is valid, we must accept that it is valid to argue that there may be a time when Parliament feels that provisions in the schedule need to be revisited.

Amendment 32 refers only to modifications of the schedule. It says:

"The Parliament may, by a determination, make any modifications".

It does not say that one or two individuals, or only a committee, may do so, but that Parliament may do so. That suggests to me that the procedure would be similar to the one that has been used today. A committee may well make recommendations, but Parliament would have to decide whether to agree to a determination.

Alex Fergusson: Does the member accept that that process would not allow for the level of consultation and debate that we have been able to have during today's proceedings?

Linda Fabiani: I will be very honest and admit that I do not know whether that would be the case. It would be up to Parliament to decide how to proceed—members would tell the parliamentary committee concerned how they wanted things to be done. That would be part of the debate.

Murray Tosh (West of Scotland) (Con): On a point of order, Presiding Officer. In the light of what the Minister for Parliamentary Business said, it would be helpful if you could spell out for Parliament the options that exist under rule 9.8.5C and 9.8.6 for the issue to be reconsidered, given that there is such uncertainty about the precise nature of what is proposed in amendment 32.

The Deputy Presiding Officer: The member is correct to clarify that the member in charge of the bill has those options, if he wishes to use them.

Alex Fergusson: On a point of order, Presiding Officer. Are you able to read out to us what those options are?

The Deputy Presiding Officer: I am about to do that, but I will suspend the meeting for two minutes, so that I can get them absolutely correct. They are slightly confusing.

16:48

Meeting suspended.

16:59

On resuming—

The Deputy Presiding Officer: I intend to answer Mr Tosh's point of order, then I will continue the debate on amendment 32 with Mr Wallace, Mr Macintosh and Mr Adam's closing speech.

When the last amendment has been disposed of and before we begin the debate on the motion to pass the bill, the member in charge may propose to defer the remaining stage 3 procedures to a later date. If we agree that—or if the member in charge agrees that—the member in charge may, at those later proceedings, move amendments to clarify uncertainties and to give effect to commitments that were given at stage 3. In other

words, we can stop, clarification can be given and amendments can be dealt with at later proceedings. That means that we would not have the debate on all the amendments; we would come back to that at a later date.

To finish this group, I call Jim Wallace, to be followed by Ken Macintosh. If necessary, I will use my discretion to move decision time.

17:00

Mr Wallace: Like Alex Fergusson, I was alarmed to read the SPICe briefing that said:

"A determination is a legally binding form of subordinate legislation that is not subject to the usual types of Parliamentary procedure for subordinate instruments."

Ken Macintosh helpfully pointed out that neither the Parliament nor its committees can make Scottish statutory instruments in the same way as the Executive.

Determinations are provided for under the bill. Section 1(3) has a determination, which refers to

"any other matter which the Parliament may determine should be included".

Section 4(1) says:

"A written statement shall be in such form as the Parliament may determine."

Section 4(2) says:

"A written statement shall contain such information about the interest or relating to it as the Parliament may determine."

Section 11(1) says:

"The Clerk shall publish the register at such intervals and in such manner as the Parliament may determine."

The whole of subsection (3) of the "Short title and commencement" section, section 21, is about the fact that the bill, if passed, will

"come into force on the day after Royal Assent ... for the purpose of enabling the Parliament to make determinations".

Determinations are very much a feature of the bill. A lot of us are uncomfortable about that, as we are not quite sure what the parliamentary process is for making such determinations, and about there not being the same safeguards in place as would be there for subordinate legislation in the ordinary course of events.

It would therefore be helpful if Mr Adam were to take advantage of the standing orders that have been referred to, so that we could get a better understanding of what would be involved. I take the point that, if we do not agree to amendment 32, primary legislation would be required to change the schedule. Members will want to be comfortable and reassured that, in making any such determination, the procedures are robust. In

the intervening time, perhaps the Procedures Committee could indicate to the Parliament whether it will examine, as a matter of priority, the procedures that will be used for the Parliament to make determinations under the bill.

The Deputy Presiding Officer: We must finish the amendments by 17:07.

Mr Macintosh: I echo Jim Wallace's points. Clearly, members are faced with a degree of uncertainty, but I do not think that there is anything whatever to be alarmed about. In fact, it would be very unusual to pass a bill, including the elements that are contained in its schedule, without giving the Parliament a subordinate legislative procedure to amend those elements of the schedule. There is a schedule to the bill in order that the things that are in it will not necessarily be subject to primary legislation, but may still be subject to change. We do not want to pursue a primary legislative vehicle every time we wish to change one small item in the schedule. For that reason, we should not be at all scared. However, there is still a degree of alarm, concern or anxiety about the matter. I am sure that Mr Adam will take those points on board.

Brian Adam: I am grateful for your guidance today, Presiding Officer. I am also grateful that members have engaged with the process so vigorously. It is clear that some questions in members' minds are as yet unresolved. I echo the sentiments that were expressed by Mr Wallace that, throughout the bill, which has already been agreed to, there are a series of determinations. We have agreed them; they have been dealt with.

As far as the Scottish Parliamentary Standards Commissioner Act 2002 is concerned, determinations are in place. The difference is that, unlike in the Interests of Members of the Scottish Parliament Bill, the determinations in the 2002 act are to be made by the Presiding Officer. In the case of the Interests of Members of the Scottish Parliament Bill, that would be done by the Parliament. I accept that, in some members' minds, the question of how the Parliament would make such a determination is not yet clear. For that reason, I do not wish to press the amendment.

Margaret Jamieson: On a point of order, Presiding Officer. I apologise. Given that the member is not pressing amendment 32 and is taking the guidance, will you guide members on the process that will follow? There has been discussion about what will happen with the Procedures Committee. Will the bill committee be reconvened to discuss the amendment? We have to get this sorted out.

The Deputy Presiding Officer: In a sense, I have already answered that. It is up to the member in charge of the bill how he progresses.

Once we have dealt with amendment 33, I will ask the member to move a motion without notice. When I do so, you will understand the clarification.

Because amendment 32 is the property of the Parliament, I have to ask whether members are content for it to be withdrawn.

Amendment 32, by agreement, withdrawn.

After schedule

The Deputy Presiding Officer: Amendment 33, in the name of Brian Adam, was debated with amendment 4.

Amendment 33 not moved.

The Deputy Presiding Officer: Under rule 9.8.5C, I invite Brian Adam to move a motion without notice to defer the remaining stage 3 consideration to a later date to be determined by the Parliamentary Bureau. I point out to members that such a motion cannot be debated. Mr Adam, do you so move?

Brian Adam: I take it that I am allowed to make a brief statement.

The Deputy Presiding Officer: Yes.

Brian Adam: I reiterate the commitment that was made to circulate to all members the details of the briefing that we received on determinations. I hope that the Procedures Committee will consider that between when we conclude today and when the bureau considers that we should proceed with the stage 3 debate. I will take advice from my committee about how to proceed with regard to any amendments that might be required. I note that only the member in charge will be allowed to move amendments at that stage, for clarification.

I move,

That, under Rule 9.8.5C, the remaining proceedings at Stage 3 be adjourned to a later day.

Motion agreed to.

The Deputy Presiding Officer: I will have to suspend the meeting for 10 minutes for decision time, because there can be no debate.

Ms Curran: On a point of order, Presiding Officer. I think that I have the right under the standing orders to move a motion without notice that decision time be taken now.

The Deputy Presiding Officer: That will probably be the most popular motion to be moved this afternoon.

Motion moved,

That, under Rule 11.2.4, Decision Time on Wednesday 26 March 2006 be taken at 5.12 pm.—[*Ms Margaret Curran.*]

Motion agreed to.

Business Motions

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-4293, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 3 May 2006

2.30 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Member's Oath/Affirmation
followed by Stage 1 Debate: Scottish Commissioner for Human Rights Bill
followed by Financial Resolution: Scottish Commissioner for Human Rights Bill
followed by Business Motion
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 4 May 2006

9.15 am Parliamentary Bureau Motions
followed by Scottish Green Party Business
 11.40 am General Question Time
 12 noon First Minister's Question Time
 2.15 pm Themed Question Time—
 Justice and Law Officers;
 Enterprise, Transport and Lifelong Learning
 2.55 pm Stage 1 Debate: Local Electoral Administration and Registration Services (Scotland) Bill
followed by Financial Resolution: Local Electoral Administration and Registration Services (Scotland) Bill
followed by Police and Justice Bill Legislative Consent Motion – UK Legislation
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Wednesday 10 May 2006

2.15 pm Time for Reflection
followed by Scottish Parliamentary Corporate Body Question Time
followed by Parliamentary Bureau Motions
followed by Stage 3 Proceedings: Scottish Schools (Parental Involvement) Bill
followed by Business Motion
followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 11 May 2006

9.15 am Parliamentary Bureau Motions
followed by Executive Business
 11.40 am General Question Time
 12 noon First Minister's Question Time
 2.15 pm Themed Question Time—
 Finance and Public Services and Communities;
 Education and Young People, Tourism, Culture and Sport
 2.55 pm Executive Business
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business.—[Ms Margaret Curran.]

17:09

Donald Gorrie (Central Scotland) (LD): I ask the minister to make a statement that might prevent my having to vote against the motion.

The Procedures Committee is concerned that, for the second time, consideration of its proposals about Crown appointments is being put out of the agenda. There is an issue to do with the timescale. The matter has to be agreed before the next round of reappointments is made, which means that the decision has to be made this month. Will the minister assure us that we will get the necessary slot to enable that important issue to be discussed this month?

17:10

The Minister for Parliamentary Business (Ms Margaret Curran): I can clarify that the item was postponed at the request of the convener of the Justice 1 Committee, who wanted the time to be used for a debate on the Scottish Commissioner for Human Rights Bill. Members will appreciate that I will always try to give the maximum amount of time possible to conveners and others who make representations to me. I hope that Parliament will agree that the correct decision was made.

In moving the proposal in the Parliamentary Bureau, I indicated that I would meet the convener and deputy convener of the Procedures Committee to ensure that there would be appropriate parliamentary time to ensure that their requirements were met.

Donald Gorrie: I withdraw my opposition to the motion.

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S2M-4287, 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 consideration of the Adoption and Children (Scotland) Bill at Stage 1 be completed by 15 September 2006.—[*Ms Margaret Curran.*]

Motion agreed to.

Parliamentary Bureau Motion

17:11

The Presiding Officer (Mr George Reid): The next item of business is consideration of a Parliamentary Bureau motion. I ask Margaret Curran to move motion S2M-4288, on the approval of a Scottish statutory instrument.

Motion moved,

That the Parliament agrees that the draft Maximum Number of Part-Time Sheriffs (Scotland) Order 2006 be approved.—[*Ms Margaret Curran.*]

Decision Time

17:12

The Presiding Officer (Mr George Reid):

There is one question to be put tonight, which is that motion S2M-4288, in the name of Margaret Curran, on the approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the draft Maximum Number of Part-Time Sheriffs (Scotland) Order 2006 be approved.

Chernobyl

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a members' business debate on motion S2M-4057, in the name of Des McNulty, on the 20th anniversary of the nuclear accident at Chernobyl.

Motion debated,

That the Parliament notes that 26 April 2006 is the 20th anniversary of the nuclear accident at Chernobyl and that the cross-party International Development Group is holding a meeting on that date to observe the anniversary of the accident, learn lessons from the past and look to the future; reflects upon the terrible social and environmental legacy that this horrific accident left, and continues to leave, in Ukraine, Belarus, Russia and beyond; pays respect to the many people whose lives were lost following the explosion; acknowledges with sadness the implications for all those who continue to suffer ill-health caused by radiation poisoning today and the severe difficulties still faced by the communities worst affected; further notes that pollution from the accident affected countries as far away as Scotland, where it continues to leave an environmental legacy; strongly commends Scottish charities and civic organisations for their outstanding work in supporting individuals and affected communities, and recognises the need to take national and international action to avoid any possibility of future environmental catastrophes such as the Chernobyl nuclear accident ever being repeated.

17:14

Des McNulty (Clydebank and Milngavie) (Lab): Twenty years ago today, on 26 April 1986, the world's worst nuclear power accident occurred at Chernobyl, 80 miles north of Kiev in the former Soviet Union. While one of the reactors was being tested, safety procedures were disregarded and, at 1.23 am, the chain reaction in the reactor ran out of control, creating explosions and a fireball that blew off the reactor's heavy steel and concrete lid.

The accident killed more than 30 people immediately. Many emergency services workers, as well as power plant workers and soldiers who went to help, suffered very high levels of radiation exposure. That has had severe consequences for them and for their families.

The World Health Organisation estimates that the deaths of 3,500 people are directly attributable to the accident, but many scientists and doctors regard that estimate as conservative and suggest that tens of thousands of people have already died and that more will die in future.

As a result of the high radiation levels in the surrounding area, 135,000 people were evacuated and the 30km exclusion zone around the plant will remain uninhabitable for decades. Most of the contaminated territory lies in neighbouring Belarus, where 70 per cent of the total fallout was deposited. The accident deprived Belarus of 22 per cent of its agricultural land and 21 per cent of

its forests. The official Chernobyl committee in Minsk, which was responsible for dealing with the consequences of the disaster, estimates the total damage for Belarus at \$235 billion. That is more than ten times the country's gross national product and about 60 times its annual national budget—a catastrophe indeed.

Radioactive fallout from the Chernobyl disaster affected about 72 per cent of Ukraine. Today, 20 years on, 6.3 per cent of the country is still contaminated; 35,000km² of forest were contaminated by the accident—that is 40 per cent of the country's forests. According to information from the Ukrainian Government, spending on alleviating the effects of the accident has been \$6.5 billion since 1991. Currently, 5 to 7 per cent of the national budget is consumed by dealing with the consequences of the disaster. Ukrainian experts estimate that by 2015 the disaster will have cost the economy over \$200 billion.

Across Europe, it is estimated that 6.7 million people were exposed to unsafe levels of radiation. Even here in Scotland—1,400 miles away—10 farms remain affected 20 years after the event. Although there is controversy over the number of deaths that are directly attributable to the disaster, it is clear that the disaster led directly to a dramatic rise in the number of cases of thyroid cancer, leukaemia and other birth defects—especially in Belarus, but elsewhere in Europe as well.

I am grateful to colleagues who have supported the motion for this members' business debate, and to those who will contribute to this evening's discussion. Today, the cross-party international development group of the Scottish Parliament heard from Anatoli Artemenko, a Ukrainian Chernobyl expert, and from Dr Richard Dixon, the director of WWF Scotland. The IDG has also heard from Scottish-based charities—small charities in the main—that do much-needed work in the affected areas and have built strong links with young people in Ukraine and Belarus. Thousands of children have been brought across to Scotland for periods of what is, in effect, decontamination. The commitment that individuals have shown to working with those children has been one of the most inspiring things that I have come across in my time as an elected member.

What of the future? In 1997, the international community established the Chernobyl Shelter Fund, and the G7 countries, the European Union, Ukraine and others have pledged €720 billion in support of the fund. The fund is managed by the European Bank for Reconstruction and Development. It finances works to deal with the long-term dangers posed by the Chernobyl accident—such as the works to encase the reactor in a 20,000 tonne steel shelter. The shelter will contain the existing unstable sarcophagus that

was constructed early after the accident to confine radioactive material. It is hoped that the new, stable and environmentally safer structure will contain the remains of the reactor for at least 100 years. During that time, an even longer-lasting solution to the Chernobyl problem must be found.

It was brought to our attention at the IDG today that, had the Romans had nuclear power, we would still be dealing with the consequences today. In 2000 years' time, it is likely that future generations will be dealing directly with the consequences of Chernobyl.

Chernobyl reminds us of the risks that are associated with unlocking the atom. Those risks were highlighted first by Albert Einstein but have been reiterated in different ways by many scientists and politicians at different times. Nuclear energy has the potential to be a valuable tool, but everybody should be aware that it carries risks not just for the present generation, but for future generations. In taking on and using nuclear power, we must have full awareness of the potential risks and a proper strategy and mechanism for dealing with them.

John Home Robertson (East Lothian) (Lab):

Des McNulty is right to highlight the excellent and urgent relief work that has been undertaken in and around Chernobyl. Will he acknowledge that one of the most valuable developments to follow that catastrophe was the establishment of the World Association of Nuclear Operators, which ensures that every commercial nuclear reactor on the planet—there are 450—is subject to peer review, which should ensure a safety culture that makes such a catastrophe absolutely impossible in the future?

Des McNulty: It is vital to acknowledge that we cannot uninvent nuclear power and energy. Nuclear power plants exist and we must have robust methods of dealing with the consequences of that.

If countries decide to proceed with nuclear power—our country is considering the issues—it is clear that scientists, politicians and everyone else who is involved in making decisions must examine fully all the consequences, all the risks, all the potential advantages and all the potential disadvantages and convince the public that that has been done adequately.

We are not at the stage of deciding whether to have nuclear power. However, we must recognise that we must find effective ways of dealing with the consequences of the nuclear power that we have already used. That is not beyond the capacity of our scientists, engineers or political system. In the future, nuclear power might find its place alongside other forms of power generation. I am not anti nuclear power in a simplistic sense. I

recognise that we cannot go backwards, but we must learn from what happened in Chernobyl, ensure that nothing like that could happen here and recognise that we all have obligations to the people affected by that dreadful incident. In the next 20 years, we must ensure that neither the lessons nor the victims of Chernobyl are forgotten.

17:23

Christine Grahame (South of Scotland) (SNP): I congratulate Des McNulty on securing this sombre but necessary debate, 20 years after Chernobyl. The account of that fateful day and of the unfolding of events is chilling. There was a two-day delay in making the accident public and it was seven days before radioactivity stopped leaking out. Twenty years later, even parts of Scotland are still affected by the radioactive fallout.

The tragedy impinged on all the unfortunate people in Belarus, hundreds of thousands of whom had to leave their homes. Hundreds of thousands died as a consequence of radioactive fallout. The effects also made their way to the north, so most countries of northern and western Europe were touched. As Des McNulty said, in the south of Scotland—my area—10 farms are still affected by the radioactive fallout, 20 years on. The sheep from those farms cannot be sold into the food chain because they have high levels of radioactivity. If good has come from ill, the good is that marker for us, particularly as some people consider using nuclear energy.

I will not develop my speech into a debate about energy. I do not oppose nuclear energy in principle, if it is safe, but there is the rub. The catastrophe at Chernobyl taught us that nuclear energy is not safe. It continues to be unsafe and the waste that is produced will be unsafe for hundreds of generations. That is a serious issue for the Parliament, which has limited planning powers over moving towards new nuclear power stations. We must consider our responsibilities, not only to our children and grandchildren, but to the many people beyond them.

Des McNulty referred to health impacts, about which there has been controversy. I asked a parliamentary question about the health impact in Scotland of the radioactive fallout from the Chernobyl incident. The Minister for Health and Community Care replied only last month that the only traceable effect of the Chernobyl incident would be

“an increase in the incidence of some forms of cancer such as thyroid cancer in children.”—[*Official Report, Written Answers*, 22 March 2006; S2W-24295.]

My understanding from substantial and useful briefings is that such cancers are the first things to

occur—they result within days of the fallout—but other substantial cancers also result, such as leukaemia, which Des McNulty mentioned. I asked whether there had been any specific investigation

“into the health impact on the population of areas affected by the Chernobyl incident”,

to which the minister replied:

“No specific investigation into the health impact ... has ... been made.”—[*Official Report, Written Answers*, 22 March 2006; S2W-24295.]

It is appalling that, 20 years after the incident, the health impacts in Scotland are not being considered. I am referring not only to cancers, bad as they are, but to genetic deformities that are now built into the system. As we know, some animals have genetic deformities as a direct result of the fallout.

I thank Des McNulty for lodging the motion and securing what I described as a sombre debate. I heard what he said about nuclear power and hope that the Parliament will not see an erosion of our important obligation not to have more nuclear power stations in Scotland while nuclear energy is unsafe and we do not know how to contain the waste that is produced.

17:27

Lord James Douglas-Hamilton (Lothians) (Con): I warmly congratulate Des McNulty on lodging an extremely important motion. Marking the 20th anniversary of the terrible nuclear accident at Chernobyl and remembering all those who lost their lives, loved ones, homes and communities is vital.

I am holding in my hand a BBC news report, which states:

“Ten farms in Scotland are still under restrictions because of radioactive contamination from the Chernobyl disaster”.

It states:

“The Food Standards Agency said it may be several years before the farms in Stirlingshire and East Ayrshire could be given the all-clear to sell stock. About 3,500 sheep are currently being monitored but farmers’ leaders have called for a new risk assessment.”

The matter is therefore directly relevant to Scotland. Considering it is all the more important in the light of the claim that in Scotland, some 37 per cent of electricity is generated by nuclear power. It is further alleged that some 55 per cent of the energy that is consumed comes from nuclear energy. Those figures may be approximate, exact or not exact, but it is absolutely clear that the nuclear industry has been and remains a major player in Scotland with regard to the generation of heat and warmth in what would otherwise be cold houses. With that in mind, it is

right to examine the implications of the Chernobyl tragedy.

As we know, one of the four nuclear reactors at Chernobyl, which is 70 miles north of Kiev, exploded at 1.23 local time on Saturday 26 April 1986. It is a cruel irony that it did so during a practice test of the safety systems. The technical measures that were taken to extinguish the fire were initially unsuccessful, and the fire and radioactive emissions were not under control until 6 May. By then, terrible damage had been done to the local community and the environment. We should express unqualified admiration and the deepest respect for the firefighters who bravely fought the fires, many of whom, as Des McNulty said, lost their lives.

On 27 April—36 hours after the accident—the 45,000 inhabitants of Prypyat, which is 4km away, were evacuated in buses. The town remains uninhabited. Within 10 days, 130,000 people from 76 settlements in the area were evacuated. The explosion released a deadly cloud of radioactive particles into the atmosphere. It is estimated that the destructive potential of 100 atom bombs was unleashed.

The number of deaths and cancers caused by the accident remains a matter of serious dispute. In 2005, the Chernobyl forum published a report written by specialists from seven United Nations organisations, including the World Health Organisation, the International Atomic Energy Agency and the World Bank, as well as from Belarus, Russia and Ukraine. The report concluded that the disaster will claim roughly 4,000 lives. It states that by mid-2005 just over 50 persons will have died as a direct consequence of nuclear exposure. However, many independent experts argue that the actual number is much greater. Greenpeace estimates that there will be 270,000 cases of cancer following Chernobyl and that 93,000 of those will probably be fatal.

The First Minister has made a principled stand by saying that he cannot make decisions on the long-term future of the nuclear industry until he knows the position with regard to the successful storage of nuclear waste. If a decision is finally made to retain and modernise nuclear power stations, it is absolutely essential that we pay heed to the terms of Des McNulty's motion, which presents us not only with a tragedy affecting all of Europe, but also with a cautionary tale to the effect that, if we abandon the highest standards, we do so to the peril of Scotland, the human race and the planet.

17:31

Marlyn Glen (North East Scotland) (Lab): I welcome the opportunity to speak in support of

Des McNulty's motion and add my congratulations to him and to the cross-party international development group on organising today's meeting, as well as the moving display in the garden lobby this week.

I would like particularly to draw attention to the part of the motion that

"notes that pollution from the accident affected countries as far away as Scotland, where it continues to leave an environmental legacy".

At today's meeting, there was some discussion, which Christine Grahame mentioned, about the fear of what Chernobyl might have brought to the west coast of Scotland, where 20 years ago people continued to drink rain water collected on the morning of the disaster. I remember that morning and I empathise with people who are fearful. That morning it was raining; I took my two young children to nursery school in Dalry in Ayrshire and my younger child played in the puddles. Only when I got home and listened to the news did I discover what had happened, because it was not reported before we went out. Not only had my children been out in the rain, playing in the puddles, but on that and subsequent mornings they were fed locally produced milk. We need to deal with a fear factor and lack of confidence in Scotland, so we can imagine the extent to which people in the area where the accident occurred have those feelings. The World Health Organisation's report on the disaster discusses the lack of confidence that those people feel. I can well understand that and empathise with them.

As has been said, there has been a rise in the numbers of all types of cancer in Britain. Although it is impossible to prove a causal link with the Chernobyl disaster, who knows which other conditions may be a product of nuclear pollution? I would love the legacy of the suffering of so many unfortunate people in Ukraine, Belarus and Russia to be that the dangers are acknowledged and that both nuclear power and nuclear weapons are outlawed and discontinued. Like most people, I am not frightened by the prospect of terrorists blowing up a wind farm, but the situation would be quite different if a nuclear power plant were involved. Until both the technology and the nature of human beings and international affairs have been left to mature for the next few thousand years, let us hope that Chernobyl has taught us and continues to teach us humility and the desire to leave nuclear alone.

I will finish by quoting what for me is an unusual source—last week's edition of *New Scientist*. It states that any investment in new nuclear power could damage the chances of making other climate-friendly technology work, since finances are not unlimited. It sets out the real costs of electricity from different sources and concludes

that there are better economic options that are no less climate friendly.

From both a moral and a pragmatic point of view, the nuclear option should be rejected. However, for many of us—I am sure for all members present—the compelling arguments are the stories of individuals from Chernobyl. I thank them for bringing those stories to us today.

17:35

Mr Mark Ruskell (Mid Scotland and Fife) (Green): I thank Des McNulty for securing a timely debate on the Chernobyl tragedy, of which we all have personal recollections. As a young teenager, I remember the grainy television images of the exploded reactor core, but as I passed into adulthood more worrying images came to mind, especially images of the victims of the accident, who continue to suffer.

We will never know the true impact of the Chernobyl disaster, partly because of the cover-up that occurred during the Soviet era. However, it is important that we try to understand the impact of the radiation across Europe. Lord James Douglas-Hamilton mentioned the recent report of the International Atomic Energy Agency and the World Health Organisation. The report's estimates are very low. The study considered only Belarus, Ukraine and Russia and ignored the fact that half the fallout from Chernobyl affected other countries. A senior scientist from the WHO recently described the report as a "political communication tool". It is important that we understand that the disaster not only affected the countries close to the reactor but continues to affect Europe. I am glad that Des McNulty's motion acknowledges the disaster's wider impact, which was reflected this week when a delegation from Ireland came to the Scottish Parliament to present a petition expressing concern about the extension of the nuclear programme in Scotland and the existing impact of radiation on Ireland.

Other attempts have been made to consider the impact of the radiation from the Chernobyl disaster. The study, "The Other Report on Chernobyl"—the TORCH report—which was commissioned by a Green member of the European Parliament, Rebecca Harms, considered the impact of the lower doses of radiation across Europe and estimated that between 30,000 and 60,000 deaths from cancer could occur across Europe as a result of Chernobyl. Greenpeace estimates that there will be 250,000 cancer cases as a result of Chernobyl. The reality is that we will never know how many cancers will be caused by the disaster, but it is important that we continue to try to understand the accident, to ensure that there will never be another Chernobyl. However, in 2003 the European

Commission proposed to build a reactor of the same model as the one that exploded at Chernobyl, under the terms of the Euratom treaty.

We must also consider the legacy of the disaster. Most of the radiation that was released is still contained within the crumbling sarcophagus at Chernobyl. It is worrying that Bechtel, which many members will know as the corporation that privatised Bolivia's water supply—an action that led to a revolution—is heading up the consortium to build the protective cover above the sarcophagus.

If we are to ensure that an accident such as the Chernobyl disaster never happens again, we should reject nuclear power. We should reject new nuclear power projects in Scotland and throughout the world. Nuclear power is neither needed nor wanted. In an age of global terrorism, it would be folly to build more nuclear power stations.

17:38

Rosie Kane (Glasgow) (SSP): I, too, thank Des McNulty for securing an important and, as Christine Grahame said, sombre debate. Sombre and painful as the issue is, it is also important. We must continue to discuss it with our hearts on our sleeves and we must make clear the line that we take on the subject.

Members talked about the catalogue of horror and suffering around Chernobyl at the time of the disaster, which continues now and will continue into the future until God knows when. I, too, remember the day of the disaster. I had a one-year-old child at the time and I was terrified to take her out. I remember thinking pathetically for a moment that if I put down the plastic hood over her buggy I might protect her from danger. There was much fear and little information and no one knew what to do. If we felt like that in Glasgow, how did people feel in the area around Chernobyl? The image of the burning building at Chernobyl is etched in my mind, as is the image of the charred remains of the twin towers. Such images are beacons of horror and fear that warn us of the potential dangers in the world.

It is hard to imagine what the situation must have been like for the people who lived in the vast area that was affected by the accident. Many would have had no idea that they were about to be consumed by a silent and invisible danger. As Mark Ruskell said, the numbers of dead, dying, suffering and displaced people will never be known; indeed, those numbers will continue to grow.

Many organisations are doing terrific work on this matter—I must mention Murray Tyrrell in that respect. Those folk put in long hours doing very painful work and keep it real by reminding us that we are talking about people, not statistics.

However, members have highlighted the statistics. The picture of destruction is already massive and grim, but we need to get used to the fact that it will grow. I have no doubt that by next year's 21st anniversary of the accident more harrowing information about the dangers will have emerged.

Of course, an incident at a nuclear power plant is like no other incident. The silent and invisible danger from even the smallest of leaks can have serious long-term consequences. Surely if Chernobyl has taught us anything, it is that we should step back from nuclear power; although things might have moved on and lessons might have been learned, that is not enough. I have with me a 13-page calendar of international military and nuclear plant accidents, many of which have happened in the 20 years after Chernobyl. If members were to give me a date, I could give them the details of an accident that took place on it. I hope that Mr McNulty does not mind, but I took the liberty of looking up his birthday. On that day in 1992, there was a fire in an electrogenerator at the St Alban nuclear power plant in France. On Jack McConnell's birthday—30 June—in 1983, there was a total loss of coolant at Embalse power station in Argentina. John Home Robertson has left the chamber, but on his birthday—5 December—in 1965, a plane carrying nuclear bombs crashed off the coast of Japan.

However, the calendar does not include all such accidents that have occurred. For example, a meltdown at Santa Susana in California was hidden for 45 years. That is what we are up against; we cannot trust this monster. Today, in remembering those in Chernobyl, Hiroshima and any other part of the world where people do not realise that they have been affected by these brutal substances, we should step back from nuclear power, nuclear submarines and nuclear bombs.

This is a day not only to remember everyone affected by such incidents but to think about what we can do for the future of our children, our planet and everything that we hold dear. If we continue down the road to nuclear power, we might have to think the unthinkable again. After all, they never thought that it could happen the first time. As the 13-page calendar of destruction clearly shows, these incidents still happen and are still kept secret.

17:43

Rob Gibson (Highlands and Islands) (SNP): I am glad that Des McNulty has given us the chance to discuss a massive nuclear accident that brought the world to its senses about the destructive power of the atom.

In my area, a lot of work has been carried out on decommissioning the nuclear station at Dounreay. Although the process seeks to make safe and remove nuclear material, almost every month there have been reports of small radiation leaks, occasionally affecting one or two people. Given that 450 such plants are still being used to produce nuclear power, the potential for accidents to happen remains considerable. Our world has still not made up its mind to stop the use of this process once and for all, and we remember Chernobyl not just because of the accident there but because people are still prepared to put so many parts of the world in similar danger.

Plenty of evidence shows that the operation of nuclear power stations is reasonably safe. However, no one has properly worked out the real costs of setting up, running and decommissioning plants and safely storing the results of the process. The fact that the problem is so great is something that is hidden from the population in an attempt to suggest that, somehow or other, nuclear power can be a short-term solution to sorting out the problems of energy gaps. That debate has to be conducted in the most serious fashion.

Over the years, I have met many of the groups who have come to the Highlands to provide respite for children affected by the Chernobyl disaster. I consider that a small part of the job that we could do in a place that was touched only lightly by the disaster, but touched directly nonetheless. During that weekend, when the rain fell, my family was walking on the beach at Gairloch. They thought that that was better than being in the house that they were visiting, which had had wood preservative treatment and smelled pretty awful. They did not realise what they were experiencing on the beach in the rain in Gairloch. That echoes the stories that many other people tell of the effects on them of Chernobyl.

Our Governments were not equipped to deal easily with the problem. The minister in the Scottish Office, the late John Mackay MP, suggested that the effect on some of us would be like the effect of one chest X-ray. The level of knowledge that existed in Governments and the advice that was given to people at the time were totally inadequate. I wonder whether, despite all the calculations that are done in this day and age, we are any better prepared for an accident of that size. I suggest that we try to draw the people and Government of Ukraine into a wider fellowship in the European Community, to tackle the problem and to set an example to the world. The experience of Chernobyl and of trying to deal with the mess is something that we can put towards a positive end, so that the rest of the world can learn from that awful experience and not allow it to happen again.

17:48

The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson): I congratulate Des McNulty on securing the debate, which I welcome. Like other members, I feel that it is important to reflect on the events of April 1986 in a dignified manner, without recourse to political point scoring, and I certainly have no intention of indulging in such activity.

The day 26 April 1986 will long be remembered in history, and members have given their personal reflections on it. For me, it was a day when I fully appreciated that environmental catastrophe is no respecter of man-made borders or boundaries. It was a day on which many people in this country awoke oblivious to the terrible tragedy that had occurred in the Ukraine, which continues to affect many people worldwide 20 years on. That morning, in a single instant, more than 30 people lost their lives and more than 135,000 lost their homes. Even today, many more continue to suffer ill health from the after-effects of radiation poisoning. I join Des McNulty, as I am sure the whole Parliament will, in paying our respects to those who have suffered over the years, either directly or indirectly, and in recognising the efforts made by many ordinary Scots who have done much to help the people of Belarus.

Following the incident at Chernobyl, among the key lessons learned was the importance of comprehensive monitoring, to detect and assess radiation incidents and levels of radioactivity in food and the environment, and of good contingency planning. Mark Ruskell referred indirectly to the fact that it was not immediately apparent to the rest of the world that the accident in the former USSR had resulted in a release of radioactivity. Winds transported radioactive material across Europe and it was eventually detected over Scotland on 2 May 1986, six days later.

That is why early warning systems are so important and why in 1988 the Government set up its radioactive incident monitoring network, known as RIMNET, to ensure that any plume from an accident abroad could not arrive in the United Kingdom undetected. RIMNET now provides the basis for the UK response to the mutual international arrangements for early notification of nuclear accidents, referred to by Des McNulty and other members, which are operated by the European Commission and the International Atomic Energy Agency.

The biggest challenges following any radiological accident are early detection and monitoring and co-ordinating the dissemination of information to the appropriate authorities. It has been mentioned that, as radioactivity is not readily visible, we rely on the systems developed post-

Chernobyl to keep us informed and protected. RIMNET is an integral part of our emergency response to any nuclear incident.

Contingency plans are in place at national and local level and there is detailed guidance material to assist those who deal with incidents that involve radioactivity. The Scottish ministers continue to develop national policies and structures to support local responders and to lead on meeting the challenges that we face in the 21st century in planning for and responding to emergencies in Scotland. We are participating today in such an international exercise—INEX 3.

Following the discovery of the Chernobyl incident, there was extensive monitoring to determine the environmental impact in Scotland. The results of that monitoring, the actions taken and the dose consequences for the population of Scotland were set out in two statistical bulletins, which were published by the Scottish Office in April 1988 and August 1990.

As has been mentioned, we continue to monitor for radioactivity. The Scottish Environment Protection Agency and the Food Standards Agency Scotland have an on-going monitoring programme to detect radioactivity in food and in the environment. The results of the programme are published annually in "Radioactivity in Food and the Environment", copies of which are placed in the Scottish Parliament information centre.

This is an important matter for ministers. Our ministerial group on civil contingencies keeps under review the Executive's policy for managing the consequences of major terrorist incidents or other disruptive incidents.

Chernobyl has left the world with a significant environmental legacy. Even today, here in Scotland, a programme of monitoring of environmental materials and foodstuffs for radioactive traces continues.

Mr Ruskell: In the civil contingency planning, is consideration given to the different models of nuclear reactors that may be proposed in any new-build programme in the UK? For example, is the AP 1000 more vulnerable to terrorist attack than other models?

Allan Wilson: As the member knows, there is no programme of new nuclear build in the UK. The contingency measures to which I refer relate to our existing nuclear capability and extend internationally through international co-operation to consider all forms of nuclear energy and all forms of potential threat to the environment or to human safety. The monitoring is extensive and covers a range of potential activities and threats.

It is right that in this anniversary year we should reflect on the past but, as Des McNulty said, we

should also look forward. We should acknowledge what has been learned both here in the UK and around the world. It is important that we acknowledge that we are moving forward both in how we operate our nuclear power stations and in how we plan in the event of emergencies.

Although nuclear safety is a matter that is reserved to the UK Government, the Executive plays a key role in ensuring that robust emergency plans are in place to deal with a civil nuclear incident in Scotland. The multi-agency emergency plans cover all Scotland's nuclear sites and are tested and reviewed regularly.

The UK has an excellent nuclear safety record. There is vigorous monitoring and regular three-year inspections by HM nuclear installations inspectorate to ascertain the integrity of the reactors. I believe that other countries in the world have set up similar arrangements following the accident at Chernobyl.

I believe that nuclear power is now a safe, efficient source of electricity generation. It is key to Scotland's energy mix, generating large volumes of electricity—36 per cent of that generated in Scotland—and of course it has even greater usage. Nuclear power also has a very low carbon footprint. The Executive recognises that nuclear power, regardless of technological advances, does produce radioactive waste. That is why we must manage it safely and why we will not support the construction of new nuclear power stations while waste management issues remain unresolved.

Today, parts of Scotland still suffer from Chernobyl's environmental legacy. However, we must look forward to tomorrow, and the real threat to the environment and human life is not another incident like Chernobyl or Long Island, but the effects of climate change. For far too many years, generations have used the earth's atmosphere as a waste dump for CO₂ and other dangerous, poisonous greenhouse gases, with potentially catastrophic effects on the world climate. That is why the world continues to use and need nuclear power and why we must continue to be vigilant in monitoring the impact of that on the world.

Meeting closed at 17:56.

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