

MEETING OF THE PARLIAMENT

Thursday 4 May 2006

Session 2

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Scottish Parliament

Thursday 4 May 2006

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

Replacement of Trident

The Presiding Officer (Mr George Reid): Good morning. The first item of business is a debate on motion S2M-3866, in the name of Chris Ballance, on the replacement of Trident.

09:15

Chris Ballance (South of Scotland) (Green): The United Kingdom Government is deciding now whether to replace Trident, Britain's nuclear weapons system. The decision will determine whether we will have weapons of mass destruction based in Scotland, at Faslane, for the next 40 years. That is a crucial economic, strategic and moral issue for Scotland, and I am delighted to welcome to the public gallery so many visitors from the Church of Scotland, the Scottish Campaign for Nuclear Disarmament, Trident Ploughshares and nukewatch Scotland.

This Green party debate focuses on the recent legal opinion that the use of nuclear weapons is illegal; that the threat of the use of nuclear weapons is illegal; and that the proposed replacement of Trident is illegal. The need to distinguish between enemy combatants and civilians is central to international law on war crimes. Nuclear weapons injure and kill civilians indiscriminately.

It has been suggested that the UK Government will simply agree the replacement of Trident without recourse to Parliament, despite the strategic implications, the £15 billion price tag and adverse public opinion. The decision will be taken not at Holyrood or even at Westminster, but in the White House and at the Pentagon, with number 10 simply signing the cheque. Scotland must voice its opinion on a decision that would make us a target, that would give us yet more nuclear waste and that would be illegal.

Bill Butler (Glasgow Anniesland) (Lab): Mr Ballance will be aware that, along with many thousands of members of the Labour and trade union movement, I am supportive of the terms of the Green party's motion. For clarity, and for the record, are the Greens going to accept the facile amendment that has been lodged by the Scottish National Party?

Chris Ballance: We will hear the debate and decide which way we will vote at the end of it.

The motion draws on a legal opinion that was provided by Rabinder Singh QC and Professor Christine Chinkin of Matrix Chambers—Cherie Blair's own firm. That opinion is quite clear: the use of Trident or its replacement would

"breach customary international law, in particular because it would infringe the 'intransgressible' requirement that a distinction must be drawn between combatants and non-combatants."

Given the fact that the explosive power of each warhead is at least eight times that of the bomb that was dropped on Hiroshima, that point can hardly be in dispute.

Furthermore, the 1998 Rome statute of the International Criminal Court states:

"Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians ... which would be clearly excessive in relation to the concrete and direct overall military advantage"

is a serious violation of the laws of warfare, as is

"Attacking or bombarding, by whatever means, towns, villages, dwellings ... which are not military objectives".

More damning, the Matrix Chambers lawyers go on to consider whether even the threat to use such weapons might be illegal. Citing the advisory opinion of the International Court of Justice on the "Legality of the Threat or Use of Nuclear Weapons", they note:

"If the envisaged use of force is itself unlawful, the stated readiness to use it would be a threat prohibited under Article 2, paragraph 4"

of the United Nations charter. So, it is illegal to use or threaten to use nuclear weapons.

However, there is more. The legal opinion finds that the replacement of Trident would be likely to constitute a material breach of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons. That article states:

"Each of the parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

Let us be clear about this. If the UK unilaterally extends, enhances or improves its nuclear provision, it will be tearing up the nuclear non-proliferation treaty, having abandoned any vestige of commitment to

"pursue negotiations in good faith".

Where will that leave the prospect of negotiating away the nuclear weapons that are already in existence? Where will that leave the prospect of persuading countries that do not have nuclear weapons not to acquire them?

The world is considerably worried at the moment about the nuclear ambitions of Iran. How can we expect to persuade Iran to respect the NPT when we treat it in so cavalier a fashion? How hypocritical are we? If we are serious about nuclear disarmament, we need to do something about it. Let us begin by deciding that we will not seek to replace the Trident system, nor extend its life. For once, let us take the lead instead of following the United States of America.

Nuclear weapons are irrelevant against today's threats. What we need is greater respect for the United Nations, a strengthening of international law and action in support of our treaty obligations. The use of nuclear weapons, the threat of their use and the planned replacement of Trident are illegal and against our international treaty obligations. Let us today, in the Scottish Parliament, send a clear message to Whitehall that Scotland expects Downing Street to uphold the rule of law.

I move,

That the Parliament believes that the United Kingdom should not seek to replace the Trident nuclear missile system; notes that in 2005 the UK Government reaffirmed its commitment to all its obligations under the nuclear Non-Proliferation Treaty 1967 (NPT), including its legally binding obligation to negotiate nuclear disarmament in good faith; agrees with the legal opinion of Rabinder Singh QC and Professor Christine Chinkin of Matrix Chambers on 19 December 2005 that any replacement of the Trident system would constitute a material breach of Article VI of the NPT, and calls on the Scottish Executive to seek an early assurance from the UK Government that it will fully comply with our legal obligations in respect of the NPT and that it will not seek to replace the Trident nuclear missile system with another weapon system of mass destruction.

09:21

Jackie Baillie (Dumbarton) (Lab): Only four days separate them. One is considered to be more mature and reflective; the other is considered less well developed and always in a hurry. I am not describing siblings or even members in this chamber—I am contrasting motions that have been lodged by the Greens. One was lodged by Mark Ballard on 20 January; the other was lodged by Chris Ballance on 24 January. Both of them cover the subject of Trident. The fundamental difference is that Mark Ballard's motion calls for

“the fullest possible public debate”,

whereas the motion in the name of Chris Ballance wants us to decide now.

So, what is the Greens' position? Or do they have several? I do not necessarily mean that as a criticism. There are lots of conflicting views within individual parties, and rightly so. Indeed, many members have not made up their minds.

Mark Ballard (Lothians) (Green): Will Jackie Baillie give way?

Jackie Baillie: In a second.

What is true is that the decision on whether to replace Trident will be momentous, and I agree with Chris Ballance that it is one of the critical economic and strategic decisions that the UK faces.

Mark Ballard: I am glad that Jackie Baillie has been perusing the motions so carefully. She will be aware that a motion has been tabled at the House of Commons, calling for the fullest debate. However, there was no opportunity for MSPs to indicate that they, too, wanted to have the fullest debate. As Chris Ballance has pointed out, under the current proposals, that debate will not take place in the House of Commons, which is the first step that we need. The truth is that Trident is illegal to use, is illegal to threaten to use and breaks our treaty obligations. Without a debate being held at Westminster, how can the issue be discussed?

Jackie Baillie: I say to Mark Ballard—who has taken up a substantial amount of my time—that I always study his motions with interest.

The Presiding Officer: I will give you extra time because of that intervention, Ms Baillie.

Jackie Baillie: Mark Ballard's motion was the right one. I want a full debate. I believe that there is the maturity in our democratic process to enable that debate to take place constructively. I welcome the early input from the Catholic church and the Church of Scotland, which both have a long-standing opposition to nuclear weapons. I welcome the input of trade unions, which have campaigned in the Labour Party against nuclear weapons. Indeed, the Scottish Labour Party conference has adopted a consistent anti-nuclear position. I do not dismiss any of that, but I also want to know the views of communities throughout Scotland, including those in the vicinity of Faslane.

There are questions that we need to have answered and options that we should explore fully. Does Trident need to be replaced? Is the current system obsolete? What will the international context be in 20 to 30 years' time, and what will be the consequences of our actions? People have heard me speak before about the economic impact of Faslane, and I make no apology for doing so again. The 7,000 direct jobs and 4,000 further jobs in the supply chain represent one quarter of the total workforce in the Dumbarton constituency. That is a staggering number of jobs in what is considered to be a deprived area. In the past, I have been accused of using that as some kind of an excuse for keeping nuclear weapons. Far from it—those are the facts; they might be uncomfortable, but they are very real. The hard

politics is about having the maturity to get beyond the rhetoric and accept our responsibility to the people who work in the defence industry; that comprises 31,000 jobs at Faslane, Rosyth and across Scotland.

I hope that the Greens reject the Scottish National Party's "facile amendment"; Bill Butler's wording was spot on. I hope that the Greens realise that the Notting Hill nats would pull us out of NATO, tell us that they have the answers to the questions about the likely economic impact of that action, and—wait for it—base the Scottish navy at Faslane. Meanwhile, Alex Salmond is busy saying that the SNP would base the Scottish navy at Rosyth. Which is it to be? Perhaps the Scottish navy will be so big that it can be based at two different ports. Just in case we were in any doubt about the size of the Scottish navy, it will be seven frigates with 100 staff. What will the SNP do about the other 31,000 jobs that depend on defence?

I respect all views that are expressed in this chamber, but I will continue to argue that if we want to rid the UK of nuclear weapons, we will have to mitigate the consequences of so doing. Real action, not rhetoric, and having the fullest possible debate will give us time to consider all aspects of the issue.

We all want peace and a nuclear-free world. I know of no sane person who wants nuclear weapons to be used. The difference lies in how we try to achieve that. I believe that the Labour Party has a good record. Nuclear Lance missiles are gone. Maritime nuclear capability on surface ships is gone. Air-launched nuclear weapons are gone. Trident is our only nuclear weapons system and it now has a third fewer warheads. We place high priority on arms control and non-proliferation and we would all agree that the two principal ways of achieving those are through the nuclear non-proliferation treaty and the Comprehensive Nuclear Test-Ban Treaty. We are unequivocally committed to those.

From the words of the Prime Minister and the Secretary of State for Defence, I am clear that no decision has been taken about the replacement of Trident. I do not want them to make that decision until they have heard what people think. We have an opportunity to influence that decision. Mark Ballard's motion acknowledged the central importance of having

"the fullest possible public debate";

I agree with that. Whether it is the Greens' green paper or the Liberals' white paper is not the issue for me; the issue is whether we reach out and engage with the people who matter most—ordinary people in our communities.

I move amendment S2M-3866.4, to leave out from "believes" to end and insert:

"notes that in 2005 the UK Government reaffirmed its commitment to all its obligations under the nuclear Non-Proliferation Treaty 1967; notes the commitment of all three major UK parties to retain an independent nuclear deterrent; notes the comments of the UK Government that no decisions on replacing Trident have yet been taken; believes there should be the fullest possible public debate on any decision to replace the Trident nuclear weapons system, considering all possible options including non-replacement; notes the significant reductions in the United Kingdom's nuclear weapons arsenal; is committed to the goal of the global elimination of nuclear, biological and chemical weapons, and wishes to see the United Kingdom continue to work both bilaterally and through the United Nations to urge states not yet party to non-proliferation instruments to become so, to remain committed to the Comprehensive Nuclear Test Ban Treaty and to make further progress toward significant reductions in the nuclear arsenals of the major nuclear powers."

09:28

Bruce Crawford (Mid Scotland and Fife)

(SNP): I welcome the debate and the Green party's motion. First, I will deal with the issue of nuclear weapons being seen in today's world as some sort of deterrent. I never accepted the old arguments, which were made during the cold war, that somehow the UK's nuclear weapons capacity helped to keep the peace and avoid further wars. It did not stop General Galtieri invading the Falklands, even though the Argentines never possessed the nuclear bomb. I never accepted the arguments, but at least there was a considered rationale that could be used by those who supported the UK's possession of weapons of mass destruction.

The collapse of the cold war has entirely removed any justification for the UK's possession of strategic nuclear weapons. Perhaps they will come in the debate that Jackie Baillie wants, but I have heard no convincing arguments about why the UK needs to spend £15 billion to £25 billion on creating the son of Trident. That money could be much better used for our public services and to help our economy. It would also produce a heck of a lot more jobs than Trident ever did.

Should we replace Trident because two or three other nations now possess nuclear weapons? As far as I know, none of them has either the motivation or the capacity to attack the UK. Should we do it because of the threat of terrorism? Surely that cannot be the case. I would like to know how a suicide bomber who is intent on martyrdom would be stopped because we have Trident on the Clyde. I cannot believe that we would deploy a nuclear weapon against a Muslim city, creating a modern-day Hiroshima, because that truly would unleash an unimaginable conflagration. The truth is that the end of the cold war killed off any intellectual arguments that might have existed in favour of any UK requirement to retain weapons of mass destruction.

Of course, the UK now has a changed position, which was adopted first by the Tories; later, Labour abandoned its principle of no first strike in favour of defending vital overseas interests. That means that Trident could be used pre-emptively and, as Chris Ballance said, the very threat of that could be seen as illegal under customary international law because

“it would infringe the ‘intransgressible’ requirement that a distinction must be drawn between combatants and non-combatants.”

It is self-evident that such weapons of mass destruction cannot be used against combatants only.

Replacing Trident would breach article VI of the 1996 nuclear non-proliferation treaty, which expects all signatories, in good faith, to cease the nuclear arms race at an early date and to work towards complete disarmament. Replacing Trident could not be seen as working towards disarmament

There is little or no prospect of the UK abandoning its commitment to WMD. It was the Labour Wilson Government of the 1960s that first built, launched and named the Polaris fleet. It was the Jim Callaghan Government that struck the Trident deal in a beach hut in Guadeloupe. The Labour Party's 2005 general election manifesto stated clearly that the party is committed to retaining an independent nuclear deterrent, therefore it comes as no surprise that Labour is intent on deciding during the lifetime of the current Parliament to create the son of Trident. The Tories are wedded to the arguments of the past every bit as much as Labour is, and we can see from the Liberals' amendment that their position is not much different.

It is quite clear—and no “facile argument”—to say that the only way and the best way to get rid of Trident on the Clyde and to rid Scotland of nuclear weapons is for Scotland to become independent. It is absolutely clear that all the unionist parties are wedded to the idea of continuing to have this weapon of mass destruction on the Clyde. I have heard others talk about Trident being some sort of independent deterrent for Scotland. Well, the US supplies the missile system because we lease it from there. A US satellite system guides and aims the weapons.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): It services them as well.

Bruce Crawford: The US also services the weapons and produces all the goods that the system requires. No one should kid themselves that this weapons system is independent and that any future weapons system would be in any way independent.

The decision to use the weapons will not be made by the UK; we will have to be the cover for the US if it ever decides to use battlefield nuclear weapons, which it says are more usable and smaller. I say to Bill Butler that the arguments for Trident are facile, not the argument that independence is the only way of stopping it. The unionists are wedded to the idea of new systems coming on; no one should kid themselves any other way.

I support the Green party's motion, but I hope that Parliament will accept the SNP's amendment.

I move amendment S2M-3866.1, to insert at end:

“and believes that the best way to ensure that nuclear weapons are removed from Scotland is for Scotland to become an independent nation.”

09:34

Phil Gallie (South of Scotland) (Con): The remarks that Bruce Crawford made about Labour represent the difference between a party that is in permanent Opposition and a party that is in Government or which has the potential to stay in Government.

It is my earnest belief that nuclear weapons have proved to be the most successful means of peacekeeping that the world has ever known. Since nuclear weapons were used at the end of the second world war—it is questionable whether the US would ever have dared to use them if Japan had had a nuclear weapon—they have been seen as weapons of deterrence. As such, they have worked.

Mike Rumbles: Will the member give way on that point?

Phil Gallie: I will give way to Mike Rumbles later.

After that, things moved on and we had the cold war and the Cuban missile crisis. As one who was at sea during that period, I can confirm that the build-up in military activity was evident. Many felt that war was inevitable, but the Russians backed down so it did not come about. Their only reason for backing down was that nuclear war would have been inevitable. That was totally unacceptable to them and to all sane individuals.

In the 1980s, with the talk of star wars, we saw the arms race gathering pace. Irrespective of that, the situation was found to be too expensive to maintain, even for the major nations. Without a doubt, the collapse of the Berlin wall and the reduction of the Union of Soviet Socialist Republics to a Commonwealth of Independent States were brought about because of nuclear deterrence and because nuclear war was beyond contemplation.

Mike Rumbles *rose—*

Bruce Crawford: Will the member give way?

Phil Gallie: As promised, I give way to Mike Rumbles.

Mike Rumbles: Phil Gallie's argument seems to be that nuclear deterrence on a global scale has succeeded. Therefore, if every nation had nuclear weapons, the world would be a safer place. Is not such an argument complete bunkum?

Phil Gallie: That is not my argument at all. I agree with the non-proliferation treaty, which accepted that five nations—China, France, Russia, the UK and the USA—could continue to possess nuclear weapons. Since then, India, Pakistan and perhaps Israel have gained nuclear weapons and others—North Korea and Iran—have made moves to do so. I do not want such an expansion to take place, but I recognise the reality that the world may sometimes be able to do little to prevent other nations from taking control of nuclear weapons. In such circumstances, only a balance in any nuclear stand-off will work.

Bruce Crawford: Will the member give way?

Phil Gallie: I do not have time, as I have only four minutes.

It is interesting that Labour Party members such as Tony Blair seem to have converted totally to the Trident option. Although Tony Blair was a member of CND back in the early 1980s, responsibility changed his mind. He recognised that his commitment must be to the defence of the UK, but our wider worldwide responsibilities for defence were a major factor in the position that he took as Prime Minister of the United Kingdom.

I believe that we can influence the current world situation and help to prevent further expansion of nuclear weaponry. We have already seen a considerable reduction in Britain's nuclear capacity—I give credit to Jackie Baillie for making that point—and we can lead the way along those lines. However, the arguments of the 1960s, 1970s and 1980s for unilateral disarmament are long since passed.

It would be a massive folly if Britain were to turn its back on the retention of a nuclear deterrent. A replacement for Trident does not mean an upgrading or increase in capacity but a standstill situation. I would approve of that.

I move amendment S2M-3866.2, to leave out from "that the United Kingdom" to end and insert:

"it essential that the United Kingdom should continue to play a full and effective role in the world and in NATO and that to do that requires the continuation of an effective defence capacity; notes that as long as other countries have nuclear weapons it is essential that Britain has the capacity to address that threat; supports the principle of replacing or updating the current Trident system with a

successor generation nuclear deterrent when necessary; believes that there should be an objective of multilateral global nuclear disarmament, and further believes that, however, that objective can only safely be achieved by ensuring that no rogue dictatorships have the capacity to use nuclear weaponry unchallenged."

09:38

Euan Robson (Roxburgh and Berwickshire) (LD): It is worth stating at the outset that nuclear weapons are an evil of our time. The day that dawns when the last dreadful such arsenal is dismantled will be a day of deliverance not only for humankind, but for all life on the beautiful blue globe that is our planet.

I am pleased to set out the Liberal Democrat approach to nuclear disarmament. In the 2005 UK general election, Liberal Democrats reaffirmed our long-standing commitment to work for the elimination of nuclear weapons on a multilateral basis. We would maintain the UK's current minimum nuclear deterrent until progress had been made towards multilateral disarmament. Indeed, the terms of my amendment are taken in part from our 2005 manifesto.

As members have said, the considerable uncertainty that surrounds the future of Trident and any possible replacement missile system is, frankly, unacceptable. Westminster must confirm a date for debating a subject that is of such overriding importance. Apparently, the Prime Minister has committed the UK Government to making a decision about the future of Trident during the current Westminster Parliament. We call on him to publish a white paper on the issue to inform the British public of the full background to any such decision.

Bruce Crawford: I understand that the Liberals want a white paper to deal with the future of Trident, but do they support the doctrine of a pre-emptive first strike to defend Britain's national interests, which has been adopted both by the Tories and by the Labour Party?

Euan Robson: No, we are not in favour of pre-emptive first strikes. I very much doubt that Bruce Crawford's characterisation of the position of other parties is a true reflection of their views.

As the Trident missile system is a costly part of the UK's defence system, it is crucial that we have an informed public debate on the issue and that a decision is then taken by a vote in the House of Commons. For a fully informed debate to take place, it is vital that the Government publishes a white paper to provide details on, for example, alternative proposals and costs and an assessment of the environmental and economic impact that a replacement nuclear deterrent system would bring.

Any white paper must take into account the possible strategic security context over the next 20 to 30 years. Trident is essentially a relic of the cold war. At whom are its missiles now to be pointed? That is a key question that any white paper must address. The white paper must also consider the different options that are available and the true deterrence capability of any new defence system.

In signing the Treaty on the Non-Proliferation of Nuclear Weapons as a nuclear-weapon country, the UK made an historic commitment to nuclear disarmament. The UK has contributed to disarmament by cutting its nuclear stockpile by 70 per cent since the end of the cold war. As Jackie Baillie mentioned, that has happened in a number of ways, including the abolition of air-launched nuclear missiles. The Trident submarine fleet has been reduced to four submarines that are capable of carrying the D5 nuclear missile system. Of those, only one submarine is on patrol at any given time. Furthermore, the 48 warheads that are carried on board are no longer pre-targeted and several days' notice is needed for the missile to be fired.

The Green party motion alleges that

"replacement of the Trident system would constitute a material breach of Article VI of the NPT".

However, article VI commits all nuclear countries

"to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament".

Indeed, I take issue with the central part of Mr Ballance's motion that there is a legal, rather than political, case against replacement. Given the UK's express commitment to nuclear disarmament and the principle of irreversibility, any replacement for Trident that increased the UK's nuclear weapons capability would be incompatible with our international obligations. The motion refers to

"legal obligations in respect of the NPT"

in the context of an increase in our nuclear capacity rather than a replacement of the current system. In our view, it is inappropriate to include such inexact wording in any motion that is agreed to by the Parliament.

It is disappointing to note the failure of the recent conference on the nuclear non-proliferation treaty and the failure of the world summit to make any further progress on nuclear disarmament. We urge the UK Government to initiate international arms reduction talks. In passing, however, I must welcome today's initiative at the UN by the UK and France that aims to restrain Iran's efforts to join the nuclear club. Together with global warming and pandemics, nuclear proliferation must be one of the most severe threats to mankind.

The Liberal Democrat view is that the UK Government has still to make a case for a replacement system for Trident. In any event, the current system and any successor must be part of multilateral nuclear disarmament talks. A replacement for Trident should have no greater strength of fire-power than the present system, but we would much prefer Trident to be phased out as a result of a successful stage-by-stage worldwide disarmament initiative.

I move amendment S2M-3866.3, to leave out from "believes" to end and insert:

"wishes to see the worldwide elimination of nuclear weapons; notes the UK Government's commitment, made in June 2005, to reach a decision on the replacement of the Trident system by the end of the current Westminster Parliament; further notes that the Secretary of State for Defence stated in June 2005 that 'no decision on any replacement for Trident has been taken, either in principle or otherwise'; calls on the UK Government to publish a White Paper on the issue in order to stimulate a full public debate; further calls on the UK Government to press for a new round of multilateral arms reduction talks, and believes that the UK's current minimum nuclear deterrent should be retained for the foreseeable future until sufficient progress has been made towards the global elimination of nuclear weapons."

The Presiding Officer: We move to the open debate. We have four speakers, each of whom will have four minutes.

09:45

Rosie Kane (Glasgow) (SSP): The issue is one of justice, environment, finance, health and communities, to name but a few. However, as yet, no minister has come to the chamber. That shows utter contempt for the subject of the debate, those who support nuclear disarmament, the Scottish Green Party and the Parliament.

Scott Barrie (Dunfermline West) (Lab): The subject is reserved to Westminster.

Rosie Kane: I have just said that the debate is about finance, environment and justice and that it matters to communities. The chamber is well attended; the Executive could have had the decency to have a minister in the chamber to listen to the debate. Scott Barrie may disagree, but the Scottish Socialist Party believes that it should have done so.

I thank the Green party for using its time today for this debate. I also thank Scottish CND, Trident Ploughshares, nukewatch Scotland, the churches, Women in Black, Friends of the Earth, Greenpeace, the Iona Community, the Scottish Centre for Nonviolence and all those who work towards peace in what is sometimes a very aggressive world. Groups, organisations and individuals that campaign, educate, lobby and take non-violent direct action have held the issue in the public domain for decades. We should thank and

pay tribute to them for their work. Without that effort, the public would know nothing about the brutality of weapons of mass destruction.

However, the public do know about that and politicians should note that they have rejected nuclear weapons time and time again. The 2005 Greenpeace MORI poll found that 80 per cent of the public are against the UK using nuclear weapons against a non-nuclear state. It is possible that the Government already knows that; perhaps that is why it pretends that some states have nuclear weapons. It makes it possible for the Government to attack as it pleases—or as Mr Bush pleases.

The hypocrisy on the part of Bush and Blair around the issue is astounding. The current accusations against Iran have again set the war ball rolling. Of course, much of the sabre rattling includes the use of the words “nuclear weapons”. It is all reminiscent of the run-up to the attack on and occupation of Iraq. How can Blair, Bush and their followers tell Iran that nuclear power and nuclear bombs will not be allowed when they continue to develop deadly weapons?

We constantly hear that Iran and North Korea should not develop the bomb. I agree: all of us should step back from domination and annihilation. The warnings that are being given to North Korea and, in particular, Iran sound to me like someone saying, “If you even look like you are going to develop nuclear power, we’re going to use our nuclear bombs to put you back in your place.” However, not so much as a finger has been wagged at Israel, which has now built an arsenal of up to 200 weapons. Where is the outcry about that illegal act? Why has no threat been made of invasion or sanctions against Israel?

Perhaps we do not threaten countries who have the capability to fight back or that do not have oil. Perhaps the weapons that countries such as Israel have are nicely placed to attack neighbouring countries—countries that could get in the way of capitalism—or perhaps Israel’s agenda suits the west. We can speculate but, at the end of the day, nuclear weapons mean that the world has become a very dangerous place. The arms race continues to grow.

Jackie Baillie said that an extension of nuclear weapons is not on the Government agenda, but it is. Indeed, on 23 February, part of a British nuclear weapon was detonated underground in the Nevada desert. The test was named Krakatau, after the volcano that killed 36,000 people, and contributed towards the new weapons programme. I see that Jackie Baillie is shaking her head in denial. Instead of doing that, she should keep her eye on the ball and work to block any moves in that direction.

Jackie Baillie: Will the member take an intervention?

Rosie Kane: I am sorry, but I do not have time. I have only a minute.

The Presiding Officer: We have a little bit of time in hand this morning.

Rosie Kane: On you go, Jackie. I understood from Frances Curran that you had said I had only a minute, Presiding Officer.

Jackie Baillie: I am impressed with your time-keeping, Presiding Officer.

Does the member recognise the very real issues about employment at Faslane? What does she propose to do about them?

Rosie Kane: There are many issues at Faslane that the community is concerned about, because it is the main employer in the area. I planned to address that issue later in my contribution. We use the skills of workers and invest resources in the base. Why do we not diversify and use the workers and skills in other areas? It is not as if their skills do not need to be used. Also, if we decommissioned, there would be jobs for thousands of years simply in taking care of and overseeing decommissioning. No one would set up a firing squad just to give people a job. We should find something useful for the Faslane workers to do.

The Presiding Officer: One minute.

Rosie Kane: The existence of weapons of mass destruction threatens global security. If anyone decided to attack the UK, they need only hit the Faslane naval base. If that were to happen, we would fall on our sword. The consequences would be utter hell on earth.

The Scottish Parliament could take action if it had the will to do so. Many members were members of CND; indeed, I believe that Jack McConnell was once a member. If we had the will, we could disallow the use of our roads for the transportation of materials to and from the bases. The Parliament could also support the protesters who often go to jail in an effort to protect the country and the planet. As opposed to hiding under a stone, the Executive could ensure that it spoke up and did something about what is happening in Scotland. There are reasons why a minister should be in the chamber today.

Last week, a group of cadets aged between 14 and 18 visited the Faslane naval base. The young people were taken through the stages of a mock war; they were shown how weapons work and taken through the whole scenario. If those young people had been shouting on the street, some MSPs would have had an antisocial behaviour order slapped on them and yet there they were at

Faslane, learning to kill on a grand scale. Our children should not be exposed to violence in that way. That is not something to be proud of. Is it any wonder that society is becoming more violent? As part of their daily education, our children should be taught peace and justice; they should not be taken through the motions of hatred and murder.

The Executive and the Parliament should listen to the people of Scotland. We should uphold international law. We should join the many, many countries around the world that do not invest in weapons of mass destruction. We should distance ourselves from aggression and hatred. We should move towards peace, safety and unity. We can do that only through disarmament.

09:51

Mark Ballard (Lothians) (Green): As Chris Ballance made clear earlier in the debate, we are now approaching decision time on the next generation of British weapons of mass destruction. As we heard earlier, previous Labour Governments have used ministerial powers to put those decisions through on the nod. It is outrageous that that could also happen with the next generation of British nuclear weapons. The reason why it is being done in that way is to avoid proper scrutiny. As Chris Ballance pointed out, it is illegal to use or threaten to use Trident; upgrading it would break our treaty obligations.

I am not sure where Jackie Baillie gets the idea that there is a difference between saying that it is outrageous that the subject is not being debated and saying that it is outrageous that we should even contemplate using nuclear weapons. The reason why the debate is being avoided is because the use of nuclear weapons, the threat of their use or their upgrading would break our treaty obligations and international law.

Euan Robson spoke about the meaning of the Treaty on the Non-Proliferation of Nuclear Weapons, which is the treaty that we are asking Iran to stick to in asking it not to build up a nuclear weapons capacity. As has been said in the debate, the treaty requires us to cease the nuclear arms race. How can upgrading Trident or spending billions of pounds on upgrading our weapons of mass destruction be a ceasing of the arms race? Clearly, it is a continuation of the arms race.

For those such as Phil Gallie who continue to look at Trident through the lens of the cold war, I say that it is time for some home truths. As Bruce Crawford pointed out, the UK Government has made it perfectly clear that Trident is now a weapon of first use. Time and time again, ministers have refused to rule out the use of nuclear weapons against non-nuclear enemies.

Phil Gallie: Will the member give way?

Mark Ballard: No. We have heard enough from Phil Gaillie.

As Bruce Crawford said, that goes against customary international law. Phil Gallie would like those laws not to apply to us, but they do. The NPT applies to us, as does international law. It is illegal to use or to threaten to use Trident.

As for the idea that Trident is a deterrent, I pose the question: a deterrent against what? Osama bin Laden or al-Qa'ida? Perhaps it is a deterrent against bird flu. Nobody has a clue who this weapon is supposed to deter. The cold war is over. There is no USSR and no more mutually assured destruction. Like the generals of old, we are preparing ourselves to fight the last war, not the next one. We have an opportunity to move on and to place ourselves alongside the vast majority of nations in the world that have no desire or need for weapons. We should take a lead in fighting the wars of the next century, against poverty, injustice and environmental destruction.

In the meantime, we continue to transport nuclear warheads the length of the country, in great lumbering convoys that are like dinosaurs in more ways than one. From Aldermaston to Coulport, we continue to expose millions of people to appalling risks as the convoys travel up the A74, the M74, the A1, the M9 and the M80. Each convoy carries 8kg of plutonium, which is one of the most dangerous substances known to man. I ask members to imagine what would happen if there was an accident. The risks of an accident might be small but they are still far too high for Scotland's population.

Throughout Scotland, there is opposition to new generations of weapons of mass destruction and to the convoys that would transport those weapons through Scotland. If we value the rule of law and expect to lead by example, let us show that Scotland takes seriously its international obligations, the rule of law and the NPT. We need a proper debate to air such issues, which is why I urge members to support the Green motion. Scotland neither wants nor needs more weapons of mass destruction.

09:55

Ms Sandra White (Glasgow) (SNP): I have heard nothing in the debate from any of the British unionist parties that convinces me that they will uphold article VI of the Treaty on the Non-Proliferation of Nuclear Weapons. Only an independent Scotland can rid Scotland and the British isles of nuclear weapons and it is imperative that we do so—[*Interruption.*] Members are laughing, but when Labour members say that nuclear weapons are a Westminster issue, I

become even more convinced that only an independent Scotland can get rid of Trident.

Phil Gallie: Sandra White said that an independent Scotland could rid the British isles of nuclear weaponry. How on earth could that happen? An independent Scotland would have no influence over the rest of the British isles.

Ms White: I said that an independent Scotland would rid Scotland of nuclear weapons and could help to rid the British Isles of them—[*Interruption.*] Members are demonstrating their unionist principles, which proves that the unionist British parties will stick together, regardless of the fact that 80 per cent of the Scottish population want to get rid of Trident. Members might laugh, but Trident is not just a Westminster issue; it is an issue for everyone in Scotland.

Christine May (Central Fife) (Lab): Will the member give way?

Ms White: I am sorry, but I do not have enough time.

The fact that four Trident missiles are based just outside Glasgow at Faslane is a Scottish issue and not just a Westminster issue. We should consider the reality of Trident's capability, which is thousands of times greater than that of the bomb that was dropped on Hiroshima, which members have mentioned. However, some members think that this is a British, unionist, Westminster issue. Nuclear weapons are an issue for humanity and a moral issue. A Trident missile can be launched silently and reach places as far away as Russia and China—and everywhere else in the world—but members say that that is a Westminster issue.

We should be honest about the fact that, as Bruce Crawford said, we have no say in where weapons of mass destruction are deployed. However, America will have a say, because when Bush tugs at the leash, Blair follows. Nuclear weapons are not just a British issue; they are an American issue. We have nuclear weapons in this country because Aldermaston relies on the Americans for nuclear technology and training and for all the parts of Trident missiles. Bruce Crawford made that point very well. We do not have an independent nuclear deterrent and other people have said so, including Labour politicians, one of whom will be turning in his grave. Harold Wilson said that our nuclear weapons are neither independent nor British and are not a deterrent. Roy Hattersley has written:

"No one seriously imagined that the British bomb ... could ever be used ... without American assistance."

It is time that we realised that Trident is here to aid America in its aim of world domination. We are being used and Scottish people are suffering.

Jackie Baillie talked about employment. The maintenance of the Trident system currently costs us £1.5 billion every year and it would cost up to £25 billion to replace Trident. What could an independent Scotland do with that kind of money?

Jackie Baillie *rose*—

Ms White: I will tell members what we could do with that money. We could provide an extra 5,000 intensive care beds every year for 10 years. We could pay for an extra 16,200 qualified dentists every year for 20 years. We could pay for 62,500 extra police officers every year for 20 years. The Scottish people want decent services; they do not want Trident. We should not kid ourselves about the British unionist parties; only an independent Scotland will get rid of Trident, which is what the Scottish people truly want.

09:59

John Swinburne (Central Scotland) (SSCUP): I thank the Green party for securing this debate in the Scottish Parliament.

We have heard the reasons in international law why we should not replace Trident. Trident is a legacy of the cold war and I have not heard of a logical scenario in which it could or should be used as a weapon of defence or offence.

Trident and Faslane represent a genuine threat to people who live in the central belt of Scotland and beyond. The Trident system is a target for terrorist groups and no one should try to tell me that there is 100 per cent security at Faslane. A few years ago, three older pensioner ladies broke into the Faslane complex and wandered about for about six hours before they were apprehended. If lady pensioners can do that, the mind boggles at the thought of what terrorists could do if they broke into the complex and at the danger that people face in the central belt of Scotland and beyond. Accidents happen. According to Sod's law, if something can happen, it will.

If the funds for Trident's replacement were thrown at nuclear waste disposal, nuclear power stations could be built and waste could safely be contained. We would also be able to get rid of Trident, because the biggest problem is that no one knows what to do with the waste, which is not disposable. We should throw the money at waste disposal, build safer nuclear power stations and get rid of Trident, which might please some CND members.

Phil Gallie's description of the early days of the cold war and the stand-off strength of nuclear weapons is probably right, but he was talking about the situation nearly 50 years ago and it is time to move on. We should make Trident, not nurses, redundant.

The Presiding Officer: Members will have four minutes for winding-up speeches, with the exception of John Home Robertson, who will have five minutes, and Patrick Harvie, who will have seven minutes.

10:02

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): The Liberal Democrats have a long-standing commitment to work for the elimination of nuclear weapons on a multilateral basis. Although the replacement of the Trident missile system is a reserved issue, it is absolutely right that the Scottish Parliament should debate the matter. However, I wish that we could have had a real debate, because the few minutes that we have been given make a mockery of debate. Today's debate seems to have been designed to generate publicity for the Green party rather than as a genuine attempt properly to debate a hugely moral issue.

Patrick Harvie (Glasgow) (Green): Will the member give way?

Mike Rumbles: Let me get started.

I could not agree more with the Catholic Bishops Conference of Scotland, which said in a statement on Trident on 11 April:

"The Church teaches that it is immoral to use weapons of mass destruction in an act of war: 'Any act of war aimed indiscriminately at the destruction of entire cities or extensive areas along with their population is a crime against God and man himself. It merits unequivocal and unhesitating condemnation.'"

A war that was engaged in such a way could never be described as a just war. I believe in the concept of a just war, or I would never have spent 15 years of my adult life in the Army. My war role was as a nuclear, biological and chemical warfare warning and reporting officer in the British Army of the Rhine. I trained to help to fight a conventional war on the north German plain, in which we always assumed a nuclear attack by the Soviet Union. Thank God, the nuclear threat from the old Soviet Union has gone, but Trident and other strategic nuclear weapons remain.

I was particularly taken with the address that Cardinal Keith O'Brien gave on Easter Sunday, when he urged Scots:

"Enter this debate and demand that these weapons of mass destruction be replaced, but not with more weapons. Rather, replace Trident ... with projects that bring life to the poor."

Jackie Baillie: Like Mike Rumbles, I was moved by some of the comments from our faith communities. However, does the member agree with comments from his Liberal colleague Alan Reid, MP for Argyll and Bute, who says that a replacement for Trident is vital?

Mike Rumbles: No, I do not. On moral grounds alone, we should not spend billions of pounds on a replacement for Trident. On military grounds, the money would be a complete waste. Can any sane person believe that there are any circumstances at all in which a UK Prime Minister would order the release of our strategic nuclear deterrent to rain mass destruction on innocent lives on a global scale? No; the theory of mutually assured destruction is indeed mad. However, I am not a CND supporter, because I draw a distinction between strategic nuclear weapons of mass destruction such as Trident, the use of which would be completely indefensible, and other tactical low-yield weapons that are designed for defensive use on battlefields.

Given that we would never use the Trident missile system, why are we even contemplating replacing it? The reason can only be politics. It would be unfortunate if the UK Government felt that, to be a world player, we need to be in the strategic nuclear club, but I cannot think of any other reason—certainly not a military one—why the Government would even contemplate meeting the huge cost of replacing Trident.

Of all the amendments before us, members should support the Liberal Democrat one. As Euan Robson said in moving it, nuclear weapons are an evil of our time. The Green motion, rather than point to the important political or moral case, argues that a legal case can be made against replacing Trident. The Liberal Democrats do not support the Greens on that. The use of Trident is not a practical, political or moral option in any circumstances and any Prime Minister who authorised its use would indeed be mad. I urge members to support the Liberal Democrat amendment.

10:07

Lord James Douglas-Hamilton (Lothians) (Con): I make it absolutely clear that, despite Bruce Crawford's comment about pre-emptive strikes, we are totally and absolutely opposed to pre-emptive strikes in all circumstances—our policy has been based consistently on the use of deterrents. We believe that the United Kingdom should continue to play a full and effective role in NATO, which requires the continuation of an effective defensive capacity. For as long as other countries have nuclear weapons, it will be vital that NATO has the capacity to address that threat. Therefore, we endorse the principle that we should prepare to replace the Trident system with a successor generation of nuclear deterrent.

Of course, we support multilateral disarmament. We supported the test ban and non-proliferation treaties and other measures to that end. However, as Churchill stated, the problem is that

"An appeaser is one who feeds the crocodile, hoping it will eat him last."

I say to Mike Rumbles that those who claim that conventional weapons are sufficient defence against a threat from a nuclear power risk wishful thinking.

Mike Rumbles *rose—*

Bill Butler *rose—*

Lord James Douglas-Hamilton: I will take a quick intervention from Mike Rumbles, and then I must get on.

Mike Rumbles: Will Lord James say in what circumstances he would authorise the use of a strategic nuclear weapon if he were Prime Minister?

Lord James Douglas-Hamilton: Happily, I will never be Prime Minister, but I can tell Mike Rumbles straight away that, for a deterrent to be credible, the potential aggressor must believe that it is capable of being used.

The 2003 defence white paper stated:

"the continuing risk from the proliferation of nuclear weapons, and the certainty that a number of ... countries will retain substantial nuclear arsenals, mean that our minimum nuclear deterrent capability ... represented by Trident, is likely to remain a necessary element".

Churchill summed up the matter when he said:

"Once you take the position of not being able in any circumstances to defend your rights against aggression, there is no end to the demands that will be made nor to the humiliations that must be accepted."

What should our policy be? Phil Gallie referred to the Cuban missile crisis, when the world came closer to nuclear war than at any other time. President John F Kennedy hit the nail on the head when he said that

"we prefer world law in the age of self-determination, to world war in the age of mass extermination"

and that

"if a beachhead of co-operation may push back the jungle of suspicion, let both sides join in creating a new endeavour, not a new balance of power, but a new world of law, where the strong are just and the weak secure and the peace preserved."

It follows that, in all possible circumstances, we should avoid wars, through the involvement of the United Nations, which Kennedy called

"the protector of the small and the weak and a safety valve for the strong".

However, I challenge those who wish to give up our nuclear weapons unilaterally with an unanswerable question: who would follow our example?

I will end with a comment by Dean Inge, who told his congregation that it is no use for sheep to

pass resolutions about vegetarianism when there are wolves about that like mutton. He was right because, for evil to succeed, it is necessary only for the good man to do nothing. I submit that the renewal of Trident is extremely regrettable but essential.

10:11

Rob Gibson (Highlands and Islands) (SNP):

As usual, the debate hinges on the belief among the British parties that, somehow, the greater the debate, the more likely we are to have a decision at Westminster. In this case, we are talking about a decision that would lead to the reduction and removal of nuclear weapons. However, the evidence of the past 30 or 40 years shows that Britain has no intention of removing nuclear weapons with the current state of the world. However, the state of the world as analysed in London is different from the state of the world as seen by people in other places. Britain's role as a world power with vital interests increases the threat for those of us who live in this country, in England and Wales and in many other countries, because it increases the danger that nuclear weapons will be used at some point.

The threat of the illegal use of nuclear weapons is against the UN charter. We cannot allow the rules of that most important of international bodies to be flouted. Someone must take the initiative and start to follow the rules. It would be much more honourable for members of the Parliament to support the view of the churches, particularly the Church of Scotland, which has stated frequently that nuclear weapons are immoral. Many members agree that they are immoral but then call on Her Majesty's Government to replace the Trident missile system with a new generation of weapons of mass destruction. Why cannot the members who represent the British parties grasp that initiative and accept the potential?

Jackie Baillie talked about having the fullest possible debate. It is important that we ask the Labour Party why the Prime Minister and his Cabinet refuse to have that debate at Westminster. The reason is that they are not prepared to have a public discussion on an issue on which they know that they do not command the support of the majority of people in the British isles. As Mark Ballard said, that is typical of the way in which Labour makes decisions. We are told, "Leave it with me, son—we know best." That attitude is at the root of the decision at Westminster. I hope that the members of the Labour Party in Scotland will start to distance themselves from that approach to politics.

Phil Gallie: Rob Gibson claims that the people of the British isles, including those in Scotland, are against replacing Trident. If so, why do the

majority of them support the Conservatives, Labour and the Liberal Democrats, which advocate the replacement of Trident?

Rob Gibson: The reason is that we do not have an electoral system that allows a balance of views and which can, therefore, show exactly how people feel. The situation that Phil Gallie describes is what we get with the first-past-the-post system for Westminster.

Malcolm Rifkind has said that Trident is used to support Britain's vital interests, which increases the need to upgrade the system. Geoff Hoon has said that Britain is prepared to use nuclear weapons to protect Britain's vital interests. However, the Scottish Parliament has an opportunity to act and to be a catalyst for change.

The SNP amendment is about a simple matter: if we in Scotland decide to be independent, the difficulty of maintaining a nuclear deterrent here will act as a catalyst for the UK to rethink its position.

The SNP amendment makes it clear that one of the ways to break the deadlock of all this debate that never gets anywhere is for Scotland to be independent and for the issue to be faced. There has been plenty of learned debate on the subject, but can any member tell me of any other catalyst that will make the British parties see sense and change their minds? The Green motion, with the SNP amendment, is the route to progress and to a reduction in the number of nuclear weapons for ever.

10:15

John Home Robertson (East Lothian) (Lab): Rob Gibson and his colleagues in the SNP have been expressing their undying opposition to nuclear weapons. I seem to recall that, not long ago, nationalists joined some of the rest of us in protesting vehemently against Malcolm Rifkind when he took the Trident refitting contract away from Rosyth to Devonport. If members are opposed to having the submarines, there is a whiff of hypocrisy about their wanting the jobs that are associated with refitting them.

There is a colossal distinction between civil nuclear power, which generates electricity to sustain life and civilisation, and nuclear weapons, which are designed to obliterate entire cities. Nuclear missiles supposedly are retained to ensure that they are never used. We heard that argument from James Douglas-Hamilton. I confess that I have never been entirely comfortable with the logic of nuclear deterrence.

As I will not be able to take part in the next debate, which is on the storage of nuclear waste, I will refer to an obvious link between the two

debates. I will be happy when the time comes to decommission Britain's four Vanguard-class ballistic missile submarines. However, I do not want to add to the fleet of nuclear hulks that are already tied up at Rosyth and Devonport. Redundant submarine reactors should not be corroding in the water of the Firth of Forth; they should be in safe, permanent storage on dry land.

I must challenge the Greens and their nationalist fellow travellers on their absurd position on the storage of nuclear waste. We have inherited a legacy of difficult and dangerous material, whether we like it or not. The independent Committee on Radioactive Waste Management has just concluded that it can and should be put into safe, permanent geological storage, but the political zealots in the Green and nationalist parties do not want that solution to be achieved.

Patrick Harvie: I look forward to John Home Robertson's interventions in the next debate, even if he is unable to make a speech, but does he intend to address the motion for this debate?

John Home Robertson: I was just moving on to that. The Greens' top priority is to obstruct civil nuclear power stations, regardless of the need to cut carbon dioxide emissions. Their logic would leave the nuclear hulks that I mentioned to rust in the water at Rosyth docks indefinitely. That is an abdication of responsibility to future generations.

I am a veteran of House of Commons Defence Select Committee annual reviews of the Trident programme back in the 1990s. We reported on how the programme suffered delays and cost increases that make the Holyrood building seem like a bargain—although our wonderful British media did not seem to care about military overspending. Such is life—it's aye been like that.

I was opposed to Margaret Thatcher's Trident programme because I was not convinced by the logic of mutually assured destruction when the Soviet Union was collapsing. I came to that issue from the left, but I recommend the devastating critique of the theory of nuclear deterrence that was made by none other than Enoch Powell on 7 June 1987. I did not think that Trident made sense at the end of the cold war, and I cannot for the life of me see how al-Qa'ida can be deterred by ballistic missiles with nuclear warheads now.

As Jackie Baillie and others have said, these issues will be addressed by our colleagues at Westminster when the four Vanguard SSBNs—ship submersible ballistic nuclear submarines—reach the end of their lifespan. The decision will not be made here, and it will not be made any time soon. We will all have our say in the public debate in due course. Today, I suggest that the Green motion should be amended so that we can make sense of what is really just an opportunistic stunt.

If we in this Parliament want to be taken seriously, we should not agree to silly motions.

We might begin to take the Scottish Green Party seriously on these issues when its members agree about the need for safe, permanent storage of nuclear waste. Of course, protest groups do not really want solutions; they thrive on frustration. I am not interested in frustration. I want to help to achieve real solutions to these big problems for our nation and for the wider world. That is the big difference between the Labour Party and some of the other groups that are represented in the Parliament. I strongly urge the Parliament to support Jackie Baillie's amendment.

10:20

Patrick Harvie (Glasgow) (Green): I thank members for their contributions to the debate, which I have found stimulating. I admit that my mood shifted markedly when I listened to John Home Robertson, who decided to attack the Greens for even bringing the debate to the chamber, despite many members saying that they welcome an open, full debate on replacing Trident.

I recognise that there are people in all parties, not just mine, who agree with us about the replacement and retention of Trident, and who have worked on the issues for many years. I refer not only to members of those parties that will support the motion or the amendment against replacement, but to people in the Tory party who reject replacement. This matter is not cut and dried down party lines; there is debate in all parties.

The previous time the Parliament debated the matter, in January 2002, the focus was on the retention of Trident. This time, we have lodged a motion specifically on the legal issues around replacement. I say to Mr Rumbles that that is not a rejection of the moral or political case; it is simply a different take on the issue.

Mike Rumbles: Will the member take an intervention on that point?

Patrick Harvie: No, thank you. I want to talk about Jackie Baillie's amendment, which seems to provide the only serious criticism of our motion. It raises serious issues, which is why we are having an open and full debate. Having such a debate does not mean having no position and simply asking everybody else what they think; it means saying what we think. That is why Mark Ballard's and Chris Ballance's recent motions are entirely compatible.

On jobs, I do not pretend that there are simple answers, any more than I would pretend to farmers in Afghanistan that there were simple answers about how they might make a living if, as

we want, poppy production for heroin ceased. The principle is the same. I am not prepared to accept that jobs alone justify an immoral act—in this case, the retention of nuclear weapons.

I support the Enterprise and Culture Committee holding an inquiry into how areas such as Jackie Baillie's constituency can diversify their economies. I ask her whether any Labour members on that committee have proposed such an inquiry to consider the issues in the detail that they merit. Jackie Baillie said that the Labour Party is unequivocally committed to the non-proliferation treaty. In the previous debate, in January 2002, she spoke about "action, not rhetoric". Today, we have an opportunity to say no to replacement and yes to the non-proliferation protocol. When we come to decision time, we will have the option to make action, not rhetoric, the priority.

Bruce Crawford: Will the member comment on the part of the Labour amendment that

"notes the significant reductions in the United Kingdom's nuclear weapons arsenal"?

Does he accept that there was a reduction but that, although particular weapons were removed, Trident ended up being a lot stronger, more powerful and much more penetrative than previous nuclear systems?

Patrick Harvie: Certainly, and any attempt to replace it would, by definition, given technological progress, also upgrade at least some systems.

Bruce Crawford has been attacked over what some members have called a facile amendment. Not only did he focus on the legal issues that we have raised, but he defended his amendment. Scottish independence is not the only conceivable way to achieve disarmament, but independence would make it far more likely. The UK could choose to get rid of or not replace Trident but, given the climate in UK politics, I do not think that it will. If Scotland as an independent country were to get rid of Trident, I would have a double celebration.

Jackie Baillie: Will the member take an intervention on that point?

Patrick Harvie: No, thank you. I wish to turn to Phil Gallie's points. He said that nuclear weapons have worked and have been successful in keeping the peace. There may not have been the massive conflagration that many people feared, but there has not been a day of world peace in the entire history of nuclear weapons. A fictional Labour Prime Minister said that he wanted to dismantle the absurd and obscene idea that our freedom must depend on the fear of annihilation. It would be blissful if we had a real Prime Minister who spoke with such passion.

Phil Gallie argued that this country should lead the way in working towards disarmament, but do our current defence and foreign policies mean that we do so? Of course they do not. Members should consider the proliferation incentives that have been created for India, Israel, Pakistan, Iran and North Korea and compare the number of proposals for sanctions against or invasion of Iran with those that have been made with respect to North Korea. We know that North Korea already has nuclear weapons, which is why no one proposes to invade it to dismantle its capabilities.

Euan Robson said that members should support the Liberal Democrats' amendment. I would welcome a white paper from the United Kingdom Government, which would be a useful contribution to the debate, but while white papers often precede new legislation on which members of Parliament are permitted to vote—sometimes even according to their consciences—that would not happen in this case. The UK Government has said that MPs will not yet be allowed to vote on the matter. That is why I cannot support the Liberal Democrats' amendment. Mike Rumbles spoke in support of it and talked about how much he disagrees with replacing Trident, but the amendment calls for retention of our nuclear capability for the foreseeable future, which I cannot support.

Rosie Kane mentioned the Executive's non-attendance at the debate. I am happy to give ministers their lie-in, which I hope they enjoy. However, I will ensure that they are represented in at least one way by quoting what Cathy Jamieson said as a candidate for election to the Parliament in 1999 rather than as a member or a minister:

"For me, and many others in the Parliament, the continued production of nuclear weapons and the potential dangers, is a moral issue. A challenge for the Parliament, and the political Parties would be to have a genuinely open consultation with the people of Scotland on the question of Trident, and allow MSPs to vote according to their conscience."

I agree with one thing that Mike Rumbles said: this is a moral issue. I get bored and sick and tired of people who say that moral issues in politics are about finger wagging and who people go to bed with. That is narrow-minded nonsense. There are great moral issues of our age, for example the degradation of our environment, the treatment of refugees and asylum seekers in our communities and the treatment of prisoners. Retaining or replacing Trident is one of the great moral issues. It is disappointing that all three parties that dominate Westminster politics are committed to retaining nuclear arsenals. As a result, none of the many voters in Scotland who reject nuclear weapons has a real choice. Westminster, as Martin Luther King once said of the western world, has guided missiles and misguided men.

Nuclear Power

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S2M-4329, in the name of Shiona Baird, on a pledge against new nuclear power stations in Scotland.

10:29

Shiona Baird (North East Scotland) (Green): The Executive has stated:

"We will not support the further development of nuclear power stations while waste management issues remain unresolved."—[*Official Report, Written Answers*, 26 August 2004; S2W-9846.]

In the face of the pro-nuclear signals coming from the Prime Minister, that might look like some sort of barrier to nuclear power from Jack McConnell's Executive. However, in reality, the word "unresolved" is, unfortunately, a deliberately ambiguous smokescreen that is designed to give Executive members of all persuasions something to hide behind. People who are opposed to nuclear power can say that the issue of waste management will never be resolved and that new nuclear power stations will therefore never be permitted, while the pro-nuclear side can say that all they are waiting for is the Committee on Radioactive Waste Management to recommend how best to deal with nuclear waste before the go-ahead is given for new nuclear energy.

I specifically asked Mr McConnell at First Minister's question time to clarify what the word "resolved" means, but he ducked the issue, which he clearly finds difficult. If he came out as anti-nuclear, pro-nuclear members of his party—including the Deputy Minister for Enterprise and Lifelong Learning—the nuclear workers union and industry lobbyists would be on his back. If he declared support for nuclear energy, he would risk alienating the majority of the Scottish voting public, who are against nuclear power and favour renewable energy and energy efficiency.

Christine May (Central Fife) (Lab): Does Shiona Baird accept that the National Union of Mineworkers, among other trade unions, supports a balanced energy policy that includes investment in nuclear energy, clean coal and renewable energy?

Shiona Baird: I will address that later in my speech. There are serious issues around having a balanced policy.

Political fudge is by no means a new tactic, of course, but exposing the fudge that I am talking about is important, because it is crucial that in the approach to a Scottish Parliament election—which is less than a year away—the intentions of all

political parties, if they are to have a role in Government, are made clear to the Scottish public. It is unacceptable for Executive parties to be deliberately ambiguous to curry favour with the electorate ahead of an election, only to reveal their true colours after it.

Last week, CORWM published its interim report. For the third time, deep geological disposal appears to be the least bad option of Government advisers. It is like a recurring dream from 30 years ago. It is hardly a new solution.

Phil Gallie (South of Scotland) (Con): Will the member take an intervention?

Shiona Baird: No, I want to continue.

Crucially, CORWM stated:

“the process of implementation will take several decades. This period could last for as long as one or two generations”.

Management issues are therefore not quite resolved. CORWM recommends more

“research and development aimed at reducing uncertainties ... in the long-term safety of geological disposal”.

That is hardly conclusive. On the basis of the interim report—the final report in July is unlikely to be much different—there is no way in which anyone can claim that the issue of nuclear waste management is anywhere near being resolved.

I ask John Home Robertson to listen to what I am about to say: the Greens repeat our call for existing radioactive waste to be managed in monitorable and retrievable stores that are secure against attack and near to the point of their generation in order to avoid the hazards of unnecessary transportation. We also repeat our call that no further nuclear waste should be deliberately created.

Nuclear waste management is only one issue. Of course we will need to find a way to protect people and the environment from existing nuclear waste as best we can, but reaching a decision about how to manage the existing nuclear waste legacy cannot be used as justification for building more nuclear power stations. CORWM is clear about that. It states in its report:

“CoRWM takes no position on the desirability or otherwise of nuclear new build ... The public assessment process that should apply to any future new build proposals ... will need to consider a range of issues including the social, political and ethical issues of a deliberate decision to create new nuclear wastes.”

Phil Gallie: The health service is a major generator of nuclear waste. Is the member suggesting that there should be a freeze for the health service if we follow her demand for no more nuclear waste?

Shiona Baird: That is a totally different subject. Phil Gallie is undermining the seriousness of what we are discussing.

Today, the Greens are asking all parties, no matter their stance on nuclear waste management, to pledge that there will be no new nuclear build in Scotland. The justification for ruling out nuclear power is available right now. The Government's sustainable development advisers have ruled out nuclear power in favour of renewable energy and energy efficiency. Westminster's Environmental Audit Committee has stated that nuclear power has no place in meeting future energy needs. The Executive's research into the potential of renewable energy in Scotland shows that it far and away outstrips the minimal contribution to energy needs that nuclear power could make. Independent experts have shown that there is plenty of time to bring in renewable energy and greater energy efficiency.

A majority of parties in the chamber and of MSPs are against new nuclear power. Even the Tories—at least in some parts of the United Kingdom—are beginning to question nuclear, based on the facts. Sadly, although he is outspoken in his opposition to nuclear power, Nicol Stephen has refused to say whether it would be a non-negotiable issue for the Lib Dems in any future coalition. The motion and the debate seek to clarify for the Scottish public what the political parties that are represented in the chamber would do if next year they were given the responsibility of government. Let us remove the smokescreen of waste management, recognise all the reasons that should make new nuclear build an impossibility and pledge to make no deals with any party that would bring in new nuclear power. I call on all parties to support the motion in my name.

I move,

That the Parliament notes the interim report of the Committee on Radioactive Waste Management (CoRWM) which states “CoRWM takes no position on the desirability or otherwise of nuclear new build. We believe that future decisions on new build should be subject to their own assessment process”; further notes that government advisors on sustainable development have reported that there are issues other than waste management that should rule out new nuclear power, including risk of accident, terrorist threat, security of supply, economic cost and the availability of safe, clean and economic renewable energy and energy efficiency measures; recognises the opposition to nuclear new build in Scotland by the Green, SNP, SSP and Liberal Democrat parties; notes in particular that Nicol Stephen MSP recently stated “The Liberal Democrats have a tough, clear and consistent position across the UK ... We oppose new nuclear power ... the Liberal Democrats remain determined to oppose this year, next year and every year”, and calls on all political parties opposed to new nuclear power stations in Scotland to pledge that they will not be part of, or support, a Scottish Executive that allows new nuclear power stations to be built, even if the issue of nuclear waste management may be considered to have been resolved.

10:36

The Deputy Minister for Environment and Rural Development (Rhona Brankin): I welcome the opportunity for Parliament to debate the important issue of how Scotland should deal with its radioactive waste. Our amendment is not about whether we should or should not have nuclear power as part of our energy mix. Clearly, that is a matter for another day. The Parliament and Scotland need to address how we deal with the legacy from historical practices that we have in our country. That legacy cannot be left—we must manage it now and in the long term.

We should remember that we are talking not just about highly active and long-lived waste; we must also deal with large volumes of short-lived, low-level waste, much of which will be generated by decommissioning and cleaning up our existing sites. Radioactive waste is a devolved responsibility. The Scottish ministers decide how we should deal with our waste, and we have done so. We should be clear that we have the power to act and to take decisions on how we in Scotland deal with our waste.

I turn now to the independent Committee on Radioactive Waste Management, which we set up jointly in 2003 with the UK Government and the devolved Administrations of Wales and Northern Ireland. CORWM has been engaged in a lengthy process to identify options for the long-term management of higher-activity waste and has consulted widely on those options with the public and stakeholders.

CORWM is now nearing the final phase of its work. Last week, it made a statement on the recommendations that it proposes to put to the Scottish ministers and ministers elsewhere in the UK at the end of July. It would not be appropriate for me to comment on specifics until I receive CORWM's final recommendations. To reach this stage, CORWM has taken advice from, consulted and tested out its propositions on a wide range of people—members of the general public as well as experts.

Although this is very much an environmental issue—one of the biggest challenges that we face—we must not forget that there are also opportunities.

Mr Mark Ruskell (Mid Scotland and Fife) (Green): I ask the minister a simple question: when will she consider the waste issue to have been resolved?

Rhona Brankin: The Scottish ministers will make their own decisions, and I am not able to give the member a timetable for that. We must await the recommendations of CORWM. However, we will deal with the matter expeditiously.

I mentioned the potential opportunities that will follow from the CORWM recommendations. There will be opportunities for companies and communities in Scotland, such as Dounreay, to develop skills, technical solutions and practices to deal with radioactive waste. Such skills and solutions are sought not only here in Scotland and across the UK, but more widely. Many countries have radioactive waste and are seeking better ways of dealing with it and people of high calibre to manage it. The Executive has been and is committed to finding management options for the higher-activity radioactive waste that we have in Scotland. Through CORWM, we at last have proposals for dealing with that waste. We should be up for seizing the opportunity, and we should not repeat past failures to find solutions.

I move amendment S2M-4329.3, to leave out from first “notes” to end and insert:

“appreciates the work of the Committee on Radioactive Waste Management; welcomes the position statement on its draft recommendations published by the committee on 27 April 2006; agrees that the review of options for the long-term management of radioactive waste, currently being undertaken by the committee, is the correct means of engaging Scotland on the crucial issue of finding a long-term management option for higher activity radioactive waste, and notes the Executive’s position, as outlined in the Partnership Agreement, that it will not support the further development of nuclear power stations while waste management issues remain unresolved.”

10:40

Richard Lochhead (Moray) (SNP): It is an enormous pleasure and privilege for me to make my first contribution to the Parliament’s proceedings as the member for the beautiful constituency of Moray. I have the hardest of acts to follow, given that my predecessor Margaret Ewing served the people of Moray and Scotland so effectively both in the Westminster Parliament and in this Parliament for nearly 20 years. During the past few weeks, I have been struck by the fact that every person to whom I have spoken in Moray has taken a few moments to pay a personal tribute to Margaret, irrespective of whether they agreed with her cause. That alone speaks volumes about the high regard in which she was held by her constituents the length and breadth of Moray.

I know that Margaret Ewing would have taken a keen interest in this morning’s debates, as she passionately supported an independent, nuclear-free Scotland and over the years pursued on behalf of her constituents many energy-related issues at Westminster and in this Parliament. In particular, her track record in campaigning for fuel poverty to be eliminated in our energy-rich nation was second to none. Like all SNP members, Margaret wanted Scotland’s billions to be spent not on new nuclear power stations, but on cleaner forms of energy and on tackling the fuel poverty

that blights our nation. One of my roles is to continue her good work.

My task as the new MSP for Moray is straightforward—it is to help to build a better life, in a better country, for the people of Moray. The SNP firmly believes that a nuclear-free Scotland will be a better country. We will join forces with others in the chamber who support a nuclear-free Scotland. In the previous debate, we argued against the new generation of weapons of mass destruction. In this debate, we are arguing against the false case for building a new generation of nuclear power stations on Scottish soil.

Importantly, we also pledge as a party to stop Scotland being turned into the UK Government's nuclear dustbin. Moray, like the rest of Scotland, has a pristine and renowned environment. It would be a public relations disaster for Scotland's clean image and for our tourism sector, among others, if the UK Government were allowed to turn our nation into a nuclear dustbin. We have a responsibility to deal with nuclear waste that is generated in Scotland, but we can rest assured that the people of Moray and the rest of Scotland will resist any attempt to import nuclear waste to Scotland and to turn any part of our beautiful country into a nuclear dustbin.

We are aware that five of the 12 sites that Nirex has identified as potential dumping grounds are in Scotland, so we all know that the UK establishment has earmarked several sites in Scotland as potential locations for waste dumps. Any attempt to take forward those plans will be resisted by the people of Scotland. One thing is certain—public resistance in Scotland rules out any possibility of Scotland playing host to new nuclear dumping grounds. If the UK Government thinks that the waste is very safe, perhaps it should propose to dig a big hole in London and bury it there. We all recognise that that will not happen and that the Government's eyes are facing north.

I am intrigued by CORWM's recommendations, because they shed little light on the debate on the management of nuclear waste. The same problems that existed several decades ago exist today in Scotland at the beginning of the 21st century. The fact is simple: there is no safe, long-term storage solution for nuclear waste. The best way of dealing with it is to stop producing the stuff in the first place. That means refusing to allow any nuclear power stations to be built in Scotland.

The debate about nuclear has been well aired in recent years in Scotland, and it is now time for the Labour-Lib Dem Administration to come off the fence. It must give us today a concrete statement of when it believes that the problems of future nuclear waste will be resolved. The SNP believes that it is time for MSPs from all parties to stand

shoulder to shoulder with the public in Scotland and reject once and for all the case for new nuclear power stations. Let us invest instead in Scotland's potential for clean energy, which is safer, cheaper and cleaner, can protect our environment and can create thousands of new jobs at the same time. The clock is ticking; we have to start taking decisions now. We can do that today by supporting the SNP amendment and the motion.

I move amendment S2M-4329.2, to insert at end:

"and therefore agrees that no nuclear power stations should be built in Scotland."

10:45

Alex Johnstone (North East Scotland) (Con):

I congratulate Richard Lochhead on what was technically a maiden speech, although it seems as though he has never been away. I associate myself with the tribute that he paid to his predecessor, Margaret Ewing, whom I held in great respect.

When dealing with the subject before us, the Conservatives have always made it clear that we believe in a balanced energy policy—a broad range of energy sources including those for the generation of electricity. In the limited time available to me today, I cannot go into depth about things such as clean coal, gas, biomass, wind, hydro, microgeneration and energy efficiency, all of which have a major role to play in anything that we do in the future.

The key point that we must keep in mind when we decide how our energy is to be provided is how we achieve genuine economic sustainability and continued growth in the Scottish economy. For that reason, the Conservatives will always have a broad mind about how we might provide energy to support the economy and ensure that we do not drive ourselves into a position where growth cannot be sustained simply because of decisions that have been made for political, rather than practical, reasons.

Brian Adam (Aberdeen North) (SNP): Does the member accept that if we go down the new nuclear route it is likely that foreign technology and jobs will be created, whereas if we go down the renewable energy route there is at least a possibility of a new renewable energy set of opportunities?

Alex Johnstone: That might have been the case if we had been prepared to grasp the nettle rather earlier and had not lost our technological advantage.

In addition to the need for sustainable economic growth and affordable energy to support it are

concerns about fuel poverty, which have been raised widely in the chamber in other debates. If we cannot provide affordable energy to the poorest in our society, fuel poverty will increase greatly.

Shiona Baird: Will the member take an intervention?

Alex Johnstone: No, thank you. Not at the moment.

For the reasons I have just given, we need to address how we will supply energy and affordable domestic and industrial electricity in the future.

We have to consider a broad range of technologies, and nuclear should be considered as part of that broad range. For that to be done effectively, we need to make decisions now. I agree with the way in which Richard Lochhead concluded his speech. He said that we need to have a debate about whether we are to replace nuclear capacity in Scotland. It is time that the Executive—as individual parties or together—addressed that question. It is ironic that every debate on the subject so far in the Scottish Parliament has been introduced by Opposition parties, whatever their motivation.

Although nuclear waste has become the centre of the debate, it is something of a red herring. Our nuclear waste problem is largely historical, caused by the early civil nuclear industry and the military demands of nuclear decommissioning, including the decommissioning of nuclear weapons for which many in this chamber have argued, although that also creates a lot of waste. As we heard from Phil Gallie, we are creating nuclear waste in the national health service. The problem is on-going and must be addressed in whichever way we decide. A new generation of nuclear power stations would have the capacity to produce cleaner, safer and more efficient electricity than the generation that it would replace.

Liberals are leading Labour by the nose on this subject in the Scottish Parliament. Labour has deliberately misinterpreted the motion today and dealt with only one part of it—the waste issue. We need to have a debate. We need to have the opportunity to speak in favour of the replacement of nuclear capacity in Scotland.

I move amendment S2M-4329.1, to leave out from first “notes” to end and insert:

“believes that Scotland needs a balanced energy policy to meet the energy needs of the nation, including a mixture of generation from a range of technologies, including coal, oil, gas, renewables and nuclear; further believes that our energy policy must support sustainable economic growth while simultaneously fighting against fuel poverty, and believes that the decisions on the future make-up of our energy provision, which should include a nuclear component, need to be made now.”

10:50

Dr Elaine Murray (Dumfries) (Lab): The Greens’ motion does not call on the Scottish Labour Party or the Scottish Conservatives to do anything, so I suspect that some of the intention behind it is to discomfit our Liberal Democrat coalition partners. I am sure that they will deal with those arguments when their time comes.

My position is well known. I was pleased to support the motion—Christine May referred to it in an intervention—which was proposed by Amicus and supported by the National Union of Mineworkers, that was passed at this year’s Scottish Labour Party conference. It recognised that the long-term future security of energy supply is crucial to the UK’s industrial and domestic economy, and it called for a balanced energy policy that should include replacement nuclear new build and clean coal technologies to meet the nation’s needs.

It should be recognised that we also passed a motion at the conference that called for increased Government support for renewable energy technologies and energy efficiency measures. Like those at the Scottish Labour Party conference and the Scottish Trades Union Congress later on, I and many of my Labour Party colleagues are in favour of a mixture of measures to ensure a secure supply of energy generated in the UK—we are unionist parties and I am not ashamed of being a unionist, so I am talking about an energy policy for the union—to meet the country’s needs for the foreseeable future.

Nuclear fission technologies, which are making progress at long last, will play a part in the next generation of base-load capacity. They will be part of the mix with other technologies, such as a wider variety of renewables technologies, which will be developed further in the hope that, in 50 years’ time, we will no longer need to use nuclear fission technologies.

We need to have ambitious targets for renewables generation to ensure that the momentum in developing renewables technologies of all sizes—micro and large—is sustained.

Phil Gallie: Does the member deplore, as I do, the fact that so many people who stand against the nuclear industry constantly remind us of the threat to safety? Does she agree that the safety record of the nuclear industry in the UK is exemplary?

Dr Murray: Indeed. Experiences such as that at Chernobyl, which was horrendous, have no bearing on the argument in favour of nuclear power stations today. I was going to say later in my speech that the Sustainable Development Commission recognises that the UK nuclear power industry has the best safety record.

I do not believe that nuclear power is the total solution; we need to have separate targets for the generation of power from non and low-carbon-producing technologies. Nuclear should not be included in renewables targets because it is not a renewable technology.

I must address the rest of the motion, which says

"CoRWM takes no position on the desirability or otherwise of nuclear new build."

CORWM was not asked to do that. It is an independent body of experts that took three years to look at the burial of waste. What it has proposed is in line with what happens in other countries. It is all very well to try to make out that it is rehashing old solutions or to talk about nuclear dumping grounds, but there is no reference to nuclear dumping grounds in the CORWM report—and referring to the old list of possible Nirex sites is just a red herring.

The Sustainable Development Commission did not say that nuclear should be ruled out; it recognised the UK nuclear safety record and said that, on balance, nuclear power is not the option at the moment but that it could be revisited through technology exchange. Some of the arguments that are being put forward by the anti-nuclear lobby are red herrings and scaremongering stories that are not relevant to the scientific arguments.

There is a sentence in the partnership agreement that papers over, I suppose, the differences between two parties that have different policies. Indeed, people in the same parties have different views. I do not think that such differences are a deal breaker at the moment.

Somebody has to want to build a new nuclear power station. The Scottish Executive will become involved when a company proposes a plan for a new nuclear power station. I do not think that that will happen before May 2007. I do not think that any future coalition agreement between any parties will contain such a statement. In any case, this whole issue, which is simply a political point aimed predominantly at our Liberal Democrat coalition partners in the run-up to the May 2007 elections, is not relevant to the much more serious scientific debate that we must have on nuclear power.

10:55

Mr John Swinney (North Tayside) (SNP): It is a pleasure both to take part in this debate and to follow what might be described as the retread speech of my colleague, Richard Lochhead. I warmly welcome him back to the Parliament and congratulate him on a very fine election victory in Moray. Given Margaret Ewing's outstanding work in representing that constituency, he has a very

hard act to follow; however, from my experience of his election campaign, I believe that he is more than able to carry out that task.

In his intervention on Elaine Murray, Phil Gallie referred to the exemplary record of this country's nuclear sector. He should, perhaps, reflect that, as a result of that exemplary record, Windscale nuclear power station had to change its name to Sellafield because of its atrocious reputation for committing environmental damage. Indeed, if Mr Gallie spoke to the Government of the Republic of Ireland, he would find it deeply bitter about the safety record of Windscale, Sellafield or whatever it is called and the damage and pollution that it has caused in the Irish sea and on Ireland's east coast. Of course, if either the United Kingdom Government or the Scottish Executive was more concerned about such environmental issues, more might have been said on the subject.

Alex Johnstone: Does the member accept that he might be confusing experimental and reprocessing plants such as Windscale with civil nuclear generating plants?

Mr Swinney: My example simply proves that the nuclear industry has a pretty awful record and that we should not go back to generating nuclear power.

I agree with Mr Johnstone that we need to make progress on this issue, because we cannot put off for ever the debate on nuclear issues and on finding ways of dealing with our energy requirements. My most trenchant criticism of this Government is that although this serious issue affects our economy and communities, it has been handled very loosely. The Government is drifting along and is simply not making any big bold decisions on energy policy. For example, it could pursue a balanced renewable energy strategy that developed a number of opportunities, including carbon capture, biomass and wave and tidal power, but it is not doing so on any of those fronts. As I have said, it is drifting.

Along with Mr Ruskell of the Scottish Green Party, I have been trying to get biomass heating systems into public-private partnership schools projects. I have also bored the Parliament senseless pressing this Government to join up its departmental thinking on the matter. The whole process has been far too slow, and I just wish the Government would take the issue to the heart of its policy making and make progress on it. I believe that a balanced renewables strategy could counter any decision that might be made on nuclear power, but the Government needs to make progress immediately.

I fear, however, that the Government is deliberately pursuing a one-legged strategy of dependence on on-shore wind farms, which are

unpopular in many parts of the country, to undermine confidence in any renewables strategy. Such an approach would be very cynical—

Rhona Brankin *indicated disagreement.*

Mr Swinney: The minister shakes her head. I know that she is not a cynical person, and I appeal to her to make progress on this issue to guarantee that we do not undermine any opportunities to pursue a balanced renewables strategy. I also urge her to take bold decisions on, for example, energy efficiency, to ensure that we reduce our overall energy requirements rather than waste energy to the extent that we do, presided over by the Government.

It would be environmental and economic folly to develop the nuclear sector in Scotland. Instead, we must develop a balanced renewables strategy; protect our natural environment; and deliver energy and safety for the generations to come without ruining the precious country of which we are the custodians.

10:59

Nora Radcliffe (Gordon) (LD): Another debate, another opportunity to make crystal clear Liberal Democrat opposition to new nuclear power stations.

In their motion, the Greens have—oddly, but very generously—publicised Scottish Liberal Democrat policy on this issue, as spelled out at our spring conference by our Scottish leader, Nicol Stephen. However, a debate on CORWM's recently published interim report on nuclear waste disposal, rather than this peculiar, playground-politics motion that seeks to dictate to other parties what should be in their manifestos for the next election—and it compounds that presumptuous approach by pre-empting the electorate's response to those manifestos—would have been a more constructive use of parliamentary time.

Mr Ruskell: On the basis of CORWM's interim report, does the member believe that the waste issue has been resolved?

Nora Radcliffe: Anyone who reads the report will see that that is clearly not the case.

CORWM has worked exhaustively to arrive at the best—or, more accurately, least worst—methods of dealing with radioactive waste. Its recommendations, and whether they could or should be implemented, deserve serious consideration. Like it or not, there is a nuclear legacy that must be disposed of responsibly. The Liberal Democrats want as far as possible to limit the production of any more such waste, and believe that nuclear power generation is uneconomic, unsafe, unneeded and unwanted.

We are not alone in that view. The UK Government's official advisory body on environmental issues, the Sustainable Development Commission, has advised UK ministers that

“there is no justification for bringing forward plans for a new nuclear power programme, at this time”

and has rejected nuclear power on no fewer than five key grounds.

Shiona Baird: Will the member give way?

Nora Radcliffe: I am sorry—I do not have the time. I have four minutes' worth of points to make, and I want to make them all.

The Sustainable Development Commission rejects nuclear power because no long-term solutions to the problems of radioactive waste are available. It also believes that the economics of nuclear new build are highly uncertain and that there is a clear risk that the taxpayer will be left to pick up the tab again. A new nuclear programme would lock us into a centralised distribution system for the next 50 years at exactly the point when we should be pursuing microgeneration and it would undermine the message that urgent and effective action is needed on energy efficiency and development of renewables. Finally, on international security, the commission feels that, under the terms of the framework convention on climate change, if the UK goes down the new nuclear route, we cannot deny other countries the same technology.

The sooner we accept that new nuclear power generation is not to be part of our future energy mix, the sooner we will grasp the economic and environmental opportunity that renewable energy offers Scotland and begin to launch a serious attack on energy waste. We must make those our priorities.

In Scotland, the Liberal Democrats and the Executive have put renewables at the top of the agenda. Indeed, we are on track to meet and exceed our target of generating 18 per cent of our energy from renewable sources by 2010, while the UK Government is failing to meet its 10 per cent target. That is no coincidence.

I also want to make it clear that the Liberal Democrats' involvement in the Government in Scotland has led to the Executive policy that no new nuclear power stations will be built while waste issues remain unresolved. With decommissioning and safe disposal, we will have a nuclear-related industry for many years to come. However, new nuclear generation is not the answer to our energy needs.

We must deal responsibly with our nuclear waste legacy, but I reiterate that our future and

opportunities lie in a revolution in renewables, energy efficiency and microgeneration.

11:04

Eleanor Scott (Highlands and Islands)

(Green): Nuclear waste has been an issue in parts of my region for many years. I recently visited the Dounreay site to find out how decommissioning is progressing, and found it sad in one respect. One of the people who kindly showed me round has worked on the site since the plant's construction stage in the 1950s. He described how, at the time, nuclear power was seen as an exciting way of harnessing the latest science and the power of the atom to give electricity that would be too cheap to metre. As he was telling me that, I could not help but think that the cost of decommissioning the site will run into billions.

The site has had its problems, of course, whatever people may say about the safety record of our nuclear industry—to say nothing about the controversy over whether reprocessing should have happened at all, the discharge directly into the sea of the large volume of low-level liquid waste produced by reprocessing and the transport of highly radioactive material to be reprocessed and its subsequent transport back to where it came from. Then there have been the regular discoveries of radioactive particles on Sandside beach—and that is without discussing the explosion in the waste shaft in 1977.

The record has not been great, but I am not here to criticise Dounreay, because I actually have a lot of admiration for what is going on there now. As the minister said, it has become a world-class centre of excellence for decommissioning. Last night, some Highland MSPs attended a helpful briefing by Dounreay management about the plans for dealing with low-level waste, about which I shall say more later if time permits.

The decommissioning process will result in a large amount of radioactive waste. As Shiona Baird said, we believe that any radioactive waste should be managed by on-site storage that can be monitored in future, as all radioactive waste should be. However, if a decision to go for a national underground repository for all our long-lived or highly radioactive waste is made, as seems to be suggested in the CORWM report, Dounreay could well find itself considered for that.

Elaine Murray mentioned the fact that the list of Nirex sites was historical. I accept that, but the sites are bound to be looked at again. Interestingly, all the Scottish sites were in the Highlands and Islands—Dounreay, Altnabreac in Caithness and two small islands near Barra. The search criteria may be different this time, but people in those areas will obviously be concerned.

CORWM refers to the need to have a willing host community for a disposal site. I for one do not believe that volunteer communities will be lining up for that privilege—they are certainly not in the Highlands and Islands.

Although we are talking about the long-lived, highly radioactive waste that CORWM looked at, the same disposal—or perhaps I should say concealment—route could well be used for spent nuclear fuel, uranium and plutonium. CORWM's report mentions that as a possibility. After all, we do not have any other ideas about what to do with spent fuel. It tends not to get discussed, as it is not currently classed as waste. At Dounreay, however, there is fuel and spent fuel, including enriched uranium and plutonium, totalling—other Highland MSPs who were at last night's briefing can correct me if I heard it wrong—about 100 tonnes, and staff are simply waiting to be told what to do with it.

I would like, briefly, to mention low-level waste. At Dounreay, I saw how the staff are dealing with such waste. I will not go into detail, but what they are doing is impressive and I recommend that other members go to see their work. I have no problem with the technique that they are using. Low-level waste may be low risk, but it is not no risk, and it is not the sort of thing that anybody would put at the end of their road. Nevertheless, the people of Buldoo, near Dounreay, are faced with just that, because of where the repository is being sited. I have no disagreement with the techniques that are being used at the site to deal with low-level waste, but I think that managers should think again about where they want to have the repository.

When people built power stations in the 1950s, they did not foresee the problems, the hazards, the terrorist threats, the health risk or the huge expense with which we are only too familiar when it comes to nuclear power. Perhaps they should not be blamed for the decisions that they took, but we would certainly deserve blame if we, knowing all that, went ahead and added to that deadly legacy.

11:08

Bristow Muldoon (Livingston) (Lab): The debate about energy policy is too often narrowly based around the single issue of nuclear power. Nuclear waste management, which is addressed in today's motion, is an important issue, but if we are to have a mature debate about energy generation, and particularly about the role of nuclear power in generating electricity, that debate should take full account of all the energy needs of the country, of how we can make more efficient use of our energy and of the environmental impact of all the different modes of electricity generation. If we have a debate on the single-dimensional

issue of nuclear power, that debate will serve the people of this country ill.

Labour's position on energy policy has been referred to by Elaine Murray, who identified the fact that our approach to electricity generation is to seek a balanced energy policy that uses all the potential modes of electricity production and, critically, emphasises the importance of developing Scotland's renewable potential and of improving our energy efficiency. At the UK level, the Labour Government has initiated a further review of the country's energy requirements, which sets out the central aim of securing clean, affordable energy for the long term, along with four goals for energy policy, including cutting carbon dioxide emissions by 60 per cent by 2050, maintaining the reliability of energy supplies and ensuring that every home is adequately and affordably heated.

A number of developments in energy have driven that further review, including further evidence about the impact of climate change, the recent rises in fossil fuel prices, which were far higher than had been anticipated, the fact that the UK is now a net importer of gas and difficulties in the European Union energy markets. The problems of some of the major exporters have also added to concerns about price volatility and security of supply in future. In that climate, it is important that we at least consider renewing our nuclear electricity capacity, as that might help us to address many of the challenges that we currently face.

The Government has commissioned the Committee on Radioactive Waste Management to examine the options and make recommendations on the long-term management of long-lived and highly active radioactive wastes. We have recently seen CORWM's draft recommendations, and the final recommendations are due shortly. It is important to recognise that, irrespective of whether one supports new nuclear generation, we must tackle the existing nuclear waste created during 50 years of nuclear activity in this country.

Mr Ruskell: Will the member take an intervention?

Bristow Muldoon: I am afraid that I do not have sufficient time.

I am sure that the CORWM recommendations will be strongly debated when they are published, but if CORWM comes up with conclusive and comprehensive proposals to address the waste issue, we should be prepared to be adult about it and to recognise that that might reopen the issue of replacement or new nuclear electricity generation plants. The motion reveals the fact that Green members are not interested in whether CORWM comes up with a conclusive

recommendation about dealing with the waste. There is a fundamentalist position, which opposes nuclear power even if the issue of nuclear waste management may be considered to have been resolved. The Greens rule out nuclear generation, even if that leads to insecurity of supply, to additional CO₂ emissions, to further soaring electricity prices and to additional fuel poverty. There is a fundamentalist, ideological position, and it seems, sadly, that the Scottish National Party also backs that position.

We should welcome the draft recommendations of CORWM while we await the final recommendations, but it is also essential that, in deciding future energy policy, we should take in the broad range of factors that I have mentioned during my speech. We should reject the fundamentalism of the Greens and be prepared at least to consider the role of nuclear power as part of a balanced energy policy.

11:12

Frances Curran (West of Scotland) (SSP): Last night, I was watching CNN. It was a live press conference from the United Nations—yes, I know, I should get a life. Everybody who came to the microphone, ambassador after ambassador, said, "Iran must not develop one nuclear power station. If you even think about building a nuclear power station, you're going to suffer sanctions and a lot worse." That made me think about the stench of hypocrisy that I would encounter at this morning's debate. Scotland does not exist in a bubble, but a global context. The idea that we can argue for a new generation of nuclear power stations while laying down the law throughout the world is utterly reprehensible. The people who are arguing for that are probably the same people who will support sanctions and maybe even military intervention in Iran. They should step back for a minute and try to see where that will end.

The most fraudulent idea in the debate is that nuclear power will save the planet. If Blair pulls this off, he will be a bigger trickster than David Blaine. We all agree that climate change is killing the planet, but punting even the idea that nuclear power is safe beggars belief. There have been 60 critical accidents since 1945, not just in the Soviet Union, the Ukraine or Bulgaria, but in Japan, Finland, the United States of America, France and other countries across the world. I point out to Phil Gallie that the nuclear industry is so keen to advertise its safety record that an accident in Britain was kept secret for 30 years, one in America was kept secret for 45 years, and one in Scotland, at our own Dounreay plant, was kept secret from Government investigators for 20 years. I do not call that confidence in the safety record of the nuclear industry. Chernobyl is not the

only place where there has been a nuclear accident.

We know that storing nuclear waste is not safe. If we have solved the problem and such storage is safe, why does no one want a deep underground repository next to where they live? We must face those arguments. I will be interested to find out how Labour will sell new nuclear power stations, especially as it will cost £70 billion—in my opinion, that is an underestimate—to deal with existing waste.

In the debate we have had hypocrisy, fraud and irony. I will explain the irony. We bemoan the fact that young people do not get involved in politics—that they are not interested and do not vote. Every cloud has a silver lining. If the Labour Party insists on pushing through new nuclear power—especially in Scotland—we might just see the emergence of a youth movement that is similar to those that have grown up in France, Italy and other countries. Ironically, the Government's decision may breathe life into the anti-nuclear movement and the Campaign for Nuclear Disarmament. That will not benefit the establishment parties; it will benefit the Scottish Socialist Party, the Greens and those political organisations that argue for a different type of energy—the clean energy that renewables provide.

I want the Government to go ahead and have an honest debate. The decision about the future of nuclear power should not be made behind closed doors. When hundreds of thousands of young people take political action, I hope that Labour members will be on the sidelines applauding. We intend to build a movement that will engage in extra-parliamentary action to stop the development of new nuclear power stations in this country.

11:16

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): We have heard too much from the Greens about their monopoly on morals. How dare they? They have been disingenuous to their core in the debate. I am glad that Shiona Baird's motion quotes my party leader's views on new nuclear power stations. It asks all the parties to be clear about their policies and their intentions. The views of my party leader, Nicol Stephen, are clear. If only the Greens were as clear in their presentation of their energy policies, not only in the Parliament, but around the country.

Murdo Fraser (Mid Scotland and Fife) (Con): I seek clarity on the Liberal Democrat position. If the waste management issues are resolved, will the Liberal Democrats still oppose new nuclear power stations?

Jeremy Purvis: We have said repeatedly that we are opposed to new nuclear power stations. We are searching for a resolution to the current waste problem and, as Nora Radcliffe said, we do not want to add to it.

The Greens' energy policy is to renationalise Scotland's utilities, but they do not promote that in their motions. Instead, they promote renewables—as do we—which is great. We would not nationalise every electricity generating company, but the Greens would, although they do not promote that policy. If a renewables company wanted to have a national presence and to generate nationally, the Greens would nationalise it. That is their policy, but they do not promote it.

In February 2004, I asked Mark Ballard whether it was the Greens' policy to nationalise utilities. He said:

"We believe that the most effective way to deliver basic utilities such as electricity is through state provision."—[*Official Report*, 12 February 2004; c 5896.]

Although their motion quotes my party's policy, it does not promote theirs, on which they need to do more work. In March 2005, I asked Patrick Harvie whether he favoured the state control of electricity prices that nationalisation would bring. He replied:

"Off the top of my head, I say that I will be happy to discuss that with my colleagues."—[*Official Report*, 16 March 2005; c 15383.]

Instead of quoting our policy, perhaps the Greens should concentrate on working out what theirs is.

Patrick Harvie (Glasgow) (Green): Will the member give way?

Jeremy Purvis: I am afraid that I do not have time. If the debate had been longer—which it would have been if the Greens had not decided to hold this morning's first debate—I would have had time to give way.

Alex Johnstone was right to say that we must debate the long-term security of generation and the subject of waste. He was clear about the Scottish Conservatives' position, which is that they favour new nuclear power stations in Scotland, but he offered no ideas on waste management. To be fair to the Scottish Conservatives, their position is distinct from that of their UK colleagues, whose spokesman said that he was instinctively hostile to nuclear power.

Nora Radcliffe highlighted what CORWM said in its draft recommendations. It stated that there was insufficient agreement to allow geological disposal to proceed and that, in any event, the process of implementation would take several decades and could involve technical difficulties. It advocated an intensive programme of research and development.

In his speech, John Swinney made a good point about delays in energy policy, which he bemoaned. That criticism can be made of the UK Government's approach, but not the Executive's, which has more ambitious targets for renewable energy generation and is on course to meet them. He mentioned the use of biomass in schools PPP projects. He might well know that I have been campaigning for the three new high schools in the Borders, which are PPP projects, to be heated and powered by biomass. The promoter stated that no bid should be made unless it incorporated a renewable energy solution. Those schools will be heated and powered by biomass because the environment that we are creating in Scotland means that developers are not afraid to adopt renewable solutions.

In the election campaign, I will campaign for Liberal Democrat policies to be implemented. We will be open about our approach to nuclear power, nuclear waste, renewables and energy in general, and I hope that the Greens will be, too.

11:20

Murdo Fraser (Mid Scotland and Fife) (Con): I speak in support of the amendment in the name of my colleague Alex Johnstone.

I think that it was the Roman politician Cato who famously ended every speech in the senate with the words,

"and Carthage must be destroyed",

regardless of the context. We have almost reached that position in the Parliament because hardly a week goes by without our debating nuclear power and hardly a *Business Bulletin* appears that does not include the words, "and we must have no new nuclear power stations in Scotland." I am not sure how educational, instructive or useful such an approach is. The positions of the parties—with one exception—are quite well fixed.

Jeremy Purvis: Will the member give way?

Murdo Fraser: Let me make some progress.

We know that the Greens and the Scottish nationalists oppose the building of new nuclear power stations—the Greens' motion and the SNP's amendment make that clear. The Liberal Democrats say that they are against new nuclear power. The motion quotes Nicol Stephen as saying:

"The Liberal Democrats have a tough, clear and consistent position across the UK",

but, bizarrely and rather confusingly, the Liberal Democrat amendment, which is in the name of Ross Finnie, who is an Executive minister, says that the party

"will not support the further development of nuclear power stations while waste management issues remain unresolved."

There seems to be some confusion about whether the Liberal Democrats would be in favour of new nuclear power stations if we resolved the waste management issues. Their position is not tough, clear or consistent.

Jeremy Purvis: Murdo Fraser will understand the distinction between comments that are made by someone who is a party leader and those that are made by someone in their capacity as an Executive minister. [Laughter.]

The Deputy Presiding Officer (Murray Tosh): Order.

Jeremy Purvis: Will the member explain why Alan Duncan, who the UK Conservative party's spokesman on the issue, is instinctively hostile to nuclear power?

Murdo Fraser: The Conservatives believe in Scottish solutions to Scottish problems. At least we are not in the situation in which the Liberal Democrats find themselves, whereby Mr Finnie—an Executive minister—and the party's Scottish leader—also an Executive minister—are saying quite contradictory things. That is for the Liberal Democrats to explain away.

We are generally in favour of new nuclear power stations in Scotland, as we have said on many previous occasions. To be fair to the Scottish Labour Party, it is generally in favour of new nuclear power stations in Scotland. We know that the Deputy Minister for Enterprise and Lifelong Learning, who is posted absent this morning, favours that policy. I repeat what we have said to the Labour Party on previous occasions. If it has the courage to decide to go ahead with the planning of new nuclear installations in Scotland, it will have our support, which will ensure that there is a majority in the Parliament in favour of proceeding with that work. That is what Scotland requires.

I congratulate Richard Lochhead on what was almost a maiden speech. He has a new constituency, but his message and tone are the same. In referring to Scotland as a waste dump, he somewhat overegged the pudding. Such language does not assist the debate. We have produced our fair share of nuclear waste. I am by no means proposing that a new waste dump should be located in Scotland, but to expect that the waste that we have created should be exported elsewhere seems an unreasonable position to take.

Our amendment says that decisions need to be made now. In its report, CORWM said that its recommendations must be acted on urgently. I do not believe that we can afford to wait. There is

potentially a major gap in energy production in Scotland, which must be filled. We must undertake a parallel exercise of commissioning new nuclear power stations and dealing with existing waste. Each year, the use of nuclear energy prevents the UK from emitting around 8 million tonnes of CO₂. In 2003, the production of energy in Scottish nuclear power stations resulted in an avoidance of CO₂ emissions that was equivalent to removing all the traffic from Scotland's roads. We cannot afford to do without nuclear power.

11:25

Rob Gibson (Highlands and Islands) (SNP): Imagine if we were another country not far from here. Sweden announced earlier this year that within 15 years it would wean itself off the oil and fossil fuel economy without building a new generation of nuclear power stations. Imagine the circumstances of a Scotland deciding a policy that suited its needs. This debate once again presents a picture of either a British policy or a Scottish policy. Unless we support the Green motion and the SNP amendment—which do not preclude nations co-operating with one another nor the export of energy from Scotland to other countries—we will find ourselves without a Scottish energy policy.

Bristow Muldoon: If there was an energy deficit in the hypothetical independent Scotland, would the SNP be in favour of importing electricity generated by nuclear means in England?

Rob Gibson: The potential is to move in the direction that I have mentioned. Of course, the idea of making such a move overnight is nonsense—it is a figment of the imaginations of people who are opposed to having a properly balanced energy policy for a country such as Scotland. No one knows the total costs of nuclear design, build, use, decommissioning and waste storage. Nobody has ever worked it out. At the Dounreay presentation last night, it was interesting to hear that the cost of low-level waste—from one small place—that is drummed and will be stored above ground is about £26 million. Let us remember, though, that low-level waste is the least of our problems. Intermediate-level waste makes up 73 per cent of the volume of waste that we have to deal with. The issue of where and how we deal with such waste is at the heart of the CORWM proposals.

If we create new nuclear power stations we will add to the huge waste streams that already exist. It has been pointed out that Britain has some 1,100 streams of nuclear waste to deal with, thanks to our civil and military nuclear activities of the past 50 years. That is a lot of different sorts of intermediate-level waste to deal with. Finland had about 30 such waste streams. With some pain, it

has been possible for Finland to move towards an intermediate underground storage solution. Scotland does not have that opportunity. We are the unwilling host of activities that have left us with massive streams of nuclear waste, which we are prepared to take responsibility for.

If the Opposition parties that support the Green motion and the SNP amendment become the Government, we will have a Government that believes in a balanced energy policy without nuclear power. The clean power option is the one that rejects nuclear—the debate today merely confirms that. If Parliament says that no new nuclear power stations will be built in Scotland, that will be the first step in the Parliament's decision to have a policy that is suitable for Scotland. That is why I ask members to support the SNP amendment.

11:29

Rhona Brankin: I congratulate Richard Lochhead on his maiden speech and associate myself with his remarks about Margaret Ewing's record in representing Moray.

The debate has shown the high importance that members attach to the need to deal with our legacy of radioactive waste. As I said in my opening speech, we need to deal with the current waste problem, not debate the waste from new nuclear power stations that we might never have.

Richard Lochhead and several other members have assumed that CORWM is about potential sites. It is not. No sites have been chosen. Government has not yet even received the final recommendations and it is certainly not the case that a site has already been selected. We have said that after policy has been decided in light of CORWM's recommendation, there will be a public debate on the implementation, including site selection criteria. Decisions as to where any future facility or facilities may be sited will be considered in the next steps. A public debate on siting is important to ensure that the public and stakeholders have the opportunity to express their views and influence the process.

Richard Lochhead: The minister will recall that I mentioned that, of the 12 potential sites that Nirex has earmarked, five are in Scotland. Does she accept that she is unable to rule out Scotland being chosen as a location for such a facility, should the UK Government go down that road?

Rhona Brankin: I repeat that absolutely no sites have been chosen. There will be a full public debate on the implementation of CORWM's recommendations, including site selection criteria. I wish to be clear about that: no sites have been chosen.

Since the 2001 consultation, the Executive has been committed to finding a solution to the waste problem. We have supported the extensive public and stakeholder engagement undertaken by CORWM, the lack of which in the past has contributed to a failure to find solutions. Participation is one of the Parliament's founding principles. Radioactive waste is an area in which, without such engagement, we are unlikely to progress. I emphasise that the Scottish ministers will decide whether to accept CORWM's recommendations.

John Swinney referred to renewable energy. Scottish Executive ministers absolutely agree that if we are going to meet the highly ambitious targets for renewable energy—18 per cent of electricity by 2010 and 40 per cent by 2020—we will have to support a range of renewable energy options. Our policies are not just about wind, though. We are committed to supporting the development of all renewable technologies. Wind energy—offshore as well as onshore—will make a significant contribution and we are spending significant sums on the development of marine energy—wave and tidal—where Scotland has a world lead; for example, in the £3 million investment in the new Orkney test centre. Consent has been granted for a number of hydro projects this year. A developer has announced its intention to construct a biomass power plant in Dumfries and Galloway, and a number of devices have been tested at the European Marine Energy Centre in Orkney.

Mr Swinney: I am grateful for the list of initiatives that the minister has recounted, but does she accept my fundamental criticism that the Government is not moving nearly fast enough to develop a range of different resources to guarantee that we can have a balanced, renewable energy policy?

Rhona Brankin: I would not accept that. The information that I have given members illustrates that we have the development of renewable energy policy right at the top of our agenda.

Several members have made the link to potential new nuclear energy. I restate the partnership agreement position:

"We will not support the further development of nuclear power stations while waste management issues remain unresolved."

CORWM's remit is to consider the management options for dealing with the waste. It is not necessarily about solving the waste management problem. CORWM has made considerable progress in what is, at least in radioactive waste terms, a relatively short period. We should recognise the efforts of all those involved: public, stakeholders and experts, but particularly the

members of the committee who have dedicated so much time and effort to the process.

We are not alone in trying to find a way to deal with radioactive waste. Many countries are grappling with the problem and they too have failed to do so in the past. We are getting the chance to redress what has happened. We want to clean up the legacy in Scotland and we need to take the opportunity that CORWM presents and not leave radioactive waste for future generations.

11:34

Mr Mark Ruskell (Mid Scotland and Fife) (Green): The debate has been interesting and wide ranging. We have focused, with rather nervous speeches, on what the word "resolved" means. The dictionary definition of resolved states that it means to make up one's mind. The question is, when will we make up our minds about the nuclear waste issue? In the debate, the minister added a new word to the Executive's lexicon. It seems that we will make up our minds expeditiously. What does that mean and when will the issue be resolved?

Listening to Nora Radcliffe made it clear that the Lib Dems do not consider CORWM to have resolved the nuclear waste management issue. We agree with that. However, Bristow Muldoon then tentatively admitted that the CORWM report may well have resolved the issue. If that is the case, we are looking at a green light for new nuclear build in the years ahead.

There is also the question of what waste we mean when we talk about the resolution of the problem. Eleanor Scott identified a range of types of nuclear waste, such as spent fuel, for the management of which there has been no resolution and which CORWM has not considered. It is clear that we are decades away from a complete resolution of the nuclear waste issue.

What we need is no more fudge from the Executive and clarity from the political parties and the Executive about when the waste issue will be resolved and what criteria will be applied to resolve it, so that we can remove the fig leaf of Executive policy and get down to real politics that the electorate understand and that will allow them to make the necessary hard choices at the next election.

As on numerous previous occasions in the chamber, we have debated the cases for and against nuclear power. Bristow Muldoon said that the debate was about more than just waste, and I agree. The debate is about renewables, energy efficiency and whether we are bringing forward the commercialisation of offshore renewables fast enough to fill the gap that is currently filled by nuclear power. Serious issues are involved. I

agree with the minister that there has been much testing of marine renewables, but there has been no major commercialisation of them. I worry that we will spend more time being concerned about the views from the 18th hole of a trumped-up golf course than getting renewable marine energy parks and schemes going offshore.

Frances Curran expressed a valid concern about nuclear proliferation in an age of globalisation. There are also the concerns of the 19 nuclear operators, which in the past five years have lodged complaints about 100 aircraft that have come too close to nuclear power stations. Those are real concerns.

I agree with Bristow Muldoon that climate change is of course an issue and that we must consider nuclear power. However, we must bear it in mind that when we add the CO₂ emissions from the mining, milling, enrichment, fuel fabrication, reactor construction and fuel storage that is connected with uranium, then nuclear power is about neck and neck with gas-powered electricity production in the emission of CO₂. Nuclear power is not carbon neutral and it is not a solution to climate change.

There was an interesting debate on the politics of the issue. I admire the Tories; they are wrestling with having Dave the Chameleon as their new leader and they are not afraid to back a loser. I say to Bristow Muldoon that perhaps the Tories are the real fundamentalists. They seem to have a best-of-British attitude to nuclear power: "To hang with the £83,000 million cost of nuclear power! It is right in principle and we should support it." To the fact that city investors will not go near nuclear power because they realise that it is too risky an investment, the Tories say, "Oh, it doesn't matter. It is important in principle that we push it forward." Well, I say to Mr Fraser that, unfortunately, the only way that he will get his policy through is by being Allan Wilson's deputy, which is something that he may want to consider.

Murdo Fraser: Will the member give way on that point?

Mr Ruskell: I am running out of time, but go on then.

Murdo Fraser: I am grateful to Mr Ruskell for giving way. On the question of subsidy, does he appreciate that the only reason that people invest in renewables is because high levels of Government subsidy encourage that investment?

Mr Ruskell: We must consider the vast amount of subsidy that goes into trying to resolve nuclear waste management; waste that Mr Fraser wants to increase for thousands of years to come. He must grasp that that is simply not good for the economy.

I turn to the Liberal Democrats and another quote from Nicol Stephen:

"I want us to be seen as the Liberal Democrats, with our own policies, our own manifesto, that focuses on winning more votes at the next election."

That is all very well and I respect his anti-nuclear stance, but the key question is what he will do with the mandate that the electorate might give him at the next election.

We have a Liberal Democrat amendment from a Liberal Democrat minister that sends a clear message that nuclear power is a negotiable issue for the Liberal Democrats in any coalition. That point was raised earlier—and dealt with adequately by Murdo Fraser—when Jeremy Purvis made an intervention. It is clear that the Liberal Democrats are prepared to negotiate on nuclear power. They will come up against the same problem that the Finnish Greens had recently with the construction of a new nuclear power station in Finland. The Liberal Democrats will have to decide whether to stay in Government or to leave it over the nuclear power issue. However, it is clear that they are prepared to negotiate on that issue, which does not send a clear message to the electorate.

Key questions must be answered in this debate; moral and political issues must be considered. We cannot afford to deal with a growing legacy of nuclear waste. We must invest in real energy solutions that will last for thousands of years. That means directing public money into renewable energy and taking the responsible decision to build no more nuclear power stations in Scotland.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

Literature (Takeover of Ottakar's)

1. Mr Kenny MacAskill (Lothians) (SNP): To ask the Scottish Executive what action it is taking to protect Scottish literature, given the decision of the Competition Commission in respect of the proposed takeover of Ottakar's book stores by HMV. (S2O-9714)

The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson): The Scottish Arts Council has responsibility for supporting literature and publishing in Scotland. Through its literature department, the council works with a range of literary and publishing organisations and offers support to initiatives in the sector. In February, we announced additional funding of £7 million for the SAC. That increase in the SAC's budget will provide substantial extra assistance for Scottish writers and publishers.

Mr MacAskill: Does a decision that is predicated on the position that there is no distinctive geographic market for books in Scotland not call into question the ethos of a Parliament for the people of Scotland, never mind the legitimacy of having a distinct minister for culture? Is it not time that we had power over books and culture, as well as a ministerial title?

Allan Wilson: I thought that Mr MacAskill would say something like that, so I looked at the most recent Scottish National Party manifesto and—lo and behold—there was no mention in it whatsoever of competition, nor of how the SNP would deal with competition issues in an independent Scotland, except the comment that the SNP would be “more competitive” than the United Kingdom currently is. That would be an interesting phenomenon.

As members will know, the Competition Commission did not believe that incentives for publishers to publish new titles or authors to write new books would change because of the proposed merger, to which Mr MacAskill referred. Throughout the country, there is substantial competition—across, dare I say it, national boundaries—in the sale and purchase of books on the internet and in supermarket chains. I believe that there is a tremendous opportunity out there, which we will support and encourage, for Scottish publishers and writers to have their work more widely read throughout the UK.

Chris Ballance (South of Scotland) (Green):

Does the minister not accept that there is widespread disquiet among the Scottish literary community that Scottish authors are not promoted as well when buying decisions are made in Basingstoke as they are when such decisions are made in their local bookshops? Does he not accept that neither he nor the Minister for Tourism, Culture and Sport has done anything to address the problem or to forward the Scottish literary community's concerns to the Competition Commission?

Allan Wilson: It is not the policy of Scottish ministers to comment on decisions of the Competition Commission. However, the commission was unable to conclude that Scotland formed a separate geographic market or that the competitive situation here, to which I referred in my earlier response to Mr MacAskill, substantially differed from that in other parts of the UK. The commission did not find that there would be a substantial lessening of competition because of the proposed merger. As I said, there are tremendous opportunities for Scottish publishers, writers, playwrights and scriptwriters, with support from the Scottish Arts Council and the Executive, to ensure that their work is more widely read and distributed in the UK, which should be regarded as an expanding market, rather than a market that contracts to national boundaries.

Water Mains (Improvements)

2. Marlyn Glen (North East Scotland) (Lab):

To ask the Scottish Executive what plans there are to improve the infrastructure of water mains in Scotland. (S2O-9686)

The Deputy Minister for Environment and Rural Development (Rhona Brankin): On 28 September 2005, the Scottish Executive set out the objectives for improving the system that Scottish Water must meet in the next regulatory period of 2006 to 2010 and the objectives that Scottish Water should plan and prepare for in the period 2010 to 2014. Scottish Water is preparing a delivery plan for 2006 to 2010, which will set out how it will deliver the Executive's objectives within the funds set by the Water Industry Commission for Scotland. The plan will be submitted to ministers for approval.

Marlyn Glen: I thank the minister for outlining the position once again. My concern about the state of parts of the water infrastructure has been renewed by a recent incident in Dundee—the water supply of 10,000 homes was cut off for nearly a whole day—and by the difficulties that Dundonians faced in getting any news of what was happening and in finding alternative supplies. What plans are in place to improve the response to such emergencies in future, including plans to

improve communications by perhaps making available a freephone number?

Rhona Brankin: I want to make it absolutely clear that the burst main in Dundee was caused by road contractors, working on behalf of Dundee City Council, who accidentally ruptured a major water main. It was not caused by dilapidated infrastructure or lack of investment. It was a rupture of a large strategic water main that serves some 10,000 households across Dundee. I believe that Scottish Water did all that it could to make the repair and restore services as quickly as possible.

I accept that issues may have arisen to do with communications from Scottish Water, and I understand that, following the incident, Scottish Water is to review its communications strategy and will try to determine whether there are other practical and beneficial communications routes that it can use. Scottish Water would very much welcome suggestions from the local member. If she is interested, I ask her to meet Scottish Water to discuss the issue so that she can make her suggestions in person.

Mr John Swinney (North Tayside) (SNP): Will the minister update the Parliament on the steps taken in the discussion with Scottish Water about improving water mains and other water infrastructure in Scotland since the appointment of the new chairman? When will we see changes to Scottish Water's business plan that have resulted from changes in management?

Rhona Brankin: Ministers have already had discussions with the new chairman, Mr Mercer. A new delivery plan will be submitted to ministers shortly.

Dave Petrie (Highlands and Islands) (Con): Is the minister aware of the excessive amount of water leakage that is recorded on Scottish Water's nightline meters at a time when very few customers draw water? If so, what are the Executive's proposals for eliminating such major waste—without substantially increasing the already excessive water charges?

Rhona Brankin: Of course we will not have excessive increases in water charges. The average household charge this year is £287, which is an increase on last year's charges of less than the rate of inflation. In comparison, charges in England and Wales are £7 more, at £294—an increase of 5.5 per cent on last year's charges.

Dealing with leakages will clearly be a major part of Scottish Water's spending over the next few years.

Toddlers March to Parliament

3. Maureen Macmillan (Highlands and Islands) (Lab): To ask the Scottish Executive

whether it will welcome the Barnardo's Scotland toddlers march to Parliament on 4 May 2006—which, of course, is today—which aims to raise awareness of Barnardo's call for more support for children's opportunities to play. (S2O-9694)

The Deputy Minister for Education and Young People (Robert Brown): Play is absolutely vital for children's physical, social and emotional development. I therefore welcomed the opportunity earlier today to meet representatives of bodies promoting children's play, to take part in the event and to show my support for more play opportunities.

Maureen Macmillan: I am glad that the minister confirms the importance of play for children, and I hope that he will agree that the Parliament's garden has been greatly enlivened this morning by the presence of young children.

Does the minister agree that, as well as promoting children's physical well-being, play also promotes their mental well-being? It builds their motor, language and social skills. Does he further agree that we have to reflect on what has been done elsewhere in the United Kingdom to promote and implement play strategies, at both local and national levels, to consider whether we can find examples of how to make progress in Scotland?

Robert Brown: I agree with what Maureen Macmillan says: outside in the Parliament's garden today we have seen immediately and powerfully the pleasure that play gives young people. We know how important play is to the nurturing and development of our children, but play should not be viewed in isolation. It is part of wider child care and child development policies.

We are well aware of what has taken place in other parts of the UK—for example, the Welsh strategy and certain events in England. However, perhaps much more important is the opportunity to learn from projects and developments that take place in individual parts of the rest of the UK and in Europe. It is extremely important that we take note of such things and build on good practice both from elsewhere and, in fairness, from here in Scotland.

Health Services (Glasgow and West of Scotland)

4. Ms Sandra White (Glasgow) (SNP): To ask the Scottish Executive whether it shares concerns of MPs and MSPs in respect of the reorganisation of health services in Glasgow and the West of Scotland. (S2O-9712)

The Deputy Minister for Health and Community Care (Lewis Macdonald): Any proposals for service change must be consistent with "Delivering for Health", which describes our vision for the future provision of health care

services across Scotland and which sets out an action plan for the implementation of the Kerr report, "Building a Health Service Fit for the Future". Each proposal for change will be considered in that context.

Ms White: Is the minister aware that, before Monklands hospital was opened, Glasgow royal infirmary was running at around 150 per cent capacity? It is proposed to have only two full accident and emergency units in Glasgow, and Monklands is under threat of closure. Will the minister tell us what will happen to GRI capacity if Monklands closes?

Further, will the minister tell us, regarding his ex-health minister colleague John Reid, whether he and this Executive and the Scottish Parliament intend to go down and save the health service in Westminster and in England, because of the situation down there? Will he emulate them?

Lewis Macdonald: That was a rather confused question. My answer is that it would be presumptuous of me to anticipate the recommendations of Lanarkshire NHS Board. Members will be aware that the board completed its consultation on the main part of its proposed changes on Friday and that it will continue to consult over the next couple of weeks on one or two late papers. Once proposals have come forward, have been properly considered by the board and have been submitted to ministers, they will be considered, as I said, in the context of "Delivering for Health".

Elaine Smith (Coatbridge and Chryston) (Lab): On the issue of acute provision, the minister will be aware of the vast public opposition to the proposals currently being considered in Lanarkshire. He mentioned the health board's responsibilities under "Delivering for Health". Will he assure me that he will thoroughly assess the extent to which NHS Lanarkshire has honoured its responsibilities?

The minister also said that the health board began consulting on the regional impact of cross-boundary patient flow only two weeks ago—a week before the major consultation closed and nearly seven months after the health board began suggesting that Monklands general hospital was its clearly preferred option for accident and emergency downgrade. That proposal is unbelievable and unacceptable. The hospital has the busiest and most efficient accident and emergency unit in Lanarkshire and serves a population with some of the worst ill-health, poverty and deprivation levels in Scotland.

Lewis Macdonald: I am very conscious of the effort that Elaine Smith has made on this issue and I can certainly assure her that the public consultation process will be an aspect that we will

consider in looking at any board proposals for significant service change. The board must show that it has fully engaged with the public on the range of options available.

Last year, we established the Scottish Health Council for the specific purpose of ensuring that NHS boards carried out full and proper consultations in circumstances such as those in Lanarkshire. The report of the Scottish Health Council on the consultation in Lanarkshire will be one of the documents in front of me when I come to make a decision on this matter.

NHS Lanarkshire (Funding)

5. Carolyn Leckie (Central Scotland) (SSP):

To ask the Scottish Executive what action it will take to address the shortfall in funding to NHS Lanarkshire through incomplete application of the Arbutnott formula. (S2O-9671)

The Deputy Minister for Health and Community Care (Lewis Macdonald): In addition to the standard uplift made annually to the budgets of all boards, NHS Lanarkshire has received additional funding to move it towards its target share under the Arbutnott formula of just over £21 million, including nearly £7 million in the current financial year.

Carolyn Leckie: The minister will be aware that that does not deal with the cumulative shortfall, which, by the end of 2007, will be £40 million. NHS Lanarkshire tells me that that amount is enough for half the budget of running either Monklands or Hairmyres for more than 12 months. The funding shortfall has a material impact on the options available to the communities of Lanarkshire. For example, people in East Kilbride are being denied a hospice on financial grounds, and the costs of refurbishment at Monklands are being talked up.

Will the Executive act to plug the gap and give NHS Lanarkshire the funding that it is due, so that the people of Lanarkshire can be offered options that actually meet their needs and aspirations?

Lewis Macdonald: The reality is that the funding levels of NHS Lanarkshire and every other NHS board in Scotland have been increased by at least double the rate of inflation every year under devolution. Some of Carolyn Leckie's comments were, therefore, very wide of the mark. She quoted NHS Lanarkshire. She will know from its public statements on the matter that it has made clear the fact that its proposals for the provision of accident and emergency services, to which she referred, are not driven by financial considerations.

Alex Neil (Central Scotland) (SNP): Will the minister look at the funding and finances of NHS Lanarkshire and, in particular, how, in the space of two months, the board revised by £20 million its estimate of the capital cost of keeping accident

and emergency services at Monklands hospital open?

Lewis Macdonald: As I said, in considering any proposals for significant service change that are made by NHS Lanarkshire, I will consider all aspects of the consultation and the case that the board makes, including the financial aspects. I reiterate the point that NHS Lanarkshire has made clear publicly: its proposals are not driven by financial considerations.

Antisocial Behaviour (Private Landlords)

6. Karen Gillon (Clydesdale) (Lab): To ask the Scottish Executive what guidance has been made available to private landlords in respect of their obligations under the Antisocial Behaviour etc (Scotland) Act 2004. (S2O-9685)

The Deputy Minister for Communities (Johann Lamont): The primary obligation on private landlords under the 2004 act is to register with the local authority. There is detailed guidance on the landlord registration website and on the Executive's better renting Scotland website. We have also provided local authorities with information leaflets for landlords.

Karen Gillon: Notwithstanding some of the initial teething problems that landlords have encountered with the computer system, I welcome the new registration scheme. I ask the minister to consider what further advice and guidance can be given to landlords, especially on their responsibilities in relation to antisocial behaviour, given the high number of incidents in my constituency that occur in private rented properties. Although I accept that much of the registration scheme will help with that, I think that there is a need for further guidance to landlords on their obligations and the actions that they should take if their tenants act in an antisocial way.

Johann Lamont: Absolutely. We recognise the fact that there have been teething problems with the system, and we share the frustration of those who have encountered problems. However, I make it clear that some of those who are attacking the process are doing so in order to attack the principle that Karen Gillon has identified—the right of communities to contact landlords and ask that they take responsibility for what their tenants are doing in their properties.

Through the registration process, we can identify where the landlords are and have a positive dialogue with them. I reassure good landlords that they have nothing to fear from the registration process. We are determined that our communities should not be prey to landlords who see being a landlord not as a business but as a means of making money, and who have no regard for the communities in which their properties sit.

Phil Gallie (South of Scotland) (Con): I note the minister's comment that good landlords should not be affected by the registration process; however, the fact is that it is the good landlords who have faced antagonism and cost in their attempts to register. Will the minister consider, somewhere along the line, recognising the costs that those landlords have faced and, perhaps, compensating them for the inconsistency and total irresponsibility of the Executive in introducing the scheme before it was ready?

Johann Lamont: Let me make it clear that 45,000 landlords have already managed to register and that nearly 60 per cent of properties are now registered. We recognise the fact that registration has been a challenge for some people, but those who are most frustrated are those who do not want to be held accountable for their properties.

I pay tribute to Cathie Craigie, who persistently drove the issue through the Communities Committee not because it was an academic issue, but because the direct experience of her constituents and mine was that bad landlords not only did not see themselves as responsible for bearing business costs—the registration scheme is such a cost—but did not see being a landlord as a business at all. Such landlords not only ignored communities when they complained, but were actively hostile to them. We will work with those who want to serve those communities and make them safe, and we will deal with those who do not.

We do not want to send out the message that the scheme can be destroyed by attacks on the registration process; we must be united around the principle of the scheme. As I have said, good landlords have nothing to fear from it and communities will receive a great deal of benefit from it.

Elderly and Disabled People (Support)

7. Susan Deacon (Edinburgh East and Musselburgh) (Lab): To ask the Scottish Executive what steps it is taking to develop the use of information and communication technology to improve care and support to elderly and disabled people in their own homes and so promote independence and improved quality of life. (S2O-9683)

The Deputy Minister for Health and Community Care (Lewis Macdonald): The plans for e-health outlined in "Delivering for Health" include the establishment of a Scottish centre for telehealth, which will promote standardised solutions for telehealth and telecare applications. We are also exploring ways of embedding the use of information and communication technology in policy initiatives and of sharing good practice and experience.

Susan Deacon: Does the minister agree that examples from Scotland and elsewhere in the United Kingdom, including the well-being programme in Liverpool, show that if ICT is properly exploited, it has the potential to transform not only the delivery of services but people's lives? Will he consider how that good practice can be made universal across Scotland? Will he seek to accelerate the pace of change in that area and ensure that across the reform and reconfiguration of health and social care services, ICT is embedded in thinking and practice to bring about the transformation that Scotland needs?

Lewis Macdonald: There are indeed some very good examples. West Lothian Council and its partners are developing housing-based alternatives to traditional residential care, making good use of ICT in supporting people at home. I believe that that could be extended further and I want to build on the good work that has already been done to enable people to live independently in their own home with support from ICT.

First Minister's Question Time

12:00

Prime Minister (Meetings)

1. Nicola Sturgeon (Glasgow) (SNP): I welcome Richard Lochhead back to Parliament.

To ask the First Minister when he will next meet the Prime Minister and what issues they will discuss. (S2F-2264)

The First Minister (Mr Jack McConnell): I also congratulate Richard Lochhead. When I next see the Prime Minister, I might ask him whether he watched at the weekend as Scotland's latest world champion, Graeme Dott, won the world snooker championship. If I was speaking to the Prime Minister today, I might well advise him that the qualities of patience, determination and good tactical judgment that were deployed by Graeme Dott at the weekend could come in handy during the next few days.

Nicola Sturgeon: I take it from that comment that the First Minister thinks that the Prime Minister currently does not possess those qualities; most of the population would agree.

I begin by congratulating Grampian police on the prompt arrest yesterday of one of the serious criminals who were wrongly released by the Home Office. I remind the First Minister that, in a letter to my colleague Pete Wishart on Friday, Charles Clarke said of the 79 more serious offenders:

"I can confirm that, to the best of my knowledge, only one is recorded as residing in Scotland."

Given that Charles Clarke admitted yesterday that 38 of the 79 serious offenders are unaccounted for and that he has no idea where they are, will the First Minister agree with me that Charles Clarke's letter is seriously misleading and just one more reason why he should be kicked out of office? What action is being taken by the Scottish authorities to find out whether any more of those most serious offenders are living here in Scotland?

The First Minister: I do not have that letter with me, so it would be wrong of me to comment on it. However, Ms Sturgeon quoted it as saying

"to the best of my knowledge,"

which seems to me to be an appropriate qualification in the circumstances. Clearly, the Home Office does not know where all the people are who are on the register of 79 people who were the top priority for the Home Office to track down, identify and make decisions on following last week's announcements and who are still missing. As I said last week, Scottish police forces stand ready to assist the Home Office in the

identification of anyone it is looking for, and the Scottish Prison Service has consistently done that. Grampian police speedily and effectively identified one individual, found out where they were and now have them in custody. That is a tribute to the work of Grampian police. We will take exactly the same action should the Home Office identify anyone else.

Nicola Sturgeon: I point out to the First Minister that the letter—I am perfectly happy for him to have a copy of it—does not say that 38 of those prisoners are unaccounted for. Charles Clarke must have known that on Friday when he wrote the letter. That is misleading and unacceptable.

I remind the First Minister that last week he expressed anger and disappointment at the lack of clarification from the Home Office about the Scottish implications of this fiasco. Seven days later, is the First Minister in a position to give answers to some very basic questions? Were any prisoners wrongly released from Scottish prisons and, if so, how many? Of the total 1,023 prisoners who were wrongly released, how many are thought to be living in Scotland? Those are basic questions for public safety. The First Minister could not answer those questions last week; can he do so now?

The First Minister: Such details in respect of Scottish prisons and former Scottish prisoners have been provided by the Minister for Justice in an answer to a parliamentary question that has been made available to members today. I understand that, because of the time lag between the lodging and the publication of answers, the answer may not yet be in the public domain, but it will be available for members to scrutinise before question time this afternoon.

It is important to recognise that the Home Office has identified that, from its list of the 1,023 people who were released from prisons elsewhere, only one individual is in Scotland. That individual has been identified and is in custody, but I cannot comment on that specific case because of other charges that are outstanding.

As regards individuals who are or were in Scottish jails, those who are foreign nationals—I understand that most of them are from within the European Union and about half are from the Republic of Ireland—have all been identified. Those foreign nationals whom the immigration and nationality directorate requested be taken into its custody for deportation or for consideration of a deportation decision have all been identified. Of the 188 such former prisoners who were identified as having been released last year, 26 were in that category and all 26 were transferred into the custody of the IND.

It is possible—I must be careful, as I have no doubt that this will come back to me if I am not—that, on top of that 26, the IND should have asked us about others but did not do so. As yet, we have no information to suggest that that is the case and the IND is not aware of any individuals released from Scottish prisons who should have been transferred into the custody of the IND and who would have been so transferred if the IND had identified them to us.

Nicola Sturgeon: I thank the First Minister for giving us some further information today, but does he agree that, one week after the problem came to light publicly and 10 months after it first became known to the Home Office, it beggars belief that we do not yet have a full picture of the Scottish implications? Is it not clear that the Home Secretary has completely lost his grip?

Yesterday, in a vain attempt to reassert some authority, the Home Secretary proposed a package of reforms to tighten up the rules on deportation. Is the First Minister aware that a central proposal in the reforms is that the Sentencing Guidelines Council in England should set down clear criteria according to which judges will be required to make deportation recommendations when sentencing? As the First Minister will be aware, the Sentencing Guidelines Council's writ does not run in Scotland. Does he intend to introduce similar guidelines for judges in Scottish courts?

The First Minister: The appropriate thing would be to ensure that advice and guidance are produced that are relevant to the Scottish legal system. That is precisely what we will do and that is why we are in discussions with the Home Office about the best way to achieve that.

I warmly welcome the Home Secretary's statement yesterday. Although I may not have said this in the chamber last Thursday, one question that I was asking behind the scenes last Thursday was why such individuals are not deported immediately. A presumption in favour of deportation seems to me to be entirely the right response to the situation. However, we need to ensure that any such response that operates in Scotland can do so within the confines of the Scottish legal system. Both the Justice Department and the Crown Office will discuss the matter further with the Home Office so that we can clarify to MSPs how we plan to take the issue forward within the overall framework that the Home Secretary set out.

Nicola Sturgeon: I thank the First Minister for that assurance, but I certainly hope that any proposals for change will be driven by this Parliament rather than by an incompetent Home Secretary.

Does the First Minister agree that the essential issue for the public at present is that 38 serious offenders who should have been deported are currently loose on our streets and no one has any idea where they are? Does he agree that that is a matter of serious public concern? Will he give a guarantee that the Scottish authorities are proactively doing everything possible to ensure that any such offenders who are in Scotland are apprehended as quickly as possible?

The First Minister: When Ms Sturgeon asked me that question the first time, I resisted the temptation to point out that it is difficult for Scottish police forces to find people when they do not know their names or the addresses where they might be. Ms Sturgeon suggests that in some way we should be able to identify the 38 people when we do not even know whether they are living in Scotland. That is not a sensible proposal at this stage.

When someone is identified as being in Scotland or as likely to be in Scotland, Scottish police forces need to ensure that the person is identified and put into custody. That is precisely what happened in the case in Grampian and what would happen elsewhere in Scotland. Scottish police forces are co-operating with the Home Office in identifying those individuals and any relationship that they may have with Scotland. They are doing so precisely because of the need to ensure that, if that possibility exists, they are able to assist in every way possible. I gave that assurance in the chamber last Thursday.

Scottish police forces and the Scottish Prison Service have, to the best of everybody's knowledge, behaved in an exemplary fashion in this matter. I expressed my anger and disappointment last Thursday at the overall situation. I believe that the whole country shares that anger and disappointment. I hope that the measures that the Home Secretary announced last week and this week make a difference to tackling the issue. Our forces stand ready to assist him in achieving that objective.

Cabinet (Meetings)

2. Miss Annabel Goldie (West of Scotland) (Con): To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-2265)

The First Minister (Mr Jack McConnell): The next Cabinet meeting will discuss issues of importance to Scotland.

Miss Goldie: In light of the revelations this week that Scottish Enterprise has a total funding gap of £60 million, which is higher than was previously estimated, will the First Minister say whether he was aware that that was the true figure? Will he

also say exactly how much of the shortfall the Executive is prepared to meet?

The First Minister: The figure is not higher than anything that was previously estimated. It is quite clear that if a company has a deficit in one year, that could carry on into another year. The deficit in the first year is about £30 million; if one multiplies that by two, one gets £60 million. That seems fairly obvious to me.

Miss Goldie regularly comes to the chamber trying to undermine Scottish Enterprise and the strategy that we are following, yet it is delivering jobs for and investment in Scotland—indeed, it has done so yet again this week, with Invitrogen's decision to relocate its European headquarters to Inchinnan in Renfrewshire. Instead of highlighting Scottish Enterprise's successes, perhaps Miss Goldie wants to undermine its efforts by continually coming to the chamber and exaggerating the problem. I prefer to highlight successes in Scotland and I will continue to do so.

Miss Goldie: I think that there are many who would hope that Scottish Enterprise had the same primitive grasp of arithmetic that the First Minister has. The public will be little short of aghast at the level of financial mismanagement in an agency that is charged with improving Scotland's economic performance. Deficits are deficits and continuing deficits are a looming disaster. The public will be equally aghast at the laid-back approach of the Executive. Will the First Minister give a commitment to do what he refused to do the last time that I raised the issue? Will he tell Scottish Enterprise in no uncertain terms that there will be no more blank cheques to bail it out and that it is time for it to put its financial house in order?

The First Minister: As the Deputy First Minister said the other day, it would be utterly irresponsible of ministers not to look seriously at Scottish Enterprise's budget. We need to ensure that the important projects and funds that are making a difference to Scotland continue to be funded. If that requires Scottish Enterprise to be given additional access to its reserves, we are prepared to consider that. We will agree a budget with Scottish Enterprise—we hope to do that next week, before its board meeting on 12 May—and we will continue to take the importance of its work into account.

Miss Goldie represents the West of Scotland region. She will therefore have an interest in the views of Rolls-Royce, whose company secretary and director of government relations, Charles Blundell, said recently that Rolls-Royce was committed not just to its present operations in Scotland but to identifying further opportunities for investment thanks to the support of Scottish Enterprise and programmes such as R and D plus,

which is not available south of the border. Those are the very programmes that the Tories would cut to make the savings that it is looking for in Scottish Enterprise. I hope that Miss Goldie will be as honest when she goes to the electorate next May as she is in raising these issues in the chamber. I hope that she tells the voters in her West of Scotland region that she wants companies such as Rolls-Royce to go home.

Miss Goldie: My party has never wanted to impair Scottish Enterprise in the fundamental and essential exercise of its core operations. I return to the issue that I have raised with the First Minister on previous occasions. Instead of flinging £60 million at a failing organisation, surely it is better for the First Minister to acknowledge the need for reform of the structure of Scottish Enterprise. If the First Minister will not listen to me, will he listen to the Convention of Scottish Local Authorities? COSLA said:

"We believe that local authority led partnerships could take on local economic development, Business Gateway and regeneration and skills".

Will the First Minister consider that option?

The First Minister: People throughout Scotland will be "aghast"—I use Miss Goldie's word—to learn that the Tories might support taking powers from Scottish Enterprise and giving them to local authorities, given that the Tories did the opposite when they had a chance to do something in government.

Miss Goldie said that the Tories have never proposed to cut such budgets in Scottish Enterprise, but I remind her that the Conservative manifesto said:

"We will retain Scottish Enterprise and Highlands and Islands Enterprise, but reduce their budgets and focus their energies on delivering advice and training services to all businesses in Scotland."

Therefore the Conservatives would not retain the R and D plus scheme, which delivered investment in Scotland by Rolls-Royce, or the many other schemes that I am sure during the next few weeks Murdo Fraser and other members of the Enterprise and Culture Committee will say are important for Scotland and should not be affected by Scottish Enterprise's current difficulties.

The Conservatives should be more consistent. If their policy is to cut the budget, they should defend that policy in the Parliament. Let us have a proper debate about the successes of Scottish Enterprise, as against the policies of the Tories and the nationalists. We are happy to have that debate any time; let us get on with it.

Secretary of State for Scotland (Meetings)

3. Shiona Baird (North East Scotland) (Green): To ask the First Minister when he will

next meet the Secretary of State for Scotland and what issues he intends to discuss. (S2F-2266)

The First Minister (Mr Jack McConnell): I have no formal meeting planned with the Secretary of State, but I look forward to discussing matters with him again soon.

Shiona Baird: The Scottish Greens today called on all parties to state their positions on nuclear power. Can the First Minister confirm that the Executive intends to continue to dodge the issue of new nuclear power until after next year's Holyrood elections?

The First Minister: That was a challenging question.

The Executive's position on nuclear power has been consistent and it is right that we adopt that position. As I said in the Parliament about two weeks ago, first, there is a need for a long-term energy policy throughout the United Kingdom and in Scotland. Such a policy must address the fact that currently we get energy from different sources and anyone who proposes to reduce or abandon a source must offer a viable and sustainable alternative. Secondly, we are not prepared to agree or approve the next generation of nuclear power stations or any proposal to base a new nuclear power station in Scotland until the issue of nuclear waste is resolved.

With the UK Government and the other devolved Administrations, we set up an expert committee to consider the matter. The committee produced a report for consultation last Thursday and people should contribute to the consultation and the debate. At the end of the consultation process, we will receive a final report and consider a way forward in the context of that report, UK energy policy and our Scottish energy study.

Shiona Baird: I once asked the First Minister how he interprets "resolved", but we are still no nearer to a clear understanding of his position.

Perhaps the First Minister will be more forthright in response to my next question. Does he agree that nuclear power brings with it other, serious problems, such as the risk of nuclear accident, increased pollution from radioactivity, an inability to help with climate change and massive cost to the taxpayer? Does he think that those serious issues also remain unresolved?

The First Minister: I do not accept Shiona Baird's slightly loaded wording, but I agree that the issues that she identifies require proper and thorough debate as we participate in the development of a UK energy policy, set out our priorities in Scotland and ensure that our funding mechanisms and policies support those priorities. Of course there are issues not just to do with nuclear waste but to do with the impact of nuclear

power on our climate and our national budgets. Other factors must be taken into account in the debate.

I make this point genuinely and I hope that all the parties will take it on board. If we are to address the issues around nuclear power that Shiona Baird mentioned, we must also address how we replace the contribution of more than a third that nuclear power currently makes to the generation of electricity in Scotland.

Marching Season

4. Michael McMahon (Hamilton North and Bellshill) (Lab): To ask the First Minister what steps are being considered to ensure that this year's marching season does not disrupt communities. (S2F-2271)

The First Minister (Mr Jack McConnell): The Police, Public Order and Criminal Justice (Scotland) Bill, which we hope the Parliament will pass later this month, will give local authorities new powers to consider the likely impact of any march in relation to public safety, public order, damage to property and disruption to the life of the community. As part of our long-term commitment to joint working to minimise disruption to communities, the Minister for Justice joined march organisers, the police and local authorities on Tuesday to sign an historic statement pledging to work in partnership to weed out the troublemakers who disrupt otherwise peaceful marches and parades. Despite my commitment to the issue and my work on it over the years, I always doubted that we could have a joint statement of that sort, with those individuals and organisations standing shoulder to shoulder to say that they want to move Scotland forward. I am proud that they and Cathy Jamieson have achieved that objective and I hope that we will all help them to implement the pledge in the months ahead.

Michael McMahon: I add my congratulations to all those who committed their organisations to pursuing their democratic rights with as little disruption as possible to our communities. Does the First Minister share the concern of representatives of the Irish community in Scotland that too much emphasis is put on the negative aspects of religious and cultural diversity in Scotland? Does he agree that the Scottish Executive must do more to promote the positive aspects of Irish culture, including that of Ulster Scots, in Scotland? Is it not part of Scotland's secret shame that the Scottish Executive does not sufficiently acknowledge and support organisations such as the Irish Diaspora in Scotland Association, which represents the biggest ethnic minority in Scotland?

The First Minister: As I have tried to make clear in the past, I believe that, in tackling the

extremes of sectarian behaviour in Scotland, we must accept that we have traditions in Scotland—some have been Scottish for hundreds of years and others have come to Scotland from other lands—that are important to the communities in which they are strong. I support the right of individuals and groups to celebrate their traditions, but I absolutely oppose that celebration when it turns to hatred of another historical tradition or religion. I understand absolutely Michael McMahon's approach. It is important that we acknowledge the traditions of other communities and that we encourage others not just to tolerate those traditions, but to show an interest in them. However, at the same time, we must clamp down on those who distort the traditions and who plague marches, education, sporting events and community lives with their extreme behaviour and hatred, which has turned so sour on so many occasions.

Donald Gorrie (Central Scotland) (LD): I join others in congratulating those who were involved in this week's announcement. Will the First Minister assure us that all the organisations that are involved will be kept in touch with and involved in future consultations and the working up of policy? Only four weeks ago, I was informed by representatives at the top of the Orange order of their concern that, at that time, they had not been involved in the discussions that arose from the big meeting that was held in Glasgow some time ago. Obviously, the situation has been put right a bit in the past month, but can we be assured that all the groups will continue to be involved and consulted?

The First Minister: I assure members, particularly Donald Gorrie, given his record on the issue, that we have involved all the organisations that took part in last year's summit and that we will continue to involve them in the implementation of the summit's recommendations and the action plan that was announced in, I think, February. We are determined not only to deal with the extreme behaviour at marches and parades but to ensure that, within our education system, youngsters grow up understanding other traditions and playing and learning together in many ways, despite the arrangements of our school system. We are also determined to ensure that the new powers in our legal system are used effectively by the courts and the police and that, in our sporting grounds and clubs, where progress has been made, further action is taken, supported by us and the authorities.

Radioactive Waste

5. Nora Radcliffe (Gordon) (LD): To ask the First Minister what the timetable is for taking decisions on the management of radioactive waste in Scotland, in light of the interim report from the

Committee on Radioactive Waste Management. (S2F-2277)

The First Minister (Mr Jack McConnell): The Committee on Radioactive Waste Management will present its final recommendations to ministers on 31 July 2006. We will then need to consider carefully the committee's final report.

Nora Radcliffe: The draft recommendations say that once CORWM has made its final recommendations, those should be acted on urgently. Is the Scottish Executive undertaking preparatory work on how we might proceed with respect to those recommendations? CORWM has also asked for a commitment to an intensified programme of research and development. Is the Executive working to ensure that Scottish institutions will be involved in that programme?

The First Minister: We would obviously want to work with the grain of the Committee on Radioactive Waste Management's initial recommendations as they are out for consultation, but we are not, to my knowledge, currently involved in any preparatory work. We would encourage Scottish academics to be closely involved and interested in this whole developing area, which is of such importance to the future of Scotland and the rest of the United Kingdom.

Scottish Enterprise (Budget)

6. Alex Neil (Central Scotland) (SNP): To ask the First Minister whether the Scottish Executive has now agreed a revised budget for Scottish Enterprise for this financial year. (S2F-2269)

The First Minister (Mr Jack McConnell): We expect to agree a revised budget for Scottish Enterprise shortly.

Alex Neil: I remind the First Minister that the last time I asked him about the issue, on 19 January, he told me that he expected Scottish Enterprise to finish the year within its allocated budget. Five days later, Scottish Enterprise advised him that it had an estimated overspend of £77 million, which has turned out to be £60 million. Can he confirm that, to assist Scottish Enterprise in filling that black hole, the Executive will have to reallocate resources from other budgets within the Enterprise, Transport and Lifelong Learning Department? Can he guarantee that essential services that are provided by our colleges and universities and by the Student Awards Agency for Scotland will not be adversely affected by that reallocation of resources for bailing out Scottish Enterprise?

The First Minister: On the last point, clearly we would not want any important programmes to be affected by decisions of a financial nature relating to Scottish Enterprise. We will have to wait until the further discussions that I have mentioned take

place next week before we can be precise about the individual funding, although there is an issue to do with access to the reserves of Scottish Enterprise. I do not think that those who benefit from the funding programmes to which Alex Neil refers should worry in any way about being affected by the decisions that are taken.

On Alex Neil's first point, I remind him that he said on 21 March that the Scottish Enterprise chief executive and chair should be given three months to stabilise the organisation and that, if they failed, they should be sacked. Ten days later, on 31 March if I am right, he said that they should be sacked there and then. To take three months down to 10 days seems remarkable even by Alex Neil's standards.

I believe that we need sensible judgments on the financing of Scottish Enterprise. We need to assess the position, to ensure that Scottish Enterprise has any additional resource allocation that is required to preserve key funding streams and projects and to have stability in the organisation so that it can build on its recent successes. We do not need a witch hunt, as is being conducted by the convener of the Enterprise and Culture Committee.

Murdo Fraser (Mid Scotland and Fife) (Con): If the Scottish Executive can conjure up £60 million out of thin air at the drop of a hat to bail out Scottish Enterprise, can the First Minister give us an assurance that, the next time that we in this party ask for additional money for vital road upgrades or to save threatened hospitals, for example, we will not be accused of making rash spending commitments and we will not be told that there is no money to spare?

The First Minister: Nobody is going to bail out Scottish Enterprise. The Minister for Enterprise and Lifelong Learning has ensured that proper external auditors have produced a report on the financial management of Scottish Enterprise; that that report's recommendations will be implemented; and that any additional resources that are needed are properly calculated and will have a minimal impact on the rest of the Executive's budget. There is a clear objective that does not involve simply giving the organisation more money or bailing it out, as we could have done a month ago. That will not happen. Decisions will be made properly.

I absolutely assure Murdo Fraser that the next time he calls for additional Executive spending, I will not make the points that he has suggested that I will make. However, I will make the point that the Conservatives remain committed to cutting public sector budgets in Scotland, so any claims that they make about wanting increased spending on anything should fall on deaf ears in Scotland.

Karen Gillon (Clydesdale) (Lab): I am sure that the First Minister appreciates that concerns have arisen in the budget process about Scottish Enterprise's failure properly to implement resource accounting and about the smokescreen that resource accounting is a new process. He will appreciate that the process has been used for three years.

I acknowledge the points that members have made, but I believe that, despite what has happened in the past year, further funds must be made available to Scottish Enterprise to ensure that those in the front line who serve our communities and grow Scotland's economy do not suffer as a result of decisions that have been taken. Will the First Minister assure me that grass-roots projects in my constituency will not suffer as a result of the incompetence of Scottish Enterprise's management?

The First Minister: I assure Karen Gillon that the issues that she has raised are precisely the issues that we are considering in order to agree a final budget for Scottish Enterprise for next year. We want to ensure that any additional resource that might be required is spent on areas that members are concerned about and that the allocation is managed in the accounting way that we expect.

For the record, I do not accept the accusation that has been made about Scottish Enterprise's incompetence or lack of success. I simply refer again to Invitrogen's decision earlier this week to locate its European headquarters in Renfrewshire, which is a major boost for the life sciences sector in Scotland. Because of the national enterprise agency, a unique deal has been reached involving Wyeth Pharmaceuticals, four Scottish universities, our health service and £50 million of investment, which will put Scotland ahead of the rest of the world in relation to translational medicine; and we have the R and D plus scheme that was mentioned by Rolls-Royce, in which 11 projects that were awarded £15 million have generated £120 million of new research and development spend in Scotland. That is the direction that we have set Scottish Enterprise on. We have asked it to carry out tasks and a strategy on behalf of the devolved Government, which it is doing. It needs to continue to do so. The financial decisions that we take will be against that background.

12:33

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Justice and Law Officers

Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005

1. Richard Baker (North East Scotland) (Lab):

To ask the Scottish Executive how many cases have been pursued in relation to the grooming offence established by the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 and how many risk of sexual harm orders have been made. (S2O-9679)

The Deputy Minister for Justice (Hugh Henry): In the seven months since the legislation came into force, two cases containing charges in respect of section 1 of the act have been reported to the Crown Office and Procurator Fiscal Service. Both have resulted in solemn proceedings. One case resulted in a conviction and the other is ongoing. No risk of sexual harm orders have so far been made.

Richard Baker: Barnardo's has pointed out that the act accepts that the purchase of sex from under-18s who are involved in prostitution must be considered as abuse, but that 16 and 17-year-olds who are abused through prostitution can still be arrested for soliciting. As the forthcoming sentencing bill will change the laws on prostitution, will the Executive consider giving 16 and 17-year-olds in that situation the same legal protection as under-16s?

Hugh Henry: I am aghast at the fact that people continue to exploit young children for sexual and sometimes financial purposes. It is already an offence for someone to secure the sexual services of a child under the age of 18 years. If a person is guilty of an offence under section 9(4) of the 2005 act, which relates to a person aged 16 or over, they are liable

"on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both".

Richard Baker raises a slightly different issue, which is how we treat those who are engaged in the provision of sexual services. Clearly, we have already taken steps in the act on inciting the provision by a child of sexual services or child pornography. My officials have a meeting planned with Barnardo's and we will reflect on some of the wider issues that Richard Baker raises. As he will be aware, it is a matter for the Crown Office to

decide whether to pursue a case against an individual.

Heroin Addicts (Dumfries and Galloway)

2. Dr Elaine Murray (Dumfries) (Lab): To ask the Scottish Executive what action is being taken to reduce waiting times for treatment for heroin addicts in Dumfries and Galloway. (S2O-9706)

The Deputy Minister for Justice (Hugh Henry): We have agreed a series of performance contracts with drug action teams throughout Scotland. Those contracts link funding for drug treatment to defined outcomes. An additional £210,000 was allocated to Dumfries and Galloway drug action team in July 2005 to deliver a reduction in waiting times.

Dr Murray: The minister will be aware that a significant heroin problem remains in Dumfries and Galloway. Information passed to me suggests that it can often take weeks for addicts to get an appointment at Cameron House and that when they get one the range of treatment that is available is often fairly limited. Does the Executive have further plans to help to reduce waiting times and to assist the DAT in Dumfries and Galloway? Will the Executive consider releasing funds seized as a result of the confiscation of assets in the Dumfries and Galloway region to enable them to be used to help to tackle addiction problems and their consequences?

Hugh Henry: We need to keep the amount of money that is seized from criminals in perspective. We expect that the amount may increase in future, but there is no way that the money that is currently available would make a significant impact on the waiting times to which Elaine Murray refers. It is worth bearing in mind the substantial increases in funding that have been made available not only to Dumfries and Galloway but to others across the country. The funding was enhanced further by the additional £4 million.

We will continue to keep a close watch on what is needed, but we must ensure that the money that is allocated is used to best effect. Both the Minister for Justice and I hope to return to the issue in the near future. We want to see effective and timeous treatment and to ensure that the resources that are allocated are used to good effect.

The Presiding Officer (Mr George Reid): I call Stewart Stevenson, who must remember that this is a Dumfries and Galloway question.

Stewart Stevenson (Banff and Buchan) (SNP): That is a part of the country that I love dearly, Presiding Officer.

Does the minister recall that target 4 of justice objective 1 in the draft 2005-06 budget was to

raise the number of drug misusers entering treatment by 10 per cent by March 2008? I suggest that that target was modest. What percentage is currently being achieved across Scotland, in particular in Dumfries and Galloway?

Hugh Henry: I cannot give the specific figure for what is happening nationally or in Dumfries and Galloway, but I will seek to revert to Stewart Stevenson on that.

Foreign Prisoners (Deportation)

3. Iain Smith (North East Fife) (LD): To ask the Scottish Executive how many foreign prisoners have been released from Scottish prisons who could have faced deportation and what measures are being taken to track down such individuals. (S2O-9725)

The Minister for Justice (Cathy Jamieson): The Scottish Prison Service released 26 individuals into the custody of the immigration service in the 12 months up to 26 April 2006 and has released one individual since then. Deportation of individuals from the United Kingdom is, of course, a matter for the Home Office. All Scottish police forces stand ready to assist the Home Office with any requests to track down certain individuals. As members will be aware, Grampian police have apprehended an individual identified by the Home Office.

Iain Smith: I am sure that the minister will share my concern about the events in the past couple of weeks because of the Home Office's incompetence. She will also share my concern that public safety should be the first priority. Does the minister agree that hasty legislation is not the best way forward and that we must think carefully before changing the basis on which these cases are dealt with? If administrative problems need to be sorted out, administrative issues should be addressed. We should not change the law without thinking carefully.

Cathy Jamieson: Of course I accept that public safety is a high priority, both for the Home Office and for the Scottish Executive, which is why we made it clear that the Scottish Prison Service, the Scottish Court Service and, indeed, our police stood ready to assist as soon as information was passed to us. Indeed, the fact that Grampian police have been able to move so quickly is to be welcomed.

I listened carefully to the comments that the Home Secretary made yesterday. It is right and proper that we in Scotland look to ensure that our processes are in order and that any legislation that is required is fit for purpose in a Scottish context.

Stewart Stevenson (Banff and Buchan) (SNP): I very much welcome the action taken by Grampian police in relation to an individual who, I

understand, may have resided in my constituency and in that of my colleague Nora Radcliffe. I wonder whether the minister can give us a breakdown of the numbers involved into those who were convicted and given the most serious and long-term sentences and those who served short-term sentences.

Cathy Jamieson: I can give some brief information. As members will be aware, approximately 188 foreign nationals completed a custodial sentence in Scotland in the past year. We believe that none of them is on the Home Office list of 1,023, other than the individual to whom I referred. Of course, we are working with the Home Office to verify that and we have provided information to it. Of the 188 prisoners who were identified as foreign nationals who the Scottish Prison Service released in the past year, 26 were transferred to the custody of the immigration and nationality directorate; of the 162 who were released but not deported or handed over to the custody of the IND, 15 were serving sentences of more than one year. As far as we are aware, none of the prisoners had served a life sentence; indeed, the maximum that any of the prisoners served was nine years.

“The Civil Justice System in Scotland: a case for review?”

4. Mark Ballard (Lothians) (Green): To ask the Scottish Executive what its response is to the main recommendations of “The Civil Justice System in Scotland: a case for review?”, published by the Scottish Consumer Council. (S2O-9732)

The Deputy Minister for Justice (Hugh Henry): As announced on 20 April, we are in discussion with the senior judiciary with a view to setting up a judicially led review of the civil courts. Consideration of the specific recommendations from the Scottish Consumer Council report will be a matter for that review.

Mark Ballard: The minister will be aware that the report recommends that future reviews of civil justice should consider the introduction of processes to deal with class or multiparty actions in the Scottish courts. Does the minister intend that the review of the civil justice system will include discussion of such processes? The Scottish Law Commission and the Scottish Consumer Council recommend them as a way of maximising court resources and increasing access to justice.

Hugh Henry: We have not yet confirmed the details of the scope and remit of the review, and they will be given careful consideration. We would want any review to help to speed up the process of law; we want to ensure that access is more easily obtained, irrespective of people's circumstances; and we want to ensure that access

is not only speedy but affordable. I have been impressed and enheartened by the breadth of support for conducting such a fundamental review.

Convicted Persons (Extradition)

5. Euan Robson (Roxburgh and Berwickshire) (LD): To ask the Scottish Executive whether there are any precedents that bar a person from extradition to another country to face criminal charges following conviction for the same offence within Scotland. (S2O-9724)

The Lord Advocate (Colin Boyd): Yes. Extradition is barred in law where the accused person can claim that he has already been tried and convicted or acquitted in the UK for the same conduct for which his extradition is being sought.

Euan Robson: The Lord Advocate will be aware of the rule in Scots law that if a person is informed by the Crown that no criminal proceedings will be brought in respect of an alleged offence, that operates as a bar to any later prosecution. If a person has been so advised, does the rule also operate as a bar to extradition for a prosecution overseas in respect of the same alleged offence?

The Lord Advocate: Because an unequivocal statement that there will be no proceedings would bar the Lord Advocate from taking proceedings in this country for that conduct, such a statement is made only after very careful consideration. However, I cannot bind any other prosecutor, whether in this country—in England or Wales—or abroad. Therefore, it would be open to another state to seek extradition from this country of a person for the conduct, even if an unequivocal statement had been made by me or by somebody else on my behalf that there would be no proceedings in Scotland. Of course, the other state would have to make the case and meet the requirements in law to justify extradition.

Antisocial Behaviour (Young People)

6. Christine May (Central Fife) (Lab): To ask the Scottish Executive how it is encouraging young people to become involved in reducing antisocial behaviour. (S2O-9696)

The Deputy Minister for Justice (Hugh Henry): The Executive is committed to tackling antisocial behaviour, and involving the whole community, including young people, is crucial to ensuring that our strategy is a success. We are clear that providing young people with positive activities and opportunities to engage with their local communities is key to such community involvement.

Christine May: Will the minister comment on the conference that was held yesterday in my colleague Scott Barrie's constituency to celebrate and recognise the impact of the junior warden

scheme in harnessing the willingness of young people in Fife and elsewhere to do their bit for a safer and cleaner Scotland? Does the minister share my concern and profound depression at reports in the press of the many adults in my constituency and elsewhere who continue to carry knives and other weapons? What message does he believe that sort of behaviour sends to young people? What advice does he have for anybody who is concerned about safety in their community?

Hugh Henry: I thank the organisers of yesterday's conference for their invitation. It was impressive to hear people engaging so positively on such an important issue.

The innovation of junior wardens—which started in Auchenlodment primary school in Johnstone, in my constituency, and has now been copied elsewhere in the country with some success—is definitely the way forward. It engages young people in a positive way in contributing to their communities and in the serious issues that sometimes confront them.

I am aware of the press reports today to which Christine May refers. It is deeply depressing that adults can give that type of example to younger children. There is no excuse for carrying a knife or a serious weapon. It is not a protection and it is not a deterrent; in fact, it contributes to a serious problem in Scotland. A warning needs to go out to those misguided people that the law will deal with them should they continue to do that.

However, I also know that, in Christine May's constituency, the community safety partnership provides free personal alarms, which should give some degree of assurance to those who might feel at risk. I hope that the efforts of that community safety partnership can be encouraged and promoted. Equally, I hope that the relevant agencies will use the full powers of the criminal law to deal with those who carry knives and will use the new powers that are available under antisocial behaviour legislation to deal with those who engage in acts that cause distress to the local community.

Phil Gallie (South of Scotland) (Con): I welcome the minister's words regarding the way in which the system will deal with young people who carry knives. Is the minister aware of the case of Stephen McCulloch, who was yesterday sentenced in Glasgow to seven years for viciously attacking and stabbing another young man? Stephen McCulloch had a lengthy career in criminality. When he committed the crime for which he was sentenced yesterday, he had eight bail orders against him. How can the minister suggest that the law will deal adequately with such individuals when they are allowed to wander free under eight bail orders?

Hugh Henry: The decision about whether to grant bail is a matter for the courts. It would be utterly inappropriate for any member of this Parliament—and particularly for any minister—to try to influence or comment on decisions that are made by judges. Equally, the sentence to which Phil Gallie refers was an outcome of a decision that the judge made having had regard to the circumstances of the particular case.

It is fair to put on record the fact that the Executive is determined to tackle knife crime and has in hand proposals to double the lengths of the sentences that are available to the courts when dealing with those who carry knives. Further, when knives are used in serious cases, stringent and severe sentences are available should the judge think them appropriate.

However, the issue is not only the responsibility of the judges, which is why the Minister for Justice has given so much time to engaging with the violence reduction unit in Strathclyde and others to try to promote a debate across Scotland and to send the message that, although most of us do not carry knives, we all have a contribution to make to changing the climate in which knives are carried. We must change the way in which people in Scotland behave. We cannot just expect those who carry knives to change.

Community Courts

7. Tricia Marwick (Mid Scotland and Fife) (SNP): To ask the Scottish Executive when it expects to make public the findings of the consultation that was undertaken by Julius Lang into the possibility of introducing community courts in Scotland. (S2O-9711)

The Minister for Justice (Cathy Jamieson): The Executive invited Julius Lang to come to Scotland to support our preparations for implementation of community justice authorities. In the course of the visit, Mr Lang gave a presentation on community courts to the violence reduction unit in Glasgow but that was additional to the main reason for his visit. Mr Lang will not be undertaking any formal consultation on behalf of the Scottish Executive.

Tricia Marwick: The minister will be aware that petty crime in Fife increased from 8,050 incidents in 2000 to 13,251 in 2004. That is quite a staggering increase. Given the success of community courts in Red Hook and in midtown Manhattan in New York, will the minister consider piloting community courts in Scotland? I take the opportunity to suggest that parts of Fife might be suitable for such a pilot.

Cathy Jamieson: It is important to recognise that the Executive wants to reform our court system to ensure that we bring offenders to justice

speedily and that sentences are appropriate and are managed. We have already introduced, and will continue to introduce, further reforms in our courts to do exactly that.

I have visited one of the community courts in New York, which is partly why we invited Mr Lang, who is a director of the Center for Court Innovation in New York, to help us in the work that we are doing to join up aspects of the justice system. We can learn much from the community court approach and we want to ensure that such lessons are learned throughout Scotland. We have not ruled out the possibility of a more joined-up approach, which might include the community court model, in certain areas. I assure Ms Marwick that we will consider carefully what we can learn in general and that I hope that what we learn can be applied throughout Scotland.

Antisocial Behaviour etc (Scotland) Act 2004 (Reparation Orders)

8. Paul Martin (Glasgow Springburn) (Lab): To ask the Scottish Executive how many reparation orders have been served since the enactment of the Antisocial Behaviour etc (Scotland) Act 2004. (S2O-9695)

The Minister for Justice (Cathy Jamieson): Fifty-eight community reparation orders were imposed on 56 individuals from April 2005 to the end of March, across the three pilot schemes.

Paul Martin: Will the minister join me in condemning the mindless idiots in Glasgow who attacked people who were carrying out a public service by repairing water hydrants? The incident was reported in the *Evening Times*. Will the minister consider using a reparation scheme in Glasgow to ensure that such people pay something back to the communities that their antisocial activities have damaged?

Cathy Jamieson: I condemn anyone who is involved in the kind of behaviour that Paul Martin described. I repeat what I have said in the Parliament in the past: attacks on public sector workers who are carrying out their duties on behalf of communities are despicable and tough action should be taken to deal with the people involved, which is why we brought in a change in legislation.

Glasgow City Council takes a close interest in reparation orders and restorative justice in general. We decided to pilot the community reparation orders that the 2004 act introduced, to ascertain how best the measure could be implemented. I want to consider closely the lessons that are learned from the pilots and I am sure that what we learn will be applied in other areas.

The important point is that we decided to introduce community reparation orders so that

there would be an opportunity for people who commit the relatively minor but nuisance offences from which too many communities suffer to carry out reparative activity in those communities. Community reparation orders were not intended to be a substitute for the approach to more serious offenders. I am concerned that the orders have perhaps not been used as much as I would have liked them to be and I hope that in future they will be considered for further use and that we will be able to apply the lessons that we learn throughout Scotland.

Enterprise, Lifelong Learning and Transport

Scottish Enterprise (Budget)

1. Mr Frank McAveety (Glasgow Shettleston) (Lab): To ask the Scottish Executive what action is being taken to address the impact of Scottish Enterprise budget pressures on small and medium-sized enterprises and training programmes for employees. (S2O-9697)

The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Nicol Stephen): Scottish Enterprise has made interim budget allocations for 2006-07 to business units and local enterprise companies, which are sufficient to allow operations to continue at expected levels. Discussions on the full-year budget will conclude shortly and the Scottish Enterprise board will finalise its operating plan and budget for this year when it meets on 12 May. The operating plan will clearly reflect ministerial priorities.

Mr McAveety: Many members will have received letters, as I have done, from companies that are concerned about the potential impact of the budget pressures on Scottish Enterprise. Will the minister give an assurance that projects that have worked well in communities such as my constituency of Glasgow Shettleston, will continue to provide training and development, to ensure that we meet the needs of the neediest clients to get them back to work? Any action that the minister can take on the matter would be most welcome for constituents such as mine.

Nicol Stephen: I give Frank McAveety the guarantee that he seeks. As he knows, we have taken action to safeguard the business gateway, so support for start-up businesses and small businesses will continue at last year's level.

Earlier this week, when members of the Enterprise and Culture Committee challenged me on possible budget cuts that could affect training schemes, I reassured them about the modern apprenticeship scheme and the fact that the commitment in the partnership agreement to have

30,000 modern apprentices per year would continue to be fulfilled.

In the next few days, I will work hard with Scottish Enterprise to ensure that our core priorities are maintained. There is no doubt that that will be difficult at times, but support for small and medium-sized businesses and support for training programmes, particularly in disadvantaged areas, are strong priorities of the Executive. We will give them the priority that Frank McAveety encourages us to give them.

Jim Mather (Highlands and Islands) (SNP): I, too, am interested in how much money is being spent on or invested directly in Scottish small and medium-sized enterprises and in how it compares with previous years. Will the current situation lead to more rigorous reporting? I am not alone in believing that Scottish Enterprise's reporting is oblique and unhelpful and that it does not deliver clarity and comparability year on year.

Nicol Stephen: As Jim Mather knows, when Audit Scotland reported on Scottish Enterprise it compared Scottish Enterprise favourably with similar agencies in other parts of Europe and the world. Scottish Enterprise has a strong international reputation as one of the most effective enterprise agencies.

Audit Scotland also reported on the good progress that was being made to improve remote reporting mechanisms. I have told the Parliament that I would like that to go further, and I know that Scottish Enterprise, its chief executive and its chairman support further improvements.

As we move into the 2006-07 budget period in the next few weeks, it is important to tackle the issues on which Jim Mather questioned me. I would like the progress that Audit Scotland identified to continue.

James Watt College

2. Frances Curran (West of Scotland) (SSP): To ask the Scottish Executive whether it is aware that the principal of James Watt College in Greenock has breached the terms of a collective agreement with the Educational Institute of Scotland and has announced 100 redundancies and the dismissal of all academic staff, some of whom will be rehired on new contracts, and whether it considers that this action is acceptable on behalf of a publicly funded board. (S2O-9670)

The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson): I agree that it is an unprecedented step by a college board of management in Scotland, and one that many staff vehemently oppose. Last Friday, I wrote to both sides to urge them to make renewed efforts to reach a negotiated solution and avoid a damaging dispute in which students would suffer most.

The Presiding Officer: I call Carolyn Leckie—I am sorry; I mean Frances Curran.

Frances Curran: We are always mistaken for each other; I am not sure how that favours Carolyn Leckie.

I agree that the dispute is damaging. Given that major industrial action for two days a week and then three days a week will be started next week by academic staff, and given that the staff are now supported by the students, it is clear that staff and students have no confidence in the board or the principal. Should not the minister—to whom the principal, Bill Wardle, is responsible—intervene to resolve the situation by calling for the principal's resignation, clearing the decks, removing the redundancy notices and setting negotiations on course, to ensure that students have the education that they need at the end of term?

Allan Wilson: Frances Curran might have misheard what I said. Last Friday, I intervened by suggesting to the unions and the college's board of management an initiative that would preclude the need for damaging industrial action. That was a reference to involving the Advisory, Conciliation and Arbitration Service, which the trade unions and others in the sector have welcomed. I hope and expect that the college's board of management will in due course see the merit in that suggestion.

North Lanarkshire (Transport Connections)

3. Margaret Mitchell (Central Scotland) (Con): To ask the Scottish Executive what action it is taking to improve transport connections in the northern corridor of North Lanarkshire. (S2O-9662)

The Minister for Transport and Telecommunications (Tavish Scott): The Executive is taking forward several transport improvements in the northern corridor of North Lanarkshire, including the upgrading of the A80 trunk road between Stepps and Haggs.

Margaret Mitchell: Is the minister aware that if the closure of Monklands hospital's accident and emergency department under NHS Lanarkshire's "A Picture of Health" consultation goes ahead, there will be no direct public transport links from communities such as Chryston, Moodiesburn and Kirkintilloch to the nearest accident and emergency department in Lanarkshire, which will be at Wishaw general hospital? Given that such links are clearly important to the chairman of the new Strathclyde Partnership for Transport, as evidenced by his comments in the current issue of *Transport Quarterly*, in which he states that public transport issues could compromise the Executive's ability to deliver on social inclusion due to the inability of people on low incomes to access

employment opportunities, health care and education, will the minister liaise with SPT to ensure that public transport links in the northern corridor are improved?

Tavish Scott: We liaise with Strathclyde Partnership for Transport, which is the new partnership in the west, on a range of transport issues, including those that have been raised in Parliament this afternoon. The Minister for Health and Community Care and I are taking forward a series of discussions on health facilities, including on the importance of ensuring that access to primary care facilities by public transport is available. The issue is particularly relevant when we are launching a consultation on the future of the national transport strategy.

Elaine Smith (Coatbridge and Chryston) (Lab): The minister will no doubt be aware of the current controversy surrounding the possible downgrading of Monklands hospital. Is he aware that I lobbied his predecessor and SPT on the issue of improving transport links to health services throughout Lanarkshire over a number of years? Given the possible downgrading of Monklands hospital and its potentially heavy impact on the transport requirements of my constituents, including those living in the northern corridor, to which Margaret Mitchell referred, is the minister concerned that NHS Lanarkshire appears to have given only minimal consideration in its consultation to the weaknesses in the transport infrastructure in the area? Will he take action to ensure that those issues figure adequately in the Executive's consideration of NHS Lanarkshire's proposals?

Tavish Scott: Consideration of NHS Lanarkshire's proposals will be a matter for my colleague, the Minister for Health and Community Care. I would be happy to bring this exchange to his attention. I am very aware of the transport implications of the potential changes for many people in the areas that we are discussing. The issues are important to many local people. I can only repeat that I will be happy to discuss with the Minister for Health and Community Care the transport component of the equation.

Mrs Mary Mulligan (Linlithgow) (Lab): The minister will not be surprised to hear that I think that one way of addressing transport issues in North Lanarkshire would be to reopen the Airdrie to Bathgate rail link with stations in Plains and Blackridge. Does the minister share my concern that the private bill for the line, which has a strong business case, has been delayed? What can he do to ensure a smooth ride from here on in?

Tavish Scott: I acknowledge Mary Mulligan's continued work in pursuing and pushing that rail project, as is quite appropriate. I assure her that we are working hard with the promoter of the

scheme, Network Rail, to ensure that the project meets the timescales that we badly want it to meet. We will continue to do that. I assure her that I will keep her up to date with progress.

Higher Education (Pay Dispute)

4. Bristow Muldoon (Livingston) (Lab): To ask the Scottish Executive what action has been taken to encourage a resolution of the pay dispute in higher education. (S2O-9704)

The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson): I am obviously concerned about the effects of the pay dispute on students in particular and on the higher education sector in general. During general meetings with the Association of University Teachers and Universities Scotland, it has been made clear that we wish to see both sides working together towards an early resolution of the dispute. Pay negotiations are a matter for institutions, their employees and the relevant unions; they are not matters on which ministers can intervene.

Bristow Muldoon: Does the minister agree that, in the 2004 spending review, the Executive recognised the academic pay pressures on universities, and that it is only fair that, once the funding settlement is received by the universities, they follow through by raising the level of academic pay by more than the rate of inflation? Does he agree that the best resolution to the problem is a national settlement, although the fact that some universities are trying to settle the dispute individually indicates some indecision and disagreement among the employers? In order to promote a fair settlement for all concerned, will the Deputy Minister for Enterprise and Lifelong Learning, or his colleague, the Minister for Enterprise and Lifelong Learning, ensure that the issue is raised at the HE round table, which I believe is due to take place next week, and which is chaired by the Scottish Executive?

Allan Wilson: I understand that my colleague has discussed the matter with both parties in the dispute. However, Mr Muldoon has made a relevant point. The Executive has invested in higher education to the extent that funding will exceed £1 billion a year by 2007-08, which represents an increase of almost £300 million since 2003-04. There is unprecedented additional funding for the sector, which has said that the money should ensure that the rates of pay that it offers to academic personnel are competitive in the United Kingdom market and internationally. Around £26 million in the funding stream was specifically for pay modernisation, so there is ample scope for both parties to sit round the same table and hammer out a settlement that will take the sector forward and protect academic rates of pay and conditions of service.

Fiona Hyslop (Lothians) (SNP): I hope that the minister has some influence in the process. Will he try to encourage all the participants, by using any influence that he has, to take part in Monday's negotiations without preconditions, in order to resolve the dispute in the interests of students in particular? Bearing in mind that there was an allocation in the previous comprehensive spending review for academic salaries, and that the next comprehensive spending review has been delayed, will there be an impact on the timescale for any settlement that can be achieved in Scotland?

Allan Wilson: There should not be. Like the member, I encourage all parties to get round the table, as I have said they should do. I understand that they have engaged the helpful services of the Government's Advisory, Conciliation and Arbitration Service to assist in the process. It is in everybody's interests—not least those of the students—that the process culminates in a negotiated solution. As I said, we made specific provision for pay modernisation in the existing spending review period. Substantial sums of money are available in the existing settlement for both parties to meet their objectives.

Murdo Fraser (Mid Scotland and Fife) (Con): Does the minister agree that the dispute is unfair to students, particularly those who are in their final year, who hope to graduate this summer and who at best are looking at a delay in the issuing of their awards? Does he agree that those students are the innocent third parties in the dispute? Will he urge the parties involved to have regard to the interests of the innocent students?

Allan Wilson: At the risk of repeating myself, the interests of the students—who are the beneficiaries of the services that are provided by the institutions and the academic staff whom they employ—are our primary interest. It is in everybody's interest to get round the table and resolve the dispute to their mutual satisfaction. The students will be the ultimate beneficiaries if they do so.

Colin Fox (Lothians) (SSP): I understand that talks between the AUT and the Universities and Colleges Employers Association are scheduled for Monday. The minister will be aware that local deals have been struck at Aberdeen and St Andrews. Does he agree that the AUT was correct to say that the universities were awarded substantial funding increases to pay staff this year, and does he agree that if the local deals that have been agreed in Aberdeen and St Andrews are accepted as a national deal on Monday, it will represent twice what the UCEA originally offered? Does he accept that the unions were right to strike and that it appears that vice-chancellors have

been putting students' degree examinations in jeopardy throughout the dispute?

Allan Wilson: There is a fine distinction between saying what I have said and being asked to arbitrate between the employers and the unions. It would be inappropriate for me to say anything other than that I want negotiations between the parties to be facilitated so that students who are caught in the middle can be assured of their continuing education and of the results of that education in due course.

Language Skills

5. Linda Fabiani (Central Scotland) (SNP): To ask the Scottish Executive whether it will designate a specific department with responsibility for developing a framework for language skills for Scottish businesses. (S2O-9728)

The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson): The Scottish Executive has no plans to develop a framework for language skills for Scottish businesses.

Linda Fabiani: The minister will be aware that I recently received answers to a range of written questions on the subject, which pointed to undefined languages support being offered to some businesses, but made it clear that there is no overarching framework. It looks as if the greatest effort has been put into helping business to articulate demand for language skills, but I would have hoped that by now we would be beyond that stage and that we would be providing the wherewithal to acquire and access those skills.

Does the minister accept that the failure to ensure that there is a proper strategy and framework could leave Scotland at a competitive disadvantage in the global marketplace? Will he consider examining the case for a proper language development framework for business across the country?

Allan Wilson: I am always open to suggestions. I have responded to 14 questions on the subject from the member. It is not true that no strategy or support is available to businesses and enterprises. Scottish Enterprise and Highlands and Islands Enterprise will give advice to businesses on language support. In addition, the Sector Skills Development Agency is funding the language skills alliance, which will support employers, especially those involved in export, and help them to articulate demand for language skills.

Last year, the multilingual forum, which involves Scottish Development International and businesses in Scotland, was set up. It is led by colleagues from IBM in Greenock, who have an internationally renowned reputation in the field. A range of activities is under way. If the multilingual

forum encourages us to take further action, I will examine the proposal with considerable interest.

Concessionary Travel Cards (Applications)

6. Scott Barrie (Dunfermline West) (Lab): To ask the Scottish Executive how it will ensure that applications for senior citizens' concessionary travel cards are processed as rapidly as possible. (S2O-9678)

The Minister for Transport and Telecommunications (Tavish Scott): The Scottish Executive is working with local authorities to develop an electronic application process for the entitlement card, which will allow cards to be produced within three working days of receipt of data.

Scott Barrie: That will be welcome. As I am sure the minister is aware, there are problems not only in my constituency but throughout Scotland with delays and non-availability of travel cards that allow older people to travel anywhere in Scotland. How will he ensure that the three-day limit is adhered to? Is it achievable, given the problems that have been experienced to date?

Tavish Scott: I will be happy to look into the problems to which Scott Barrie refers. This morning, I contacted Transport Scotland about the range of issues that have been raised. I know that four MSPs have been in touch directly with Transport Scotland about issues relating to the availability of cards. I understand that we are currently able to turn around applications within 10 working days of receipt, that 750,000 cards were issued on time and that 841,007 cards have been issued to date. I am happy to take up any specific issues that Scott Barrie would like to raise, to see whether we can sort them out as quickly as possible.

Local Electoral Administration and Registration Services (Scotland) Bill: Stage 1

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-4272, in the name of George Lyon, on the general principles of the Local Electoral Administration and Registration Services (Scotland) Bill.

14:59

The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon): The Local Electoral Administration and Registration Services (Scotland) Bill makes improvements to two important functions of local authorities of which we hear little in Parliament but that are vital to all who seek election to office.

Part 1 of the bill, which is about electoral administration, aims to make it easier for people to vote and to improve participation at elections, as well as enhancing security and improving efficiency in the administration of elections. I am sure that all members support those aims. Part 2 is about modernising and improving the registration of births, deaths and marriages by taking advantage of advances in information technology to offer new and more efficient services to constituents.

I thank the Local Government and Transport Committee for the work that it has done on the legislative proposals and for its broad overall support for the bill. The committee made a number of comments and recommendations in its report and has requested more information on certain aspects of the bill. I intend to write to the committee and to respond in full to its concerns before stage 2. However, I will respond to some of the key issues during the debate.

I thought that it might be helpful if I said a bit more about e-counting, although I should make it clear that e-counting does not form part of the bill. In relation to part 1, the committee raised concerns about the new arrangements for access to election documents and the effect that the introduction of e-counting might have on those arrangements. I assure the Parliament that the principle of confidentiality of the vote will not be compromised by e-counting, should we go ahead with it. Nor will there be any reduction in the information that is available to candidates and their agents.

Last week, the Executive and the Scotland Office carried out further testing of an e-counting system, and parliamentarians, the media and others attended demonstrations to see at first

hand how the system worked. We are evaluating the results of those tests, alongside the very positive feedback from those who attended last week's demonstrations and from all who attended the previous demonstrations in Aberdeen, Edinburgh and Glasgow; 31 of the 32 local authorities attended the first set of demonstrations. The official responses have been positive, although we will need to deal with one or two issues that were raised as the process advances.

Mr John Swinney (North Tayside) (SNP): When does the minister expect to come to a decision on whether e-counting will be utilised for the 2007 elections?

George Lyon: I hate to use the word "shortly", but we are conscious that decisions have to be taken in the next few weeks because election rules have to be drawn up. We have conducted the last test of the system and once we have collated all the feedback we will be in a position to make the final decision on whether to go ahead.

E-counting would give us an opportunity to modernise part of our electoral process. As those who attended the demonstrations know, e-counting would enable a complex, combined election count to be completed much more quickly than would be possible using manual counting. That is important in the light of the introduction of the single transferable vote.

If we decide to go ahead with e-counting, a number of choices about the times that the counts will take place will be opened up to the Executive, the Scotland Office and local authorities. For example, e-counting would allow Scottish Parliament and local government counts to take place simultaneously with the results being announced overnight. Alternatively, the counts could be split, with the Scottish Parliament count taking place overnight and local authority counts taking place the next day, as was common practice in the previous two elections. Another option would be for Parliament and council counts to take place on the following day.

Decisions would have to be taken on the number of counting centres that would be required. I am certainly aware that the island constituencies and some of the rural authorities would want to have count centres in each of their areas.

Final decisions on e-counting will be taken shortly, and we are working closely with the Scotland Office and electoral administrators to ensure that, if we go ahead, decisions on timings and count centres will be well informed to provide the most effective basis for a successful combined election.

Mr David Davidson (North East Scotland) (Con): I have seen the report of someone who

attended one of the demonstrations. He expressed concern that the rejection rate of ballot papers would be much higher than would be the case in a visual check, in that if the mark is only 95 per cent in the box, it is likely to be rejected. How refined will the e-count be and will manual intervention be possible to deal with such a problem?

George Lyon: We have systems to deal with the problem. Not only can the scan be recalled and examined to allow agents to review the acceptability of a particular ballot paper but, if there is real doubt over an individual ballot paper, it can be recalled, examined and either counted or discounted. We are reassured by evidence from the demonstrations that, even after ballot papers have been marked, folded and crumpled up, the machines have still been able to identify most of them. We have to follow through that process to ensure that every vote counts on the night.

I welcome the committee's support for our plans to introduce performance standards for returning officers at local government elections. As the Electoral Commission will set performance standards for national elections, it seems only sensible to have a common set of standards to ensure uniformity and consistency.

I note the committee's reservations about the level of parliamentary scrutiny and certainly understand the Parliament's wish to engage in developing the standards. That is why I am keen to restate my assurance that the committee and the Parliament will be fully consulted in the process.

On part 2, the committee raised a number of concerns about registration fee income, marriages at sea and the inclusion of clan information in the book of Scottish connections. As we are constrained for time, I hope to address those matters in my concluding remarks.

I ask the Parliament to support the motion and I move,

That the Parliament agrees to the general principles of the Local Electoral Administration and Registration Services (Scotland) Bill.

15:07

Bruce Crawford (Mid Scotland and Fife) (SNP): I thank my former committee colleagues not only for making my stay on the Local Government and Transport Committee as enjoyable as it could be, but for their work in compiling the stage 1 report on the bill. The Scottish National Party endorses the report, which expresses general support for the bill while acknowledging that its proposals can be improved in certain areas—although I say to David Davidson that, no matter what improvements are made to the counting system, it will still struggle to find any

Tory votes. In the short time available, I will address a number of concerns and highlight some improvements that might be made.

First, I want to raise the vexed issue of electoral fraud because, after all, any change to the electoral process must have at its core the aim of raising public confidence. Although we warmly welcome attempts to make voting more convenient for people, we do not believe that such an approach should be introduced at the expense of the security and privacy of the ballot process. The committee comments on that issue on pages 16 to 18 of its report. The Executive must be guided by the principle of prioritising measures that will raise public confidence in the safety and security of the vote. That is why the issues that the Electoral Commission raised in its briefing to MSPs are so important and why we must listen to—and why the Executive must act on—the commission's comments about the pilots and the use of personal identifiers. The commission said:

“we are concerned that the pilot schemes proposed will not offer sufficiently widespread safeguards against postal voting abuse and are unlikely to provide an effective guide to the likely impact of a national scheme. Crucially, this approach gives no guarantees of improvements in security for postal voters ahead of the next Scottish Parliamentary and local government or UK Parliamentary elections.”

The Executive should take particular note of that advice.

As the minister pointed out, sections 1 and 2 are intended to increase efficiency of electoral administration and seek to introduce the concept of performance targets to encourage best practice in service delivery. In paragraph 52 of the report, the committee makes it clear that it

“considers it important that when standards are developed they are specific and deliverable, and that there is uniformity and consistency”.

I would like to give a couple of examples, based on my personal experience and perspective, of ways in which a more consistent approach could help in the delivery of electoral services. My first point is to do with the formatting of the data that are held on the electoral register; the Labour Party has taken up that point previously. It has become clear from recent experience in a number of areas of Scotland that a uniform method of holding and producing electoral register data does not exist. The formatting of the data—with regard to addresses, for example—is not done in a uniform way across all electoral registration offices. It would be hugely helpful to the efficiency of the electoral process if that information were held and produced uniformly by electoral registration officers across Scotland. It would be particularly useful if the new register, when it is produced in December, were to include ward codes, because that would make a considerable difference to the

way in which political parties participate in elections.

It would be useful to hear from the minister when we expect the final ward boundaries to be agreed and brought into being. That point is not related to the bill, but the further that that slips, the more difficult it will be for the electoral process.

Secondly, we would support the development of a national online register, which we believe would be helpful in delivering a more effective and efficient service. I understand that the Executive is putting out to tender a process to do with raising awareness of individuals in the community about the elections next year—both the local government elections and the Scottish Parliament elections—and that is important. However, I seek assurances from the Executive that that exercise will go beyond just encouraging people to come out to vote and that it will include an attempt to begin to explain to people the complexity of the three voting systems that will be before them next May. There is a job of work to be done in that regard and I would like to hear whether it is intended that the tender should include an exercise of the kind that I have outlined.

There is a need for standards and for greater consistency between returning officers and electoral registration officers; I will say more about that in a moment. First, however, I will mention the by-election in Moray, where political parties were denied the opportunity to sample ballot boxes. I know that the parties have no right to do that, but it is allowed in many other parts of Scotland. For some reason, it was not allowed in Moray—not that that mattered too much to us, given that we could have weighed the votes rather than having to count them.

While I am on the subject of Moray, I should also say that we ought to be able to deal with issues regarding election expenses, although the bill does not give us that power. Some of the sums of money that have been spent by the United Kingdom parties in recent by-elections in Scotland have been obscene; we need to control those amounts.

John Swinburne (Central Scotland) (SSCUP): Does Bruce Crawford agree that it is not the amount of money but the authenticity and principle of the policies that get people to vote?

Bruce Crawford: I was going to mention authenticity and principles, because some of the practices that were employed in Moray, particularly by the Tories and the Liberals, were nothing short of a disgrace.

Consistency and standardisation between returning officers and electoral registration officers could be improved, for example with regard to election stationery. The development of a

complete and standard range of items of stationery for the use of voters, political parties and electoral administrators would be an example of best practice; if that was done, all the training modules could be more synchronised and guidance could be developed nationally rather than locally. That would be quite a help.

I am grateful for the minister's assurance that the level of information that will be available will not be cut back in any way as far as e-counting is concerned, but I believe that ballot-box sampling also needs to be considered. Sir Neil McIntosh of the Electoral Commission said in his evidence to the Local Government and Transport Committee:

"I know that sampling was raised in a previous discussion. That needs to be thought through carefully because an electronic system does not have the personal opportunity to sample, which the current system does. Thought should be given to how that should be tackled. It should be pursued and should be part of further consideration once the shape and timing of first, an electronic counting system and secondly, electronic voting are known."—[*Official Report, Local Government and Transport Committee*, 7 February 2006; c 3276.]

I hope that when the minister winds up, he will give us specific information on ballot-box sampling.

Overall, the Scottish National Party is supportive of the report and the bill in its broadest terms, although we recognise that some improvements need to be made.

15:15

Mr David Davidson (North East Scotland)
(Con): I join Bruce Crawford in thanking my former colleagues on the Local Government and Transport Committee for continuing their good work by producing an excellent report, which throws up—on a cross-party basis—challenges that the Executive must deal with.

The Conservative party believes that democracy is the basis of our society. The minister was right to talk about the need for people to have confidence in the system, but the system must also be accessible, both physically and in the sense that it can be understood. That is the public's principal concern. They must be able to understand the process and what their rights are. I am sure that no member would argue that we should not examine that issue more closely before the bill is passed. The system must be more than user-friendly; we must encourage people—especially young people—to participate in it. That will involve an education programme.

When we talk about accountability, we mean that people who have been elected before must be accountable for what they have done on behalf of their constituents. Holding local government elections and Scottish Parliament elections on the

same day mires the process in confusion, because it means that everyone is deluged with national policies and people are not able to consider their local concerns. I am taking over David Mundell's proposed bill on local government elections, which represents an important attempt to provide accountability, openness and access to the electoral system. If those aims are to be achieved, the whole system must be properly funded and staffed. The Association of Electoral Administrators has great concerns about whether sufficient resources are available.

I have talked about separating the two elections, but that would involve increased costs; I will deal with that in due course. There is huge confusion among the public. The minister mentioned that some education on the STV system—which most people do not understand—would eventually be provided. The returning officers claim that what is proposed is not a good way to introduce that system. Most councils support our position—they favour decoupling.

We are considering the Local Electoral Administration and Registration Services (Scotland) Bill. The fact that Mr Crawford could not stick to the subject demeaned someone for whom I used to have great respect.

The minister has a habit of not revealing all the gems until he gets to his winding-up speech. I would have thought that he would have wanted to put all his cards on the table, to listen to the debate and to respond at the end, but there we go.

Mr Crawford mentioned that the extent to which returning officers allow candidates and agents to participate in, and to understand, electoral procedures varies. I note that the new electronic counting machine has a screen that could be accessed by such people. We need to hear more about such positive measures. If the Executive is going to produce such a device, does that mean that it is in favour of allowing candidates and agents to see what goes on during an election? I presume that the minister has seen the machine in question, so he will be able to give a better explanation of how it will work.

Another issue that must be examined is the behaviour of people in the areas around polling booths. In the past, I have had to ask the police to remove political people from the voting area. They might say that they are involved in sampling, but not everyone sees it that way; their activity might be regarded as intimidation. That has been going on for a long time. The police have a clear role to play; candidates or individuals should not have to say to the police, "These people are blocking the door." That sort of activity, as opposed to just the technicalities, would encourage more people to turn out to vote.

I thank the minister for going over his e-counting system. With the same restraint that the Local Government and Transport Committee showed and concerns that it had, the Conservatives support the general principles of the bill and look forward to hearing far more of the detail from the minister. I hope that he will be able to respond in his winding-up speech to many of our queries. We must ensure that we have local accountability in the electoral process, but as long as the elections are mixed up that will not happen. The Executive needs to start the education of the public in the voting process now and not leave it until the last minute. That said, we support the general principles of the bill.

15:21

Bristow Muldoon (Livingston) (Lab): I thank the clerks and the support team to the Local Government and Transport Committee for their help in enabling us to put together the report. I also give my thanks to committee members: those who were there throughout the process and those, such as Mr Davidson, who were there for part of the process. I also send best wishes to my former deputy convener in his new role in the Parliament.

I was a bit confused when Mr Davidson talked about intimidation in Scottish elections. Things must be an awful lot more robust in the electoral process up in Aberdeenshire than they are in West Lothian, because I have certainly never encountered intimidation of any voter as they cast their ballot. The Conservatives could perhaps enlighten us further; perhaps people were just a bit paranoid about going to the ballot box and casting a vote for the Conservatives.

Mr Davidson: I thank the member for his cheap comment, but I have asked the police to intervene when people wearing electoral badges representing a party were behind the teller's desk. There is no role for that—it is illegal.

Bristow Muldoon: David Davidson may have seen that as intimidation, but I find it some distance away from that.

David Davidson's points about two elections being held on the same day and people not understanding the system were mere hypothesis. Northern Ireland has had first-past-the-post elections and STV elections on the same day and the number of spoiled ballot papers has not been dramatically high.

This will undoubtedly be one of those days when many of the contributors are in agreement.

Mr Swinney: What concerns me more about elections being held on the same day is that the campaign will not provide the proper opportunity for the issues that are of relevance to both

elections to be debated or for justice to be done to either of them. It is clear that voters can make up their minds how they want to vote, but will enough attention be paid to the issues that relate to the local authority elections, which tend to be obscured by national politics?

Bristow Muldoon: Voters are perfectly capable of differentiating between both elections when they are held on the same day. The most recent Scottish Parliament elections highlight that; for example, in Clackmannanshire, Labour won control of the council yet the Scottish National Party won the parliamentary seat. In Aberdeen, Labour did considerably better in the parliamentary elections that day than it did in the local authority elections. People were able to differentiate between candidates and between performances by the parties at various levels of government and cast their votes accordingly. It is possible for people to make such distinctions.

Turning to the bill, the first point that I would like to raise with the minister, which is raised in the first paragraph of the committee's report, is that the Electoral Administration Bill is currently passing through Westminster. Will any changes to the Westminster bill have implications for the Scottish bill and will any such changes require the minister subsequently to lodge amendments to the Scottish bill? My second point concerns performance standards. The fact that performance standards will be set by the Executive on local authority elections in the future has been widely welcomed, but the minister recognises the committee's point that we would welcome an opportunity for Parliament to be able to participate in scrutinising those standards to ensure that they have got broad buy-in. When we are dealing with standards, elections are the property of all the people and political parties of Scotland, and we need to ensure that everyone has confidence that the agreed standards will make elections more efficient and reliable. I recommend that the minister responds to that point.

On postal votes, concerns were raised about the problems with fraud that have come up in other parts of the UK but are not, as far as I am aware, widespread in Scotland. I ask the minister to respond to some of the points in our report about how more progress could be made in dealing with potential fraud. The integrity of the voting process is essential to our democracy.

On e-counting, I attended the presentation on the new voting system at the Scottish Exhibition and Conference Centre in Glasgow. I was impressed with the system and think that it is the way forward for elections. When the more complex counting that is associated with the single transferable voting system is in place, we will be

able to get the count done more quickly than would otherwise be the case.

I agree with Mr Crawford's point about the sampling of votes. It is important for political parties to be able to sample votes so that they can reassure themselves about the integrity of the voting system, and because it helps with planning for future campaigns by identifying levels of support and ensuring that the support that has been measured during canvassing is reflected in the votes that are cast on the day. Of course, any such information will have to be protected so that an individual voter's right to a secret ballot is assured, but general information should be made available to parties at a level that does not identify how individuals have voted.

My preference—the committee has not discussed this issue—is that we continue to have an overnight count, particularly for parliamentary elections. In elections to our national Parliament, we want to be able to get past any dubiety over the result and announce who the Government of Scotland will be so that people do not have to speculate on the basis of exit polls or the like.

On registration services, there was broad recognition of the issues and the provisions in the bill were widely supported. However, some points of detail were raised. David McLetchie voiced concerns about whether the automatic electronic notification of death certificates would benefit individuals because they would still have to go through the process of purchasing a death certificate to be able to recover insurance policies and deal with other aspects of a person's death. I ask the minister to expand on the benefits of that part of the system.

There was widespread support for the proposed book of Scottish connections, which will allow people from Scotland or those with Scottish roots to keep in touch with members of their family. In the future, the book could act as a stimulus to additional tourism from the Scottish diaspora.

My final point is not covered in the bill, but it was raised in evidence. The Church of Scotland wishes deacons to be able to conduct religious marriages in the Church of Scotland. I am aware that there is an interim arrangement whereby the Executive enables that to happen, but the Church of Scotland is looking for that to be put on a legislative basis so that it can plan for the future.

There was overall support for the bill from the vast majority of people who gave evidence. There will be widespread support from political parties and the individuals who are taking part in today's debate. If the general principles of the bill are agreed to, as I expect they will be, it is important that we use stage 2 and stage 3 to get some of the matters of detail right. I support the general

principles of the Local Electoral Administration and Registration Services (Scotland) Bill.

15:29

Derek Brownlee (South of Scotland) (Con):

As has been said, the bill is not particularly contentious. I want to pick up on a couple of things that have been mentioned already. If I heard the minister rightly, he said that one of the bill's objectives is to make voting easier. Of course, making voting easier, in the hope that that will somehow raise the turnout, is one of the preoccupations of modern politics. We are going down the wrong track if we think that making voting easier is the way to do that. We need to reflect rather more fundamentally on why people do not vote, which I suspect is much more to do with a cynicism about politics in general and about political institutions than it is to do with the ease with which they can cast their votes. I cannot see anything in the bill that will make it fundamentally easier for people to vote.

Some of the points that Bruce Crawford made about security of the ballots are fundamental. The fear that the ballot process is not secure and that votes might be tampered with, particularly in postal voting, might put people off voting.

We in Scotland have taken a good approach to the administration of votes. We can all criticise one another's campaigning and techniques to motivate people to vote in a particular way, but most people, whatever part of the country they come from, would say that the process seems to work pretty well at an administrative level. Nevertheless, having endured at the most recent Scottish Parliament elections the longest count in Scotland—the vote counters were still counting early on Friday morning and later in the day—I think that a move to e-counting can only be positive, as long as the technology can be made to work.

The minister said that he would reflect on the comments that the Electoral Commission made. It is perhaps a little too easy to let him away with that. The comments that the Electoral Commission made about the security of postal voting and the need for individual registration are fundamental. I know that much of the concern that was expressed at the general election was overblown and whipped up; there was a certain hysteria at one point about the lack of security of postal votes. Nevertheless, serious issues were raised by the Electoral Commission which, let us not forget, gets a significant amount of taxpayers' money—I think that it gets about £25 million per year. To set up a body to advise the Government and then ignore it does not seem to be a particularly clever way of operating, although I accept that the Executive is

no different from the Westminster Government in that regard.

The Electoral Commission said that the Executive's proposed approach

"gives no guarantees of improvements in security for postal voters ahead of the next Scottish Parliament and local government elections."

I presume that there is still the possibility that another campaign of fear could be whipped up about the security of postal voting in Scotland. The commission also makes the valid point that the Executive's rationale for not going down the route of individual registration was the need to reflect on the lessons that might be learned. As the commission says, in Northern Ireland—where there have perhaps been more problems than in most areas of the country—a significant amount of work on registration has been done. The minister should at least explain why he thinks that further evidence is needed in Scotland and why the experience from Northern Ireland cannot be transferred. If the Northern Irish show best practice and have learned from difficult circumstances, we ought to be able to use their experience to inform what we are doing here.

I get the impression that the bill is before us at the moment because of the single transferable vote. Normally—given the Executive's recent record—this type of bill would be dealt with through a Sewel motion or at the same time as UK legislation. It is another example of why STV is causing a lot of problems in Scotland. Although that particular battle has been lost, I reiterate that STV is fundamentally the wrong system for local government in Scotland. I am sure that many members of the Executive parties would agree but perhaps would not want to say so. STV is of course fundamentally the wrong system for rural areas, where the local connections that are strong under the existing system will be broken. Although the battle has been lost, I have to say that STV might have more impact on the turnout at the next local elections in Scotland than any of the measures in the bill.

I do not doubt that there is potential in the book of Scottish connections, which is in a different part of this mixed bag of a bill, and let us hope that it is harnessed, but I wonder what rigour has gone into costing the book and assessing what the likely take-up will be, to ensure that Registers of Scotland does not take on an extra burden that might not bring a great deal of benefit. I know that there has been almost universal support for the book of Scottish connections and I hope that it works well, but we need to be careful about its implementation to ensure that Registers of Scotland is not given a task that provides no great benefit to the Scottish nation.

There is not a great deal more to say on the bill, as it is pretty non-contentious. We need to hear detailed responses from the minister to the many points that the committee raised in its good, wide-ranging report.

15:35

Mr Andrew Arbuckle (Mid Scotland and Fife (LD)): It is fitting that we are discussing the bill today when 23 million people in England could vote in the local government elections. How many of that massive number of people go through the polling booths is another matter but, aside from any other considerations, that is why the bill is important. It brings into the headlights the issues that surround elections in the United Kingdom.

As several members have said, one issue that has been more prominent than everyone in the Parliament would like is electoral fraud, particularly the misuse of postal votes. The scandals involving postal vote fraud have resulted in the UK election process being compared to that of a banana republic. That is extremely damaging to our democratic process. As Bruce Crawford indicated, the Electoral Commission would like to see personal identifiers being used nationally, not only on a pilot basis. Greater costs might be incurred in setting up such a registration scheme, but it would bring a big benefit to democracy.

We must remember that only by helping to secure the electoral system through the introduction of such safeguards can people have more confidence in it. Like other members, I attended a working demonstration of how electronic voting works. Like Bristow Muldoon, I believe that I have seen the future of electoral counts. Too many of us have endured hours of peering over shoulders and arguing about whether voting papers should be counted face up or face down. I am prepared to give way to a magic machine that reads faster than the human eye and which should introduce great accuracy and speed into what has always been a lengthy and labour-intensive process. I assure Mr Davidson that the level of security that can be achieved by the machine is impressive. The issue of sampling has been raised and it is still to be addressed, but I am sure that the software can be developed and it should be developed.

Bruce Crawford: It has occurred to me that if the counting can be done by a computer, why on earth could the computer not produce a box sample? Parties would therefore not be required to do any sampling. The sample could be provided by ward code or some other means. That would solve the problem.

Mr Arbuckle: I agree with Mr Crawford. Those of us who saw the sampling came to the same

conclusion. We could just take a percentage sample out of the computer, provided that—as Bristow Muldoon said—there is no danger of anyone being identified in very small box counts.

The bill makes other changes. One issue that has not been discussed is accessibility. As I have had physically to help some people into polling stations, I believe that not only is the move to easier access to be welcomed but it must be given a mighty shove to ensure that being disabled does not prevent anyone from taking part in the democratic process. Capability Scotland has expressed its concerns on the issue. Its evidence indicates that Scotland is lagging behind other countries in ensuring that easier physical access, tactile voting and aids such as large-print ballot papers are available. That is not good and the issue must be addressed.

On the registration part of the bill, the breaking down of barriers within the registration service and the decision to move towards coterminous boundaries with local authorities are both welcome initiatives. Although there are merits in the face-to-face registration system, we must acknowledge the shift in technology and welcome the proposal that will allow online registration, especially if it does not remove the local link.

I will say a special word on the book of Scottish connections. Apart from the Irish and the Jewish diaspora, few nationalities have travelled as widely or as enthusiastically as the Scots. We might not have realised it, but the Scots have provided the world with fresh talent for the past two centuries—we are now trying to get talent back in. On a recent visit to Costa Rica, I met a guy by the name of Pablo Macdonald. I do not know whether he or his family will make use of the book of Scottish connections, but I believe that it is a good idea and that many Scots who hanker after their homeland will use it.

Cash-strapped local authorities have expressed concerns about the cost of implementing the bill and about a possible loss of income because of it. However, the paramount feature of the bill is that it will provide more accessible and user-friendly services for registration and electoral administration. I commend the bill and recommend that it go forward to stage 2.

15:40

Mr Charlie Gordon (Glasgow Cathcart) (Lab): We should welcome the bill in general, but particularly part 1, which deals with electoral processes, as an opportunity to increase public confidence in the electoral process. I want to comment on a series of practical issues in part 1.

Section 2 deals with performance standards, which I welcome. Capability Scotland's "Polls

Apart 4 Scotland" report raises challenges that need urgent resolution regarding access to the electoral processes for voters with special needs. Those challenges could be addressed under section 2 or other sections. I ask whether it is likely in future that the performance standards will have an influence on, say, the allocation of funds for elections to different returning officers in different areas.

Section 5 concerns the contravention of regulations governing access to post-election documentation. Again, I agree with the provisions in principle, but I hope that a genuine human error will not result in excessive punishment. Such an error might involve a presiding officer at a polling station omitting, at the end of a long day, to parcel up for collection a single copy of the marked electoral register.

Section 7 will allow observers to attend local government elections with the agreement of the returning officer. Such agreement should not be unreasonably withheld. I note that the Electoral Commission favours unfettered access for observers to all electoral processes. However, logistical problems could arise from that and I will cite two possible examples. First, postal votes are currently issued in non-public offices, but if we were to have a great deal of public access to that process, there would be logistical implications. Secondly, a combined count in the city of Glasgow can currently involve the presence of 2,000 accredited persons. Under the bill, that number would be added to by the presence of observers. The issue is straightforward: how would we fit them all in? Surely it could not be done on a first-come, first-served basis. Similarly, section 8 will allow organisations to send observers at every stage. Might that lead in polling stations to a conflict with the voters' right to secrecy?

Section 19 deals with the piloting of the use of personal identifiers. There is no doubt of their potential value in preventing electoral fraud. Again, I note that the Electoral Commission questions the need for further pilots and wants full individual registration through another bill in another place. However, the 2007 local government elections will involve, as we have heard, the use of the new STV system alongside the Holyrood constituency and list counts, and the use of a new, untested electronic counting system. I know that there have been dry runs, but I would have preferred to see a new counting system being used in actual electoral conditions. Do we really want to impose on the new arrangements and the current arrangements a pilot on personal identifiers? Could a less fraught time not be selected for a pilot? Mind you, I guess that every election is a fraught time for some of us.

Section 20 deals with the issue of tendered votes—for example, when someone turns up at a polling station to vote in person but finds that they have been marked down as an absent voter. An earlier section of the bill already makes it possible for such errors to be corrected. However, if voters who are correctly marked as absent persist in arguing that they did not apply for a postal vote, a plethora of pink so-called tendered ballot papers may fly around, adding to potential confusion.

During this debate, we have heard a number of partisan concerns to do with the bill—or rather, concerns that people think are to do with the bill, such as counting systems, voting systems and all the rest of it. Of course, returning officers and others have expressed a number of technical concerns. However, this bill offers an opportunity to improve public confidence in the electoral process. Is that not much needed?

The Deputy Presiding Officer (Trish Godman): We move to the winding-up speeches.

15:46

Michael McMahon (Hamilton North and Bellshill) (Lab): It always appears that the length of time that we get to speak in debates in the Parliament is in inverse proportion to the importance of the subject. Usually, we get three or four minutes to contribute to debates on crime, health or education, but six minutes to fill on matters such as local electoral administration and registration services. Not for one minute am I arguing that the bill is not worthy of discussion; I am merely bemoaning the fact that I have been given the opportunity to speak for longer than normal on a subject that the Local Government and Transport Committee found very little to disagree over, and to do so after everyone else has outlined the issues that did arise.

John Swinney spoke about the impact of decoupling, as did David Davidson. The fact that they spoke for so long about an issue that is not covered by the bill in any way is perhaps an indication of how much filling was being done.

Mr Swinney: Wait till he hears the closing speeches! *[Laughter.]*

Michael McMahon: John Swinney was concerned about the fact that national issues impact on local elections if the two types of election take place on the same day. It is worth pointing out that local elections are taking place today in England, without any other type of election, but the media are discussing only national issues. The idea that decoupling will somehow help to focus attention on local issues is stretching it a wee bit.

David Davidson gave the impression that the electoral system in Scotland is generally more like that in Harare than that in Hamilton. I wonder whether he will reflect on that. To suggest that the system in Scotland has to be corrected because of the issue that he brought to our attention was, again, more about filling in time than about addressing a genuine concern.

The fact that few areas of contention emerged during the committee's deliberations would suggest that the LEARS bill is a good one that has widespread support—not only among committee members but among those whom we consulted. That indeed was the case. The general principles of the bill are very sound. However, as others such as Bruce Crawford, David Davidson and Bristow Muldoon have said, that is not to say that nothing in the bill caused concern. Parts of it certainly did.

Clearly, it is good that we have been given the opportunity to make the electoral system much more accessible and convenient for voters and at the same time improve the security of the voting process. Bruce Crawford was right to raise concerns over the potential for fraud. The issue is vital and we would like to hear from the minister about the Electoral Commission's advice.

David Davidson spoke about the mechanism for counting electronically. Having seen the process last week, and having had the opportunity when considering previous bills to go to Ireland to see how the system there works, I would say that what we are doing is not being done in a vacuum. Such systems are operating daily. The system works in other countries and has been shown to work in pilots here. I do not think that we need have the concerns that David Davidson has over the mechanism. However, that is not to say that other concerns—as have been raised by other committee members—do not arise over issues such as personal identifiers, the potential for fraud, and the practicalities of postal voting.

Other committee members and I concluded that the bill contained much of merit, but we also felt that much more detail was needed to allow us to remain confident that the bill's intentions would result in the desired improvements. For example, introducing performance standards for returning officers in the administration of local government elections may be one of those issues that everyone sees value in, but it will be no more than motherhood-and-apple-pie rhetoric if the standards are not defined and monitored effectively.

I appreciate that the Executive believes that the introduction of performance standards for election officials—both returning officers and electoral registration officers—is important in order to secure more consistency in the way in which elections are administered and I understand that

the Electoral Administration Bill that is currently being considered in the United Kingdom Parliament contains a clause that proposes that the Electoral Commission be given the power to develop and set standards, but we in the Scottish Parliament have to be involved in that process and be convinced that what the Electoral Commission comes up with will do what it says on the tin when it is applied in Scotland. Others have mentioned that, especially in relation to e-counting, we need to see the detail of the proposals if we are to have confidence in the standard of the system that will be introduced.

As Charlie Gordon pointed out, allowing independent observers at a local government election seems to be a good thing in principle, but what will be their purpose and what will we do with their observations? How will we assess them and what status will their comments have? Information on those points from the minister would be welcome, especially in relation to the issues of logistics that were raised by Charlie Gordon.

Equally, who could argue against improving the process for disabled voters and those whose first language is not English? It is self-evidently beneficial to have explanatory electoral materials translated into alternative languages and to provide more assistance for postal voters. We are obliged under the Scotland Act 1998 to ensure equality of opportunity, so we are bound to address issues of the accessibility of the voting process. However, we need to be confident that disabled groups such as Capability Scotland will find that the new system meets their aspirations and delivers more than token gestures.

The issue is much too important for political will to fail. We must be sure that what is proposed will overcome the practical and resource difficulties that will surely be encountered when delivering the much-sought-after improvements in accessibility.

The Local Government and Transport Committee rightly called for more information to be provided to justify the charges for certificates of birth, marriage and death. However, there was no difficulty in agreeing that the current 230 districts, which are based on traditional registration district boundaries, should be replaced and brought into line with council areas. That will do away with a lot of traditions, but this is one occasion on which the preservation of traditions cannot be defended.

As I have said, this is a good bill with much to commend it. I hope that the Scottish Executive will provide Parliament with the additional details that will enable us to be confident that it will deliver on all that it promises.

15:52

David McLetchie (Edinburgh Pentlands)
(Con): It is a measure of the degree of consensus

and support for the provisions of the bill on the management and conduct of local government elections that much of the discussion today has been to do with matters that Charlie Gordon rightly characterised as being of peripheral concern or, indeed, of a partisan or point-scoring nature. Let me be no exception to that general rule.

I reiterate the point that, given the additional burdens that are being imposed on returning officers and local authority staff as a result of the bill, we would do them a considerable favour by holding the elections for the Scottish Parliament and for our councils separately next year. That is a measure that the Association of Electoral Administrators and the Convention of Scottish Local Authorities supported in the consultation exercise that was undertaken for a bill that was proposed by my successful colleague David Mundell, who is now a member in another place.

Bristow Muldoon: I notice that this is the second time today that the Conservatives have agreed with COSLA on a matter of policy. Is this a new approach by the Conservatives to support for local government?

David McLetchie: Indeed, it shows a transformation in attitudes on the part of COSLA, which has finally seen the light and, after years of abusing the Conservative Government and the Conservative party, is now in whole-hearted accord with us. Of course, many people in the Labour Government have seen the light and have adopted many measures that were first proposed by the Conservative party and that is a practice that is not unknown among members of the Scottish Executive. It is well seen that, although we might not be winning the elections, we are certainly winning the arguments hands down.

In all seriousness, I think that there is a case for separating next year's elections. It would be helpful in terms of administration. Further, the single transferable vote system might be one with which all Liberal Democrats are intimately familiar, having absorbed it with their mother's milk from birth as an article of faith but, beyond those few political anoraks, it excites relatively little interest in the electorate at large.

A major public education campaign is required to inform people not just how to vote but about the implications of their vote for the total outcome. No doubt part of such an education process will be undertaken in typically non-partisan fashion by the parties themselves, but there is a significant role for the Scottish Executive as part of a public information campaign. If the minister and the Executive will not change their minds about holding different elections on the same day, it is incumbent on them to spell out the details of the public education campaign, so that we can judge its adequacy and ensure that, as far as possible,

people cast their votes in the manner that will achieve the outcome that they intend to achieve.

Bristow Muldoon said that in Northern Ireland different electoral systems have been operated on the same day for council and Northern Ireland Assembly elections, but it is worth observing that the percentage of spoiled papers in those elections was significantly higher than the percentage to which we are accustomed in elections in Scotland—

George Lyon: Does David McLetchie have the figures?

David McLetchie: Yes, I do. Members must bear with me while my assistant, Mr Davidson, finds the figures in the brief. I think that the figure is around five times higher—

Mr Davidson: Ten times higher.

David McLetchie: The figure is 10 times higher than it is in Scotland. The matter should be of genuine concern to us all. No one should be deprived of their vote because they do not understand how they should cast their vote. For instance, if a voter simply puts “X” instead of “1” on an STV ballot paper for a council election, will that be counted as a single preference for one party, with no transfer? Perhaps the minister will respond to that question in his closing speech, but I ask it because I suspect that that would not be permitted—[*Interruption.*] As some former members of the Scottish Parliament are aware, I am quite good at accumulating crosses on ballot papers and I hope to do so in 2007. The point is worth clarifying, not because we want people to vote incorrectly but because I suspect that it is likely to be the most common mistake on STV ballot papers. Advance clarification might save a great deal of argument and controversy at the count.

John Swinney made the most important point in the debate about different elections being held on the same day, when he asked about the desirability of improving the accountability of all levels of government in Scotland by holding separate elections. It is interesting that in today's council elections in England, the Prime Minister is pleading for voters to make their decision on the record of Labour councils—a record that does not cut much ice in Scotland—and clearly sees the benefit of differentiating the record of local councils from that of his increasingly shambolic Government.

I make a couple of observations on other provisions in the bill, on matters that I raised during discussions in the Local Government and Transport Committee. I am enjoying being a member of the committee under the excellent convenership of Bristow Muldoon, who unfortunately seems to have returned to the

Labour Party after doing an excellent and sterling job for a while in the West Lothian dissident faction on a range of issues, such as tolls and local health services, on which he and I agreed.

The key points that I will make are about what services we charge for. That question is at the heart of the discussion about whether free abbreviated death certificates should be provided to people, which is a measure of the bill, and about other services and certificates for which people are charged.

The Parliament has had many discussions about what aspects of public services it is valid to charge for. The discussion about whether a free abbreviated death certificate should be provided rather than the full death certificate, for which a charge is made, is mirrored in our debates about whether we should have prescription charges, eye test charges, dental check-up costs, tolls and fees for higher education. Those are significant issues that we should not dismiss lightly.

I have a final point about the committee's report. It was suggested that one way in which registrar services might recoup some of the revenue that they will lose by issuing free extract death certificates would be by charging people for notifying third parties, such as insurance companies and banks, of deaths. The justification for that measure was that it would eliminate fraud or forgery, but we have heard no evidence of widespread fraud involving the forgery of death certificates. If the minister has such evidence, I would be grateful if he presented it in his winding-up speech.

People will be charged for the provision of a notification that I know from my professional experience as a solicitor will be of little legal utility to them and will merely replicate a cost that they will have to incur as part of the administration of an estate. The difference between the notification of a death and the establishment of entitlement to the proceeds of an insurance policy or a bank account is clear. The bill confuses the two elements and thinks that the job can be done with one notification, whereas it cannot.

We will support the bill.

16:02

Mr John Swinney (North Tayside) (SNP): I might have misheard a sedentary suggestion by Charlie Gordon that I might use my closing speech to waffle. I remind members that the only member who has confessed to open waffling in the chamber is the First Minister. I do not intend to take a leaf out of his book.

I will begin with material points about the bill, because I should refer at least to some parts of

the bill before I indulge myself as other members have. The minister made the important point that the decision has yet to be made on the number of counting centres around the country. Like me, he represents a rural community. I think that he understands the importance of resolving matters as close to the local authority or constituency area as possible and I hope that the Government's thinking reflects that.

My colleague Bruce Crawford raised the practice of ballot-box sampling, on which other members have commented widely. I hope that the minister will reassure us that, if we go down the route of e-counting, the quantity of information that is available to political parties will be no less than it is currently and that opportunities to gain that information will be no fewer. That reassurance is important.

Charlie Gordon talked about the scrutiny of postal votes. Of all the contents of the bill, the issue that causes most unease is the integrity of the postal voting system. I have almost no issues with the rest of the system, but a question mark hangs over public confidence in that, although I have no evidence of question marks over its delivery.

Michael McMahon rather glibly dismissed my argument for split elections to enable us to debate properly the issues that are relevant to each institution. Just because the United Kingdom Labour Government has got itself into a most awful set of circumstances in the past nine days, rather than the past nine years—or perhaps it is both—that should not stop us believing that it is important that our local authorities can present their message to their electorate and that we can present our message to our electorate.

As Mr Davidson mentioned, there seems to be the most ferocious amount of intimidation in the areas of rural Aberdeenshire and Kincardineshire where he has stood for election in the past. I can only presume that Mr Rumbles has been behaving in the usual fashion around the polling stations of West Aberdeenshire and Kincardine. I can tell Mr Davidson that no amount of intimidation will persuade the people of Scotland to vote for the Conservative party in its current, or any future, form.

Mr Davidson: I point out that the activity that was referred to might have been associated with Mr Swinney's absent leader from Westminster.

Mr Swinney: That is an allegation that I am sure Mr Davidson will have all the evidence to substantiate, and I look forward to seeing him being destroyed on that point in the years to come.

Michael McMahon made a point about the counting system working well in other countries. We should take a leaf out of their book. He

mentioned the Republic of Ireland, and I thought that he was on the verge of making a compelling argument for Scottish independence. In Ireland, the system is working effectively and well. We in this country should take a leaf out of its book.

In drawing to a close my remarks in support of the bill, I stress the importance of reflecting on the most recent election contest in Scotland and its relevance to the contents of the Local Electoral Administration and Registration Services (Scotland) Bill. There are a couple of important omissions from the bill. No offence is created for campaign impersonation, which the Conservatives would have been found guilty of in the Moray by-election. I have never in my life seen a campaign that was so devoted to suggesting that it was not for the Conservative party but for the Scottish National Party. The Conservatives have found a neat way of attacking a party for years and then trying to replicate its entire approach in winning an election.

The Deputy Minister for Finance, Public Service Reform and Parliamentary Business, too, might like to reflect on the impending reference to the Electoral Commission of his party's campaign for trying to deceive the electorate of Moray into believing some of the nonsense that the Liberal Democrats presented. I hope that the minister will add some late provisions to the bill to make it complete and something that we can support in its entirety.

16:07

George Lyon: This has been a good-natured debate, with some undercurrents of the recent political battles in Moray surfacing in some of the later speeches. I will deal with some of the factual issues that have been raised.

Among the fundamental issues that members from parties across the chamber have raised are confidence and the security of the vote, especially in relation to postal voting. As John Swinney admitted, there is no evidence of fraud, but there are concerns about the security of postal voting, which have been reflected in some speeches. We in the Scottish Executive also have serious concerns about the issue. We understand that changes in that regard are being considered for the Westminster bill and we recognise that it will be important to have a consistent approach. I hope that there will be some movement on that.

Bruce Crawford inquired about the timescale for the important boundaries review that is currently being undertaken. We are aiming to complete it by October or November, subject to appeals. He will be aware that there is a rolling programme and that not all the decisions will be left until the end but will be made as they come.

Another important point that Bruce Crawford raised, as did other members, was that of sampling box counts, should we move to an e-counting system. I am very aware of that issue, which has been raised with those who would provide the equipment. It is vital that political parties are able to take samples, which gives them confidence in how the vote is progressing. However, it must be recognised that, in small rural wards in particular, we must balance access to that information against going too far and revealing how individuals might have voted. We are fully aware of the issue, and it has been put back to DRS Data Services, which has been demonstrating the equipment. We hope to have an answer to the matter, which will be important in giving everyone confidence in how votes progress on the night.

David Davidson mentioned funding. As I said in evidence to the Local Government and Transport Committee, extra funding is available to meet any extra costs incurred by local authorities in introducing the new STV system. There will be significant funds to help with the educational programme, which will be important in ensuring that when voters enter the polling booth, they understand what the different elections are and how the system works.

Bruce Crawford: I would like to ensure that I understand exactly what the minister is saying. Is he saying that any awareness-raising or education programme will involve explaining the voting systems to people as well as telling them about the importance of voting?

George Lyon: Yes—that is exactly what I am saying. It should be explained to people how the system works so that they know what will happen when they go into the polling booth. The Electoral Commission will, of course, work with us on the promotional work.

David McLetchie demonstrated that he arrived late in the committee's consideration of the bill. I confirm that around 1.4 per cent of ballot papers were spoiled in the Northern Irish elections, which is slightly higher than the figure for the equivalent elections here. I think that he was referring to higher numbers of wards in which there were particular problems in elections under STV.

Bristow Muldoon asked about amendments. A small number of Executive amendments, most of which will be technical, will be lodged at stage 2 to reflect changes to the Westminster bill.

Several issues have been raised about part 2 of the bill that I did not have time to deal with in my opening speech. The committee recognised the potential for local authorities to derive additional fee income from new services, but also expressed concern about the potential loss of fee income,

which could have a detrimental effect on registration services. In particular, there was concern that providing a free, abbreviated death extract at the time of registration would reduce the demand for full death extracts. However, fears about fee income should not deter us from improving the service to customers. In today's society, in which most people have a bank or Post Office account that will need to be closed upon their death, it seems reasonable to provide free of charge, as part of the registration service—which is funded from general taxation—a simplified extract that has legal standing and will allow the next-of-kin to close the account.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the minister take an intervention?

George Lyon: I am conscious that I am into my final couple of minutes.

The committee mentioned that the proposals for marriages in Scottish waters might affect the smooth running of registration services. However, I emphasise that registrars will be under no compulsion and will certainly not be expected to suspend normal service while they take on a life on the ocean wave.

I was pleased to note the committee's support for establishing a book of Scottish connections and that it recognises the potential for tourism and economic growth. The book of Scottish connections will allow people around the world to establish and strengthen their Scottish roots, which will boost ancestral tourism and help Scotland to achieve its ambition of growing tourism by 50 per cent by 2015. The committee's consideration of the proposal led to the suggestion that any clan affinity might also be recorded in the book, which would further enhance its appeal. We intend to explore that helpful suggestion with clan chiefs when they next meet in the summer.

In conclusion, I thank the Local Government and Transport Committee for all the hard work that has been undertaken to produce the stage 1 report. I look forward to working with the committee at stage 2 and ask the Parliament to back its recommendations and to support the passing at stage 1 of the Local Electoral Administration and Registration Services (Scotland) Bill at 5 pm.

Local Electoral Administration and Registration Services (Scotland) Bill: Financial Resolution

16:13

The Deputy Presiding Officer (Murray Tosh):

The next item of business is consideration of a financial resolution. I ask George Lyon to move motion S2M-4222, on the financial resolution in respect of the Local Electoral Administration and Registration Services (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Local Electoral Administration and Registration Services (Scotland) Bill, agrees to—

(a) any increase in expenditure of a kind referred to in paragraph 3(b)(iii) of Rule 9.12 of the Parliament's Standing Orders; and

(b) any charges or payments in relation to which paragraph 4 of that Rule applies, arising in consequence of the Act.—[*George Lyon.*]

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

Police and Justice Bill

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a debate on motion S2M-4317, in the name of Cathy Jamieson, on the Police and Justice Bill, which is United Kingdom legislation.

16:14

The Deputy Minister for Justice (Hugh Henry):

I thank members of the Justice 2 Committee for their consideration of the legislative consent motion in respect of the bill, which is one of the first legislative consent motions since the review of the Sewel convention last year, and for their report to the Parliament. The motion illustrates that the convention now has an established place in our parliamentary process.

Policing is a devolved matter, and the Scottish Executive has a distinct agenda for policing in Scotland that is very different from that of the Home Office for England and Wales. Later this month, we will debate stage 3 of the Police, Public Order and Criminal Justice (Scotland) Bill, which has received widespread support from all the major parties in the Parliament. Today we are considering the Home Office's Police and Justice Bill, most of the provisions of which relate only to England and Wales. The legislative consent memorandum is concerned with very few provisions, in relation to which there is a clear, strong case for agreeing that the UK legislation should extend to devolved matters or alter the executive functions of Scottish ministers. I will outline briefly the four pertinent elements of the memorandum.

First, the bill will merge the Police Information Technology Organisation and the Central Police Training and Development Authority into a new England and Wales organisation to be known as the national policing improvement agency. Like its predecessors, the new organisation will provide some services, such as senior staff training, specialist policing support and work on some information technology developments, on a UK basis. The LCM will allow Scottish police organisations to continue to benefit from those services. Crucially, the bill provides safeguards that will require the NPIA to consult the Scottish police on its activities in Scotland. Any changes to the functions or structures of the agency that relate to devolved matters will be made by Scottish ministers, subject to the consent of the UK Government, under the scrutiny of the Parliament.

Secondly, the LCM will allow the new, merged inspectorate of justice, community safety and custody services to carry on the work of Her

Majesty's inspectorate of constabulary in the inspection of cross-border bodies such as the Civil Nuclear Constabulary and the British Transport Police.

Thirdly, the bill makes improvements to the legislation on computer crime that are necessary to comply with the European Union framework decision on attacks against systems. The LCM will allow those benefits to extend to Scotland, recognising the advantages of UK-wide legislation to combat an international problem.

Fourthly, the bill makes a number of technical improvements to the Extradition Act 2003. Although that is a reserved matter, under the established convention the amendments that alter the competence of the Scottish ministers require the consent of the Parliament.

It is entirely appropriate that all of the measures that I have outlined should be extended to Scotland. A strong case has been made for doing so. I commend the legislative consent motion to the Parliament.

I move,

That the Parliament agrees that the UK Parliament should consider those provisions of the Police and Justice Bill, introduced in the House of Commons on 25 January 2006, which will legislate in devolved areas in respect of the abolition of the Police Information Technology Organisation and the establishment of the National Policing Improvement Agency and the Justice, Community Safety and Custody Inspectorate, and computer misuse, and which will alter the executive competence of the Scottish Ministers on extradition matters, as laid out in LCM(S2) 4.1.

16:18

Mr David Davidson (North East Scotland) (Con): On behalf of the Justice 2 Committee, I express thanks to the committee clerks and to those who gave evidence to the committee during its consideration of the LCM. I also thank the deputy minister and his superior for their co-operation in supplying information as and when the committee requested it.

In moving the amendment that I have lodged on behalf of the Justice 2 Committee, which was agreed unanimously, my aim is not to oppose the Executive proposal but to seek assistance from the minister in conveying to Her Majesty's Government the committee's concerns. We seek not to oppose the LCM, but to add to it. Other committee members and I will seek to influence the deputy minister to accept the amendment. No doubt he will wait until the end of the debate before telling us whether he intends to do so.

I refer members to paragraph 8 on page 2 of the committee's report. The committee still requires an assurance from the Executive that lines of communication between the committee and

ministers will be improved, because neither members nor committee clerks were given any prior notice of the memorandum. I know that that is a teething problem, but I ask the minister to respond to the point, as the committee requested.

As the minister said, the Westminster bill will change several of the organisations that used to supply a UK service. We heard in evidence of continuing concern that where a service would apply to Scotland there should be adequate Scottish representation, an opportunity for the Scottish authorities to have an input and timeous notice of any changes.

It is interesting to note in paragraph 13 of our report that the deputy minister addressed the clearly expressed concerns of ACPOS. ACPOS has now accepted the logic of the position that has been taken, albeit reluctantly. The committee is still concerned about the mechanism for any changes to policing and justice in Scotland, so perhaps the deputy minister will return to that subject.

The deputy minister advised that agreement had been reached with the Home Office to include a requirement on the NPIA board management to provide that where a committee is set up to manage or develop a specific work stream that will or might have an impact on Scotland, the committee will have an appropriate Scottish representative.

We have a devolved Government and justice and policing are devolved to the Scottish Parliament. The committee seeks adequate recognition of that, albeit that the bill addresses an overall UK concern. We seek a guarantee of equitable treatment of Scottish residents. The committee has no argument with the UK Government, but because certain services are devolved, it is important that our concerns are raised and that any Westminster legislation that applies to Scotland is crystal clear.

Our amendment asks the Minister for Justice to take action. We want our points to be made clear, because it came across in evidence that the agreement between the UK and the United States Governments is currently a little one-sided. The UK Government has signed up fully to the extradition agreement, whereas the US Government has not. We feel that the position must be clarified and resolved.

I understand that the shadow minister for police reform, Nick Herbert, is to lodge amendments as the bill goes through Westminster to restrict extradition to the US to terrorism cases until such time as the United States provides full reciprocity and creates new safeguards. That reflects the committee's sentiment.

On behalf of my political grouping, I confirm that we support the LCM. We also support the committee amendment. I ask the minister to accept the committee amendment as a positive and constructive measure that does not in any sense take away from the principles of the bill.

I move amendment S2M-4317.1, to insert at end:

"but, in doing so, expresses serious concerns over the ambiguity of the status of an extradition request in respect of a person domiciled in Scotland against whom the Lord Advocate has decided not to proceed; notes that the United States of America has not, over a period of some three years, ratified the bilateral extradition treaty with the United Kingdom, and accordingly, in the interest of equality between nations and recognising the distinctive nature of the Scottish legal system and the need to protect the civil liberties and human rights of those living in Scotland, urges the Minister for Justice to make representations to the UK Government based upon these concerns."

16:23

Jackie Baillie (Dumbarton) (Lab): I am grateful for the opportunity to speak briefly in this debate in support of the legislative consent motion on the UK Police and Justice Bill and the Justice 2 Committee's amendment, the wording of which the committee agreed unanimously.

As the minister outlined far more clearly than I am about to do, the main provision that will impact on Scotland is the creation of the national policing improvement agency, which will have responsibility for providing services such as IT systems and training in England and Wales and which will continue to provide the Airwave system.

We need to ensure that Scottish interests are adequately considered, and the committee welcomed the deputy minister's assurance that the agency will consult ACPOS before any action or decision is taken that might affect policing in Scotland. With that assurance, neither I nor the committee will have any difficulty in supporting the minister's legislative consent motion.

In the rest of my remarks, I will concentrate on the committee's amendment. The convener was right to say that we do not seek to replace text with which we entirely agree, but wish merely to add our concerns about elements of the Extradition Act 2003. For the benefit of members who might not have followed the matter closely, the Police and Justice Bill contains clauses that will amend the 2003 act.

There are two concerns that exercise the committee. First, we believe that the extradition treaty is a one-way treaty: some three years on, it has not been ratified by the United States. As a consequence, if the US wishes to extradite anyone from the UK, only information—not evidence—is required. Those being threatened with extradition

will have no evidential hearing, no ability to rebut any information that is provided and no voice in the process. However, if the UK applies for the extradition of someone in the US, there will be an evidential hearing at which a defendant can challenge and rebut evidence. Why should the arrangements be different over here? It seems inherently unfair that different tests should apply and that UK nationals should be somehow disadvantaged in the process. At the very least, we should expect principles of equality between nations to be paramount in all that we do.

Secondly, the committee is unclear about the status of an extradition request for someone living in Scotland against whom the Lord Advocate has decided not to proceed. The point merits a little explanation, particularly for non-lawyers such as me. The Lord Advocate has ultimate discretion over whether a person accused of criminal conduct over which Scottish courts have jurisdiction is prosecuted in Scotland. We received welcome and clear confirmation of that point from the Minister for Justice. However, problems arise if the Lord Advocate decides not to prosecute a particular person or decides that there is insufficient evidence to take the case any further. That person, who has deliberately not been prosecuted in the Scottish courts, can be extradited to the US without—let me remind the chamber—an evidential hearing, without being able to rebut information that has been presented, and without any voice in the process.

I understand that precedent governs extradition within the European Union. Under the European arrest warrants scheme, which was introduced in June 2002, a member state can refuse extradition and try the defendant locally. The UK might want to consider whether it should apply such a provision to all extraditions.

It is not for us to interfere in Westminster's deliberations. However, given the distinctive nature of our justice system, it is legitimate for us to seek to protect the interests of people in Scotland. On that basis, I would be very grateful if the Minister for Justice would raise our concerns with her UK counterpart.

I urge all members to support the legislative consent motion and the Justice 2 Committee's amendment.

16:27

Mr Stewart Maxwell (West of Scotland) (SNP): As the minister, Mr Davidson and Ms Baillie have made clear, the bill's main impact on Parliament's devolved responsibilities is its replacement of the Police Information Technology Organisation and the Central Police Training and Development Authority with the NPIA. The committee expressed

a number of concerns about the change, particularly the fact that Scottish police will not be members of the new organisation's board. Indeed, ACPOS was very concerned about the proposal and made representations to the committee on a number of points. In our report, we point out:

"ACPOS was concerned that the onus will be on Scotland to identify matters upon which it would seek to be consulted by the NPIA and that this may not be sufficient to protect Scotland's interests."

I understand that the minister has assured the committee that if any matters impact on Scotland a separate subcommittee—if that is the correct term—will be established, which will contain representation from the Scottish police. If so, I welcome that move to protect Scottish interests.

As certain reserved matters in the bill would or could impact heavily on Scottish citizens, the committee also took some time to discuss them. It can come as no surprise that much of the interest in this Sewel motion relates to the provisions in the Police and Justice Bill that cover reserved matters. I certainly make no apology for using my time to talk about the extradition issues that the bill raises.

Our responsibility in this Parliament is to stand up for the Scottish interest and for Scottish citizens, irrespective of the niceties of the current constitutional arrangement. As a result, the Scottish National Party will support the amendment moved by David Davidson on behalf of the Justice 2 Committee. In fact, the Parliament should note that a committee made up of members from five different political parties was unanimous in its support for the amendment and its serious concerns about certain aspects of the Westminster bill.

No Scottish citizen should be extradited to the US while the US fails to sign its half of the treaty. For that matter, Scottish citizens should not be extradited to anywhere else that fails to sign such treaties. We should not support a one-sided treaty. When the treaty was being debated, it was said that it was needed as part of the war on terror, but the US is now using it to extradite people who have nothing to do with the war on terror. In fact, the US is using the treaty to try to extradite people who have been accused of what is commonly referred to as white-collar crime; the Internal Revenue Service has been heavily involved in that process. We are obliged by the terms of the Extradition Act 2003 to send people to the US—without, as Jackie Baillie clearly pointed out, proper hearings or prima facie evidence of their guilt or involvement—but America is under no reciprocal obligation. That cannot be right. In fact, people can be extradited to the US when they are accused of crimes that were committed wholly or mainly in this country.

The committee was concerned about the possibility of situations arising in which Scottish citizens could be extradited on the basis of a charge that the Lord Advocate has already marked "no proceedings" here in Scotland. Jackie Baillie referred to that in some detail. However, I noted that, during questions to the ministers with responsibility for justice this afternoon, the Lord Advocate confirmed that that was indeed possible. He said that, even though he had marked a case "no proceedings" and had given the individual concerned a letter stating that no further proceedings would ever be taken against them in connection with the charge in question, it would be open to Governments in other countries to continue to move against that citizen and to have him or her extradited. That is a matter of grave concern.

However, I do not blame the USA for the situation, because what is happening is not its fault. The failure, unfortunately, lies with the UK Government, because it was the UK Government that agreed to send citizens of this country to the US before the US signed the treaty. It is the fault of the UK Government in London that people can be extradited from the UK to the US when the US refuses to reciprocate.

There are a number of options, some of which have been suggested in debates at Westminster. Perhaps we could do the same as happens in Ireland at the moment, by incorporating article 7 of the European convention on extradition, which allows a country to refuse extradition if the offence is deemed to have been committed in whole or in part on its territory. A small, simple, one-line amendment to the Police and Justice Bill that is currently being considered at Westminster would allow that to happen, and I believe that certain parties at Westminster are considering tabling such an amendment.

What can the Scottish Parliament do about it? Unfortunately, we can do virtually nothing except ask the UK Government to take note of our concerns. I know that, when they are caught in such a bind, members of other parties sometimes wring their hands and try to ensure that the UK Government does something, but the reality is that this Parliament is completely impotent on reserved matters. The only viable and logical option to such problems is independence. If Scotland were a normal, independent country with a proper Parliament that had full powers, we could—and I believe that we would—act in defence of our citizens. In fact, we would never have allowed such a situation to have arisen in the first place. I support the amendment, but it is a poor substitute for having the ability to act for ourselves.

16:33

Colin Fox (Lothians) (SSP): As a member of the Justice 2 Committee, I support the amendment in the name of the convener, David Davidson. As members can see, it is a two-part amendment and it expresses two specific concerns. First, it expresses concern that persons domiciled in Scotland who face no charges here can be sent to the United States of America to face prosecution when not even a *prima facie* case has been presented against them to justify that extradition, and that they can face charges other than those on the extradition statement when they arrive there. Secondly, the amendment expresses concern that the United States has still not ratified the treaty that Britain ratified three years ago, as other members have said.

I shall concentrate my remarks on the first of the two parts to the amendment, but I would like to comment briefly on the treaty ratification. I understand that that treaty was signed in March 2003 by the then Home Secretary, David Blunkett, under powers known as orders in council. Those powers are conferred on the Home Secretary as a privy counsellor, in the name of the Queen and under royal prerogative, whereby ministers are instructed to act on behalf of the monarch. Perhaps members who have argued that the Queen is simply a figurehead—stuck above the democratic mantelpiece, so to speak, as some kind of benign ornament—would care to stop and reflect on such orders, which are exercised without recourse to Parliament and are thoroughly undemocratic. Indeed, Westminster and the entire democratic process can be completely bypassed by a power vested in the Queen. We shall come back to that another day, I suspect.

In passing, I will say that Mr Blunkett did a spectacularly bad job post-9/11 in negotiating a treaty that gave the Americans a legal blank cheque to have Britons extradited, whereas our Government must continue to prove probable cause—which, in my view, is right—when it wishes to bring someone from the States over here. No other European country has such a treaty with America. I suppose that it is a product of what is called the special relationship. No wonder no other country is fighting for it.

The Scottish Socialist Party will support amendment S2M-4317.1 because we think that the extradition treaty has immense implications for the criminal justice system. Under the treaty, someone who is domiciled in Scotland can find themselves being extradited to the United States, even though there are no charges against them in this country and in spite of the fact that the treaty says that extraditable offences must be punishable in both countries. It seems that the burden of proof on the Lord Advocate when he decides whether to

prosecute is far higher than the one on the US Government when it wishes to take someone from this country—all that it needs is a mere statement of the facts of the case. Moreover, someone who has been extradited because they are suspected of a particular offence can then face trial on a completely different charge.

The treaty states that a person will be extradited only when a clear undertaking has been given that the death penalty will not be exercised against them. However, that is not guaranteed. In 1999, a German national was executed in the state of Arizona after a United States court found that rulings by the International Court of Justice, human rights laws and extradition treaties were subordinate to US federal laws.

Lest anyone think that we are considering an abstract issue that is of importance only to constitutional lawyers, I will cite the case of an Algerian pilot—Lofti Raissi—who was based in Britain and whom the US tried to have extradited in 2002 for allegedly training the 9/11 hijackers. He was held in Belmarsh prison in south London for five months, during which time he spent 23 hours a day in his cell. The case against him, which was based on a video and other so-called evidence, fell apart when it was shown that the person with whom he appeared in the video was his cousin, not one of the hijackers. If Lofti Raissi had been subject to the extradition treaty, he would now be in Guantanamo bay.

There are Labour MPs at Westminster who argue that the Scottish Parliament has no power over such matters and that they are the concern of the UK Parliament alone, but what on earth have they done to highlight what is an outrageous state of affairs? In 2003, Mr Blunkett ignored the Scottish Parliament's rights when he signed the treaty without consulting the Lord Advocate. I humbly suggest that the Justice 2 Committee's amendment is exceedingly modest in the requests that it makes of the minister and the Home Office; it would have been entitled to be far more pointed.

So far, a dozen people have been extradited under powers in a treaty that was justified as being a necessary part of the so-called war on terror. In two cases, extradition related to alleged drug offences; in six cases, it related to alleged fraud charges; in one case, it related to a murder allegation; in two cases, it related to allegations of rape; and in one case, it related to an allegation of grievous bodily harm. It is important to stress that we are talking about allegations, given that the grounds on which prosecutions can be pursued are now so flimsy. The war on terror is being used as an excuse to countermand due process of law.

16:39

Mr Davidson: My fellow committee members and I have expressed our unity in support of amendment S2M-4317.1. It is the privilege of any member of the Parliament to hold their own beliefs and it is right that they should express them. The amendment in my name is a testament to the committee's commitment to work together in the interests of the rights of people in Scotland and to the willingness of its members to bury their constitutional differences to unite on what Colin Fox referred to as a "modest" proposal.

As the minister has said, the extradition process is fairly new. Things can only get better. As I said earlier, I believe that Scottish Executive ministers have done their best to be helpful. However, given the heavy work schedule that the Parliamentary Bureau has allocated to the committee, it would be helpful to be given as much notice as possible of any new proposals, so that our clerking team can ensure that we have as much time as we need to consult widely on them. That approach should apply to all the Parliament's committees.

Yesterday, I was asked by the BBC whether an approach had been made to the Justice 2 Committee about any individual case and I put it down for the record that no such approach had been made. All that the committee did was consider the legislative consent memorandum that was put before us, take evidence on it and report back to the Parliament. I hope that Parliament will accept the amendment. I would like to think that the minister will acknowledge the reasons for what the committee has done and that there is nothing malicious in its intentions. As Jackie Baillie rightly said, we are not trying to change any text.

It is interesting that the Westminster bill now recognises that the Secretary of State for Scotland should not be involved in the process; instead, powers will be given to the Scottish ministers. I find it a little odd that it has taken Westminster seven years to realise that devolution exists, particularly with regard to justice matters. As others have mentioned, we have our own legal system, which must be recognised. If, based on Scots law, the Lord Advocate is the ultimate prosecutor in Scotland, those who administer UK-wide regulation and, indeed, international legislation and treaties must understand how the Scottish legal system works. On behalf of the committee, I ask the minister again, along with his colleagues in his parliamentary group, to accept the amendment and the best intentions that have been offered by the committee.

16:42

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): This is an important debate, even though it is a short one. The UK bill that we

have been discussing impacts on devolved areas. As the Justice 2 Committee identified, there are aspects of the UK bill that are in some respects technical amendments to extradition procedures that may have a considerable impact on Scotland's justice system and procedures. Even if that were not the case, the committee—particularly Jackie Baillie—has done Parliament a service by highlighting a concern in relation to which further consideration would be valid. I will return to that in a moment.

The committee also expressed dissatisfaction with the lack of notification of this LCM. That raises an important point of procedure. Although the committee acknowledged that the Parliament's new system is an improvement, there is potential for a more proactive relationship between the Executive and the Westminster Government. Perhaps that could be considered during what the committee described as the "bedding in" period of the new procedures.

We know at the beginning of each parliamentary year, from our legislative programme debate and from the Queen's speech at Westminster, what the likely legislative programme of the two Parliaments will be, and we can begin to plan how forthcoming legislation will impact on each area. The Parliament is trying to improve comparable systems for European legislation—the Scottish Parliament information centre is doing excellent work in that regard. There is potential for the same to apply to Westminster legislation that will affect Scotland. Not only at the Executive level but at the parliamentary level, there should be much more notice of such legislation.

On the substance of the motion, I am satisfied that there has been sufficient scrutiny of the LCM. The Police Information Technology Organisation and the Central Police Training and Development Authority will be abolished and the national policing improvement agency will be established. That will be a wholly English and Welsh body, but it was clear that changes that would have an impact on Scotland would be made only with the approval of Scottish ministers. That is reassuring.

Indeed, there is an additional safeguard that the Home Secretary would consult Scottish ministers in giving any strategic direction to the new agency, and there is a commitment that NPJA board decisions that could impact on Scotland would be made only after prior consultation with ACPOS and the proposed new Scottish police services authority.

I support the committee's amendment. Although congressional hearings on ratification have started, the bilateral agreement between the United Kingdom and the US has not been ratified by the US Congress. However, under part 2 of the Extradition Act 2003, the Home Secretary

designated several countries—including the US—in relation to which simple provision of sufficient information would be required. Why on earth the UK Government would set a different standard for those domiciled in this country than is set anywhere else is beyond me. However, this is not an issue of constitutional nicety. Even if there was an independent Scotland, there would presumably be extradition treaties.

Mr Maxwell: Will the member take an intervention on that point?

Jeremy Purvis: I am very sorry; I am in my final minute.

In essence, the concern, which we have heard before, is about cases that the Lord Advocate decides not to prosecute. We have high thresholds, such as the need for corroboration, but the thresholds might not be as high in the country that is seeking to extradite. As my colleague Euan Robson found out earlier when he asked the Lord Advocate a question at question time, the Lord Advocate cannot bind any prosecutor, whether in this country—in England and Wales—or abroad, and prevent them from requesting extradition where there has been a decision in Scotland that there will be no proceedings. The issue is delicate. We want to have proper working procedures, given that there is so much cross-border crime, whether technological crime, terrorism or fraud.

We must be very concerned to ensure that we do not get a prosecution system in Scotland in which there is, effectively, double jeopardy, which is specifically prevented in relation to trials. Although the Executive will make representations to the UK Government, I hope that it will consider the very difficult situation that could arise in its own jurisdiction.

16:47

Mr Kenny MacAskill (Lothians) (SNP): Like the convener of the committee, I welcome the minister's assurances. My colleague Stewart Maxwell made it quite clear that our criticism is not so much of the Executive as it is of the British Government. Blame lies not so much with the beleaguered office of the Home Secretary as with the supine attitude of the Foreign Secretary—if not the Prime Minister—which has allowed this matter to reach the situation that we face today.

It is quite clear that the principal duty of any state is to look after the safety and security of its citizens. That applies to imposing rules and rights for law and order. It applies equally to how citizens are treated when they are abroad or if another nation seeks to treat them unfairly and against the interests of their society. That is clearly something that the UK and Scotland accept; it is narrated on peoples' passports, whether they be maroon or

blue. It is the duty of the state not simply to look after law and order but to protect its citizens from any abuse abroad.

Of course, as a society and as a state, we have to ensure that we do not allow ourselves to harbour refugees who are not fleeing maltreatment elsewhere, but who are trying to escape crimes that they have committed or to perpetrate crime here. That is accepted, and it is why we have extradition treaties and reciprocity. It might surprise Jeremy Purvis to know it, but of course there would be extradition treaties and reciprocity in an independent Scotland. The Scottish legal system has signed up to it, and we view it as part of the ethos and core of our society.

What we disagree with is the supine attitude of the United Kingdom Government. That attitude has not been replicated by the Government of Ireland or the Governments of other countries, because they have sought some reciprocity.

Phil Gallie (South of Scotland) (Con): Will the member take an intervention?

Mr MacAskill: I do not have time.

As Stewart Maxwell and Colin Fox said, we are dealing with an issue that has been driven by the USA's so-called war on terror. We know that, as in Iraq, we face a situation where non-combatants get the flak. Stewart Maxwell pointed out that it is not simply those who are involved in the war on terror, but those who are accused of white-collar crime or any other activity that the United States of America perceives as a crime—it might not be perceived as a crime in our country—who are affected. Citizens of Scotland could be extradited to the United States when we do not believe they have done anything wrong. We would be failing in our duty and our Government would be neglecting the interests of our citizens if we allowed that to happen. The tragedy is that it has happened under Jack Straw, with Tony Blair's connivance. We should not be going along with it: we have a duty to look after the rights of our citizens.

When our citizens commit a crime elsewhere, we have a duty to return them so that they face punishment, but we should not hand over our people simply because the Government of the United States of America thinks something might have happened and it suits its agenda, whether political or military, to have them handed over.

We cannot support the motion, unless it is amended; we support the amendment. We welcome the minister's assurances and are grateful for his efforts. The blame lies with Westminster. If the motion is not amended, it is entirely unacceptable.

16:50

Hugh Henry: David Davidson, on behalf of the Justice 2 Committee, raised specific concerns about the legislative consent motion, which others have echoed. As far as having improved lines of communication is concerned, I accept that problems were caused for the committee. We are keen to ensure that that does not happen in future. There has been a learning process and the new system's administrative arrangements have had to bed in. We will consider how we can avoid problems in future, if possible.

David Davidson and other members raised the issue of representation on committees. Assurances have been given that any concerns in Scotland will be addressed, that ACPOS will be specifically engaged and that the Scottish police services authority will be consulted. There is a requirement for the UK Government to obtain the consent of the Scottish ministers before any strategic priorities for the national policing improvement agency that will impact on Scottish police are set. The Home Office has assured us that there will be Scottish representation on any committees the agency sets up to consider specific work streams where there is a Scottish interest.

Mr Maxwell: ACPOS is concerned that the onus will be on Scottish authorities to watch out for any possible impacts on Scottish policing and to take them up, after which the committee will be set up. Is that the case, or will the NPIA guarantee that it will bring to the attention of Scottish authorities anything that might impact on Scottish policing?

Hugh Henry: Even if there were such a guarantee, I would expect those responsible for policing in Scotland to be vigilant and scrutinise what is going on. I would not want to rely on others to determine what might or might not be a specific issue for Scotland. Although we are assured that matters will be addressed in the way that I outlined, I would expect representatives of Scottish police and our officials to keep a close eye on what is happening.

I will now consider the broader issue, which all members who have spoken have raised, of extradition.

Patrick Harvie (Glasgow) (Green): I appreciate that the minister wants to move on to talk about the amendment to the motion, but I would like him to be a bit clearer about the LCM. Are there aspects of the UK bill that touch on devolved issues that could be dealt with through our own Police, Public Order and Criminal Justice (Scotland) Bill, which would allow the committee that is dealing with it to give them proper consideration?

Hugh Henry: I do not think that Patrick Harvie was here for my opening speech, in which I addressed the specific issues that the LCM covers that it is appropriate for that mechanism to deal with.

I will leave aside the political comments Stewart Maxwell and Kenny MacAskill made, which were more a nod in the direction of the SNP's selection process than anything else. Other than those comments, members made well-constructed points, but the issues that they raised are all to do with the UK Government because they relate to extradition matters, which are not the responsibility of this Parliament.

Specific issues have been raised about double jeopardy. The issue was explained earlier by the Lord Advocate and the situation has been clearly outlined in relation to prosecution. However, when there is no prosecution in this country, the Scottish ministers, the Lord Advocate and anyone else are constrained by the Extradition Act 2003. We are bound to follow the law as set out under the Scotland Act 1998, which stipulates that extradition is a reserved matter. Ministers must comply with the UK's international obligations. That has been recognised by the courts in both Scotland and England. I acknowledge that all members who have spoken in the debate expressed concerns about the process at Westminster, but that is nothing to do with this Parliament, nor is it the responsibility of the Scottish ministers.

Although we would not necessarily express our views in the language or tone set out by the committee in its amendment and would not necessarily agree with how its views are expressed, I nevertheless think that we can accept the committee's request to make representations to the UK Government. The committee has previously asked the Minister for Justice to do that and she has written to the UK Government. I recognise that the committee is now asking for that to be done on behalf of the Parliament and we accept that we can do that. Given that there is such depth of feeling and that there is cross-party consensus on the issue, we are prepared to accept the spirit of the amendment, if not all the specific words. The minister will make representations to the UK Government based on those concerns. Therefore, we will accept the amendment.

On the core issue for which we are responsible, there is much in the motion to commend it to Parliament. All members have made points about their concerns very well. I have no doubt that a record of those comments will make its way to our colleagues in the UK Government. I repeat that the Minister for Justice will make representations

to the UK Government that reflect the tone and content of the debate.

16:59

On resuming—

16:58

Meeting suspended.

Parliamentary Bureau Motions

The Presiding Officer (Mr George Reid): The next item of business is consideration of two Parliamentary Bureau motions. I ask Margaret Curran to move motion S2M-4338, on membership of committees, and motion S2M-4339, on a committee substitute.

Motions moved,

That the Parliament agrees that Richard Lochhead be appointed to the Environment and Rural Development Committee.

That the Parliament agrees that Richard Lochhead be appointed as the Scottish National Party substitute on the European and External Relations Committee.—[*Ms Margaret Curran.*]

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

Motion without Notice

17:00

The Presiding Officer (Mr George Reid): Before decision time, I would like to make a brief statement—it is good news. On Wednesday, a week ahead of schedule, we will be back in the chamber. [*Applause.*] I want to thank all those who, under considerable pressure, stayed focused on the restoration of the roof and the continuation of parliamentary business.

Phase 1 of the restoration is now complete, ensuring the safety of those who will complete phase 2 over the summer recess. Apart from a few hours on the day when the strut swung loose, we have not lost a single minute of parliamentary business.

Before the incident, we had turned the corner. We had moved in and were moving on. We had given this Parliament to the people of Scotland. We had 700,000 visitors in just over a year, a string of international awards and members engaging with the public day and night in our lobbies and committee rooms.

This Parliament is bigger than the building. We must now have the ideas and the vision to move on again. We are not here because of a building. We are here to build a better Scotland. I look forward to seeing you all back where you belong, in the chamber, next Wednesday.

In that spirit, I invite Margaret Curran, on behalf of the Parliamentary Bureau, to move a motion, without notice, that we agree that the Parliament shall return to meeting in the debating chamber of the Parliament at Holyrood from 10 May 2006.

Motion moved,

That the Parliament agrees that the Parliament shall return to meeting in the Debating Chamber of the Parliament at Holyrood from 10 May 2006.—[*Ms Margaret Curran.*]

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

Decision Time

17:01

The Presiding Officer (Mr George Reid): There are 16 questions to be put as a result of today's business. In relation to this morning's debate on the replacement of Trident, if the amendment in the name of Jackie Baillie is agreed to, the amendments in the names of Bruce Crawford, Phil Gallie and Euan Robson will fall. In relation to this morning's debate on a pledge against new nuclear power stations in Scotland, if the amendment in the name of Ross Finnie is agreed to, the amendments in the names of Richard Lochhead and Alex Johnstone will fall.

The first question is, that amendment S2M-3866.4, in the name of Jackie Baillie, which seeks to amend motion S2M-3866, in the name of Chris Ballance, on the replacement of Trident, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)

Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Swinburne, John (Central Scotland) (SSCUP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (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)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)

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

ABSTENTIONS

Butler, Bill (Glasgow Anniesland) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)

The Presiding Officer: The result of the division is: For 44, Against 65, Abstentions 6.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S2M-3866.1, in the name of Bruce Crawford, which seeks to amend motion S2M-3866, in the name of Chris Ballance, on the replacement of Trident, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 MacAskill, Mr Kenny (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)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)

Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Ferguson, Patricia (Glasgow Maryhill) (Lab)

The Presiding Officer: The result of the division is: For 32, Against 82, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S2M-3866.2, in the name of Phil Gallie, which seeks to amend motion S2M-3866, in the name of Chris Ballance, on the replacement of Trident, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Petrie, Dave (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 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)
 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)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 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)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Ferguson, Patricia (Glasgow Maryhill) (Lab)

The Presiding Officer: The result of the division is: For 14, Against 100, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S2M-3866.3, in the name of Euan Robson, which seeks to amend motion S2M-3866, in the name of Chris Ballance, on the replacement of Trident, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)
 Gorrie, Donald (Central Scotland) (LD)
 Lyon, George (Argyll and Bute) (LD)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)

Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 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)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 18, Against 97, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S2M-3866, in the name of Chris Ballance, on the replacement of Trident, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Maclean, Kate (Dundee West) (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)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)

Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

McNeill, Pauline (Glasgow Kelvin) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)

The Presiding Officer: The result of the division is: For 38, Against 73, Abstentions 4.

Motion disagreed to.

The Presiding Officer: The next question is, that amendment S2M-4329.3, in the name of Ross Finnie, which seeks to amend motion S2M-4329, in the name of Shiona Baird, on a pledge against new nuclear power stations in Scotland, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (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)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)

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

AGAINST

Adam, Brian (Aberdeen North) (SNP)
Aitken, Bill (Glasgow) (Con)
Baird, Shiona (North East Scotland) (Green)
Ballance, Chris (South of Scotland) (Green)
Ballard, Mark (Lothians) (Green)
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
Brownlee, Derek (South of Scotland) (Con)
Byrne, Ms Rosemary (South of Scotland) (SSP)
Canavan, Dennis (Falkirk West) (Ind)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Curran, Frances (West of Scotland) (SSP)
Davidson, Mr David (North East Scotland) (Con)
Douglas-Hamilton, Lord James (Lothians) (Con)
Fabiani, Linda (Central Scotland) (SNP)
Fox, Colin (Lothians) (SSP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallie, Phil (South of Scotland) (Con)
Gibson, Rob (Highlands and Islands) (SNP)
Goldie, Miss Annabel (West of Scotland) (Con)
Harper, Robin (Lothians) (Green)
Harvie, Patrick (Glasgow) (Green)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Kane, Rosie (Glasgow) (SSP)
MacAskill, Mr Kenny (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)
McFee, Mr Bruce (West of Scotland) (SNP)
McGrigor, Mr Jamie (Highlands and Islands) (Con)
McLetchie, David (Edinburgh Pentlands) (Con)
Milne, Mrs Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Neil, Alex (Central Scotland) (SNP)
Petrie, Dave (Highlands and Islands) (Con)
Robison, Shona (Dundee East) (SNP)
Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
Scott, Eleanor (Highlands and Islands) (Green)
Scott, John (Ayr) (Con)
Sheridan, Tommy (Glasgow) (SSP)
Stevenson, Stewart (Banff and Buchan) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Tosh, Murray (West of Scotland) (Con)
Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
Watt, Ms Maureen (North East Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 66, Against 49, Abstentions 0.

Amendment agreed to.

The Presiding Officer: Amendment S2M-4329.2, in the name of Richard Lochhead, and amendment S2M-4329.1, in the name of Alex Johnstone, both fall.

Therefore, the next question is, that motion S2M-4329, in the name of Shiona Baird, on a pledge against new nuclear power stations in Scotland, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Richard (North East Scotland) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Canavan, Dennis (Falkirk West) (Ind)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Finnie, Ross (West of Scotland) (LD)
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)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lyon, George (Argyll and Bute) (LD)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
Maclean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
May, Christine (Central Fife) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
Murray, Dr Elaine (Dumfries) (Lab)
Oldfather, Irene (Cunninghame South) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Pringle, Mike (Edinburgh South) (LD)
Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
Radcliffe, Nora (Gordon) (LD)
Robson, Euan (Roxburgh and Berwickshire) (LD)
Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
Scott, Tavish (Shetland) (LD)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Iain (North East Fife) (LD)
Smith, Margaret (Edinburgh West) (LD)
Stephen, Nicol (Aberdeen South) (LD)
Swinburne, John (Central Scotland) (SSCUP)
Wallace, Mr Jim (Orkney) (LD)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Petrie, Dave (Highlands and Islands) (Con)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 66, Against 46, Abstentions 0.

Motion, as amended, agreed to.

Resolved,

That the Parliament appreciates the work of the Committee on Radioactive Waste Management; welcomes the position statement on its draft recommendations published by the committee on 27 April 2006; agrees that the review of options for the long-term management of radioactive waste, currently being undertaken by the committee, is the correct means of engaging Scotland on the crucial issue of finding a long-term management option for higher activity radioactive waste, and notes the Executive's position, as outlined in the Partnership Agreement, that it will not support the further development of nuclear power stations while waste management issues remain unresolved.

The Presiding Officer: The next question is, that motion S2M-4272, in the name of George

Lyon, on the Local Electoral Administration and Registration Services (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Local Electoral Administration and Registration Services (Scotland) Bill.

The Presiding Officer: The next question is, that motion S2M-4222, in the name of Tom McCabe, on a financial resolution in respect of the Local Electoral Administration and Registration Services (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Local Electoral Administration and Registration Services (Scotland) Bill, agrees to—

(a) any increase in expenditure of a kind referred to in paragraph 3(b)(iii) of Rule 9.12 of the Parliament's Standing Orders; and

(b) any charges or payments in relation to which paragraph 4 of that Rule applies, arising in consequence of the Act.

The Presiding Officer: The next question is, that amendment S2M-4317.1, in the name of David Davidson, which seeks to amend motion S2M-4317, in the name of Cathy Jamieson, on the Police and Justice Bill, which is United Kingdom legislation, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is that motion S2M-4317, in the name of Cathy Jamieson, on the Police and Justice Bill, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 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)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Kane, Rosie (Glasgow) (SSP)
 Sheridan, Tommy (Glasgow) (SSP)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 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 Presiding Officer: The result of the division is: For 101, Against 6, Abstentions 7.

Motion, as amended, agreed to.

Resolved,

That the Parliament agrees that the UK Parliament should consider those provisions of the Police and Justice Bill, introduced in the House of Commons on 25 January 2006, which will legislate in devolved areas in respect of the abolition of the Police Information Technology Organisation and the establishment of the National Policing Improvement Agency and the Justice, Community Safety and Custody Inspectorate, and computer misuse, and which will alter the executive competence of the Scottish Ministers on extradition matters, as laid out in LCM(S2) 4.1 but, in doing so, expresses serious concerns over the ambiguity of the status of an extradition request in respect of a person domiciled in Scotland against whom the Lord Advocate has decided not to proceed; notes that the United States of America has not, over a period of some three years, ratified the bilateral extradition treaty with the United Kingdom, and accordingly, in the interest of equality between nations and recognising the distinctive nature of the Scottish legal system and the need to protect the civil liberties and human rights of those living in Scotland, urges the Minister for Justice to make representations to the UK Government based upon these concerns.

The Presiding Officer: The next question is, that motion S2M-4338, in the name of Margaret Curran, on the membership of a committee, be agreed to.

Motion agreed to,

That the Parliament agrees that Richard Lochhead be appointed to the Environment and Rural Development Committee.

The Presiding Officer: The next question is, that motion S2M-4339, in the name of Margaret Curran, on a committee substitute, be agreed to.

Motion agreed to,

That the Parliament agrees that Richard Lochhead be appointed as the Scottish National Party substitute on the European and External Relations Committee.

The Presiding Officer: The final question is, that motion S2M-4351, in the name of Margaret Curran, on Parliament returning to the chamber next Wednesday, be agreed to.

Motion agreed to,

That the Parliament agrees that the Parliament shall return to meeting in the Debating Chamber of the Parliament at Holyrood from 10 May 2006.

The Presiding Officer: Thank you very much. See you there next Wednesday.

Strathaven Academy

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S2M-4103, in the name of Margaret Mitchell, on Strathaven academy. The debate will be concluded without any question being put.

Motion debated,

That the Parliament congratulates Strathaven Academy on its selection to represent central Scotland at the Youth Forum to be held at the Scottish Parliament on 7 and 8 May 2006; recognises the excellent extra-curricular activities currently offered at Strathaven Academy; expresses concern that these activities will be curtailed during the proposed decant of the school to Crosshouse Campus in East Kilbride whilst a new school is built on the existing Strathaven Academy site; expresses further concern at reports of asbestos being present on the Crosshouse Campus; notes that no consultation has been held regarding the possibility of locating Strathaven Academy on a new site, and considers that South Lanarkshire Council should enter into a consultation, which should include the option to consider locating the school on an alternative site which would enable the Scottish Executive's target of two hours of physical education per pupil per week by 2008 to be met.

17:14

Margaret Mitchell (Central Scotland) (Con): I welcome to the Scottish Parliament members of Strathaven academy action group, who are watching the debate on the monitors. I thank members who have taken the trouble to attend the debate. A reasonably high number of members are present, which is indicative of the interest and concern that the motion has generated. I received apologies from a number of MSPs, including James Douglas-Hamilton, Alex Neil and Eleanor Scott and from Carolyn Leckie, who had hoped to speak in the debate. Rosemary Byrne is here for the start of the debate but must leave early.

Strathaven academy action group and the community strongly support South Lanarkshire Council's decision to replace the aging Strathaven academy with a new-build school. However, the current proposal is not the one that the council first mooted and consulted on and the location of the new school was never discussed, which is crucial. Early in 2003, the council stated in its consultative document that it proposed to refurbish and part rebuild the school on the existing site and issued a questionnaire on the proposal to pupils' parents, associate primary schools, church representatives and other stakeholders.

However, in February 2005 the council decided that Strathaven academy should be completely rebuilt on the existing site and appointed InspirED as the preferred bidder for the project. No opportunity was given to pupils' parents and the community to consider an alternative site or to

consult on the new proposal. Instead, in March 2005 the council merely held a road show at which parents could comment on plans for the new Strathaven academy, which were made available in the local library. In response to questions, some information was given about the transport arrangements that would be needed because the pupils would have to be decanted to the Ballerup high school site at the Crosshouse campus in East Kilbride. Although the council had no statutory duty formally to consult on the decision to undertake a completely new build of the school, because construction would take place on the existing site, it was high-handed and arrogant of the council not to give parents and others the opportunity properly to consider the merits of the decision.

In August 2005 a planning application for the new Strathaven academy was approved by the council's planning committee, which ignored the fact that the action group had identified an alternative site for the new school. The action group regarded the alternative site as a better option in terms of cost, design and accommodation for staff and pupils. Moreover, sports facilities could be created at the site that would ensure that the Executive's target of two hours of physical education per pupil per week could be met, which the proposal that was approved in August 2005 would not do. Had the alternative site been approved, there would be no need to decant the children, who could continue their education at the existing site until the new school was built and ready for occupation.

As a result of the council's refusal to consider the alternative site and halt the decision to press ahead with plans to build on the existing site, which were approved before the statutory process of consultation on decant arrangements had been properly carried out, the council is in breach of the Education (Publication and Consultation Etc) (Scotland) Regulations 1981 (SI 1981/1558), which say that parents and other key stakeholders must be consulted about decant arrangements and that consultation

"shall take the form of a notification being issued by an education authority to every parent being a notification in which the authority shall include a statement outlining the proposal"

or part of the proposal. The regulations go on to say that the authority should

"state an address to which representations ... may be submitted to the authority within ... a period of not less than 28 days from the date upon which the notification is ... deemed to have been received by a parent".

From the letter of 27 March 2006 to me from South Lanarkshire Council's chief executive, it is clear that no such consultation took place. I doubt whether the Executive realised that when it

approved the council's application and I invite the minister to comment on that and to say what can now be done to ensure that the council revisits its decision to approve the new build on the existing site.

That is no mere technical detail. The disruption that the decant will cause to the education of pupils at the academy and to the excellent after-school activities that are in place, as outlined in the motion, together with the legitimate concerns about transport arrangements and the state of Crosshouse campus, on which asbestos has been found, are germane and crucial to the standard of education that the authority can provide to pupils in Strathaven.

I ask the minister to take the opportunity to direct South Lanarkshire Council to think again and to go back to the drawing board to ensure that proper consideration is taken of the proposal to build Strathaven academy on an alternative site.

17:21

Linda Fabiani (Central Scotland) (SNP): I apologise to you, Presiding Officer, and to Margaret Mitchell for unavoidably having to leave early. It is good that Margaret Mitchell has secured the debate. She ably outlined her views on the problems that have occurred and on how South Lanarkshire Council has behaved.

I will speak just as someone who lives in Strathaven and who has tried to facilitate discussions between the council and Strathaven academy action group, which has proved hard. That is unfortunate. The council has been intransigent on the matter and I have received disingenuous letters from it. For example, back in March, the council said that the action group had never submitted its plans but, at that point, the action group was looking for a meeting at which it could ask for its plans to be considered. Such an approach does no one any good and creates the perception that local democracy has been bypassed. In relation to this case and others, I would like South Lanarkshire Council to be more amenable to discussing matters with people who are most directly affected.

I know that Strathaven academy action group's plan has now been submitted to the council. I say honestly, as I have to the group, that I do not know whether that is a really good option or a brilliant plan or whether it has been properly costed. I do not pretend to have the technical expertise that would allow me to make such judgments. However, the important point is that surely a local authority should not be dictatorial in how it deals with local people. The council should sit down to consider that plan and perhaps others, because a solution that would suit everyone might be out

there. I would like that discussion to take place; it is not too late for that.

I am not a parent and I do not have children at Strathaven academy, but I live in Strathaven and I am constantly approached by people who have grave concerns, which I share, about the two-year decant. Not least of the concerns is the bussing for two years of the academy's entire roll into and back from the Ballerup high school site in East Kilbride every day. That will involve using a horrible road—the A726 is not a good road. I do not want to be a scaremonger, but parents have huge concerns about their children going back and forth along that road every day. I have asked parliamentary questions about the road, which have shown that there is some confusion. One answer says that the route is a trunk road and another says that it is a local road. However, both answers show that no safety audit has been undertaken and that the Executive knows of no safety audit that is to be undertaken on that stretch of the A726. I ask the minister to take that on board and to ask his colleagues with relevant responsibility to ensure that the safety audit happens, because that road is notorious to those of us who live in the area.

Timing is another issue. Strathaven academy educates not only children who live in Strathaven town centre, but children who live in Avondale and the outlying areas. Those areas really are outlying. At the moment, youngsters from places such as Drumclog and further out, on the farms, are getting picked up before 8 o'clock in the morning to get to Strathaven academy in time for 9 o'clock. When they have to add on the extra time for the decanting into East Kilbride, what on earth time are we expecting children to get up in the morning in order to attend school?

Extra-curricular activities may well be missed. I noted in the local paper that South Lanarkshire Council has said that it will take steps to ensure that extra-curricular activities are not affected. With the best will in the world, I cannot see how the plan will not have some effect on extra-curricular activities.

I am aware of the time, so I will close shortly and allow others to speak, but another part of Margaret Mitchell's motion mentions that pupils from Strathaven academy have been selected to represent central Scotland at the Parliament on Sunday and Monday. Margaret gave them her congratulations, as do I. Strathaven academy is a marvellous school, and all of us who live in that community are very proud of it. It is not often that I say anything terribly nice about Andy Kerr. I know that, as a minister, he cannot speak in this debate, but I also know that he thinks very highly of Strathaven academy, as do all of us who live in the town. We are very proud that the pupils are

coming to Edinburgh this weekend. We do not want any of the good work that Strathaven academy does being eroded by some of the plans that South Lanarkshire Council sadly seems to have and refuses to consider altering.

17:26

John Swinburne (Central Scotland) (SSCUP):

I have been in this place for only three years, but the Strathaven academy action group presented me with the document that I now have with me. It is the most lucid description of the anger of the parents of the children who go to Strathaven academy. Their children will have to travel the road between Strathaven and East Kilbride on a daily basis.

I come from that neck of the woods, and I can assure members that the road is dangerous: there is a cottage on a corner whose wall was repaired every month for many years before a slight alteration was made to the road. Seemingly, that problem has now been solved, but what if there was a snap frost in the winter and 800 children were travelling that road?

If one child was injured or, worse, killed due to the decanting, how could the people who are forcing the situation upon the people of Strathaven live with themselves? The authors of the document finish up by saying—I will be brief, because I have a train connection to try to make:

"We have shown that there are many reasons – educational, environmental and financial – why the South Lanarkshire Council plan should not be allowed to proceed as planned and that an alternative site in the town should be evaluated. We have presented a coherent and economical alternative.

South Lanarkshire Council refuse to even consider any alternative to their own plan. The only conclusion that can be drawn is that South Lanarkshire Council are now operating to a special agenda, one that does not necessarily have the best interests of Avondale at its heart."

That is a terrible statement to have to make. It is all about basic democracy. People are doing what we in the Parliament want them to do: they are putting up a coherent case.

The authors of the document mention Bowling Green Road. There is a little house there, which is featured in a photograph in the document. A friend of mine stayed there for a number of years. Two vehicles could not pass each other there, yet it is to be the main access to the school that is going to be built. It is incredible that the council can be so obdurate and stubborn and can fail to listen to people. All the people want is what this place is so famous for: consultation. They should be granted a consultation and another look at the matter. Please let us not have people going up and down that road between East Kilbride and Strathaven. Possibly, someone would live to regret that.

17:29

Donald Gorrie (Central Scotland) (LD): This is an important issue to debate. It is a typical hot local issue that involves local people who have been working hard for a long time and who have put forward a good case, which seems to have been neglected by the local council.

I agree with what other members have said, but I want to follow up one or two points that John Swinburne made. A proposal to decant from one school building to another is always a sensitive issue for local parents and local communities. The relevant council must therefore go an extra mile in consulting and ensuring that it carries public opinion with it, but it is clear that South Lanarkshire Council has failed to do that in the case that we are discussing.

One will never keep everyone happy all the time, but if there is a strong force of opinion, an alternative practical plan and concerns about the council's plan, there must be much more consultation. I strongly urge South Lanarkshire Council to be seen to be consulting people properly and to be taking account of what they say, and hope that the minister will put pressure on it to do so.

We must try to improve our arrangements for local democracy. The local council is the main vehicle for local democracy and local councils have great legitimacy—they have as much legitimacy in their own way as the Scottish Parliament—as a result of being elected to look after people's interests. However, councils can cover large areas and can sometimes, like other groups of people, get things wrong. A mechanism is needed for focusing strong local opinions.

Whether community councils can be given more real power to put cases to elected councils and to fight their corner with more strength or another approach can be taken is a matter for discussion, but we must work out a way of having really local democracy. We do not want groups that will be taken over by a few nimbys or a few people who have a bee in their bonnet. If we can better represent what are clearly strong local opinions and have a vehicle through which such opinions can be legitimately put to councils, a great step forward will have occurred.

Power tends to gravitate to the centre, whether to Europe, to London, to Edinburgh or to councils at the local level, but we must try to spread power out and give local communities a real say. I hope that the debate will help the Executive to think that idea out more fully and that the minister will put pressure on South Lanarkshire Council to consult people properly so that there is a solution with which most people can go along.

17:32

Robin Harper (Lothians) (Green): I thank Margaret Mitchell for lodging the motion. The design and building of our schools and consultation are extremely important subjects. I am not a local member for the area in question, so I will make general comments rather than comment on the particularities of the situation in Strathaven.

It must be a concern for the Executive—it is certainly a concern for me—that there has been a flawed consultation exercise. Seven years after the Parliament was established, consultation exercises should be of the highest quality. I would go as far as to say that people should look at what has been going on at Acharacle in the Highlands. The primary school children who are going to move into the new school that is being built there have been consulted and have submitted their own ideas on the design of the school. Such a process would be appropriate for secondary schools and in Strathaven in particular.

My second point is about design and the advice that is available to community groups, parents and others on new public and private buildings in Scotland. I would like the Executive to be proactive. Groups should be made aware of the good advice that exists on the procurement and design of schools and general advice on the design of buildings. We should ensure that parents of school pupils know that such advice is available. I think that page 35 of planning advice note 67, which I recommend as reading to everybody, has advanced thinking beyond what is in the regulations. Often, people do not know that the documents that the Executive has carefully prepared exist—indeed, one sometimes thinks that councils do not know that they exist, judging by how they go about procuring and proceeding with public-private partnership projects.

There are some very good PPP projects, where people have clearly read the advice and are moving forward with good, high-quality constructions. In other areas, it is clear that people on the council have not read or have deliberately ignored the advice that is available to them, and have engaged companies to construct buildings that will hold people back. Two, three, four, five, six or seven generations of children and teachers will live and work in substandard accommodation. There is no necessity for that in this day and age.

I recommend that the Executive review its relations with the 32 local councils and do everything possible to impress on them that they should adopt the highest standards of procurement, building and consultation whenever they engage in the building of new schools.

17:36

The Deputy Minister for Education and Young People (Robert Brown): Like other members, I congratulate Margaret Mitchell on securing this debate on the subject of Strathaven academy. I also congratulate Margaret, Linda Fabiani and others who have spoken on the modest and reasoned way in which they put their argument.

I know well that Strathaven academy is a popular school that is highly regarded by local parents. My colleague Andy Kerr, who is sitting beside me and is the local member, has three children who either are or will be at the school. Obviously, he takes a personal interest in what is taking place there. I add my congratulations to the sixth-year pupils from Strathaven on being selected to take part in the "Our voice in Europe" forum that will be held in the Parliament in a few days' time, which is mentioned in Margaret Mitchell's motion. I appreciate that that has not been the centrepiece of today's debate, but it is important to refer to it, as it underlines the value that the school offers to the local community and the way in which it has been able to contribute.

I am well aware that the main focus of Margaret Mitchell's motion is South Lanarkshire Council's school rebuilding and refurbishment programme and its proposed temporary location of the pupils and staff of Strathaven academy elsewhere, while the existing building is replaced by a new building on the same site. Like other members, especially Linda Fabiani, I am not in a position to comment centrally on the suitability or otherwise of the action group's proposed site. Ultimately, that is a matter for engagement between the council and local people. However, I would like to comment in more general terms on the background to the replacement of the school, in order to put the issue in context.

The replacement has come about because we are in the middle of a huge programme to improve Scotland's school buildings through a combination of public-private partnership projects and work carried out through other procurement routes. South Lanarkshire Council's PPP project is the largest in the current round of projects and will see 17 new-build secondary schools and two refurbishments when the project is completed in 2009. I have some local knowledge of the issue, because I live in South Lanarkshire and have seen part of the project in the Rutherglen area.

South Lanarkshire Council is also carrying out a major programme of work on its primary schools, outwith the PPP project, which will see 69 new-build schools and the refurbishing of the rest. That illustrates the variety of funding options that are available to local authorities for the improvement of school estates; the scale of the legacy of poor

school buildings that was left by previous Governments; and the extent of the resources that have been made available by the Scottish Executive.

Whether schools are procured under PPP or under other arrangements, it is for local authorities to identify their priorities, to specify what their requirements are and to take account of the wider public interests that there may be in any development proposal involving a school. A number of members have made the point that consultation and engagement with local people are very much part of that process. Scotland's young people are our future and will benefit hugely from the extent of school renewal across Scotland and the substantial investment that we have made in teachers, both through the McCrone settlement and through increased teacher numbers.

We cannot have such a level of engagement in building work without sometimes having temporary effects at a local level. I know that local authorities and others who are involved in building and refurbishing schools will and should be mindful of the need to keep disruption to a minimum. I stress the major point that has been made in today's debate, which concerns the importance of engagement and consultation. I have no doubt that the council will take note of the points that have been made both by the action group and in the debate by members.

Wherever possible, councils try to put new buildings on another part of the school site or on another site. From my experience, I know that that approach is not always universally welcomed and that it depends on the suitability and availability of other sites. That is what will happen with most of South Lanarkshire's new builds, but the council says that there are limitations that mean that the school at Strathaven will have to be vacated and demolished before the new school can be built on the site. That is a decision for the council and not something that I as a minister should comment on. I take the view that as a matter of principle, local decisions are for local elected representatives to make. I am told that the decision on the matter was supported by all parties on the council, including by the then—now late—Conservative councillor in the area. We cannot know centrally all the local circumstances that inform local decisions of that kind.

I appreciate from some of the comments made today that there is some dispute about whether the decision was made correctly in this case, but if such a decision is made correctly, the council needs to make local parents aware of the ins and outs of the detailed arrangements for transport and buses—something like 40 buses will be involved in this case—and to engage with them and reassure them about any concerns.

I have listened carefully to all the concerns that have been expressed today and I understand that people are worried about the impact of the decant to East Kilbride. As was mentioned, the Strathaven academy action group recently made a submission to the council setting out those concerns and outlining its view that other sites in Strathaven might be suitable for the new school that would avoid the need for decant. That is a matter for the council to address.

Finding new sites for schools, or for other types of public services, gives rise to all sorts of considerations, not least about how, at what cost, and over what timescale land might be acquired, and any planning permission issues. In Strathaven's case, there might be links with other parts of the PPP project with which the council is concerned.

Margaret Mitchell: If the minister is not able to address today what I believe was a breach of the consultation process in relation to the decant, will he undertake to do so at a future date? Will he outline what can be done to rectify the situation if it is proved that a breach took place?

Robert Brown: Although I was coming to that point later in my speech, I will deal with it immediately. My advice from officials is that under the Education (Publication and Consultation Etc) (Scotland) Regulations 1981, formal consultation is required on the discontinuance of a school and the change of site of a school. Authorities do not normally regard a decant as being a discontinuance or change of site under the 1981 regulations. There might be different views, but that is the advice that I have on the matter. We consider a decant to be a temporary relocation rather than a permanent one because the site of the school remains unchanged. However, if Margaret Mitchell has other views, I will be happy to hear further from her.

The council has said that it will look at the final submission, although it also said that the PPP procurement is well advanced and all the necessary planning is in place for the decant.

We cannot comment on the detail because we do not have the local knowledge, but we hope that an outcome will be reached that reflects the local circumstances, the various pressures on the council and the wider interests that the council should take into account in the light of its responsibilities for the delivery of education across the whole area. Among those is its accountability to local people. The council's responsibilities include responsibility for the health and safety of pupils and staff—I am aware of the alleged asbestos in the building—and transport. I expect that the council will take those responsibilities seriously and do all that it can to sustain provision of the extra-curricular activities that are so important in the life of our schools.

Ultimately, it is the job of local authorities to devise the best plans for their areas and to manage the implementation of those plans effectively. As Donald Gorrie rightly said, they are accountable to their electorates for that, as we are in our sphere.

Temporary dislocations of this kind are always difficult. They have occurred in a number of council areas for similar reasons and can be worrying for parents. It might be of some comfort that the children usually seem to be less concerned, and indeed regard it as a bit of an adventure. However, I accept that it will be a long decant from Strathaven and that the council will want to ponder certain concerns and continue to discuss them with local people.

The central concern in this matter is about consultation. I am grateful to people for putting their views in a modest fashion. I hope that the council listens to the debate, responds if possible to the views that have been put and tries to give what satisfaction it can to the parents involved.

I will finish by returning to the main theme, although I realise that that will be no comfort for those who have to deal with the immediate day-to-day issues. Our huge investment in education, particularly in the school infrastructure, will make a huge difference to and lead to a step change in the life chances of children throughout Scotland, not least those in Strathaven. These children are our future—and, indeed, Scotland's future—and deserve to have these matters taken seriously. I am grateful to Margaret Mitchell for securing what has been an excellent debate.

Meeting closed at 17:45.

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