

MEETING OF THE PARLIAMENT

Thursday 1 March 2007

Session 2

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Scottish Parliament

Thursday 1 March 2007

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

Illegal Moneylenders

The Presiding Officer (Mr George Reid): Good morning. The first item of business is a debate on motion S2M-5669, in the name of Des McNulty, on dealing with illegal moneylenders.

09:15

The Deputy Minister for Communities (Des McNulty): We are here this morning to discuss the problem of loan sharks. By “loan sharks” I mean those who break the law by lending money, often at extortionate interest rates, when they have no licence to do so. The law on the matter is reserved to the Westminster Parliament, because it concerns consumer credit and financial institutions, but enforcement of the law in Scotland depends on a close partnership between the Department of Trade and Industry and the devolved Administration. At the local level, it depends on close collaboration between trading standards officers, the police and the Procurator Fiscal Service.

It is in the nature of loan sharks—or illegal moneylenders—to operate secretly. They communicate their services by word of mouth and lure unwary borrowers into the trap of apparently easy credit. Victims might feel that they have nowhere else to turn because their credit history does not allow them to obtain credit from more legitimate and affordable sources. However, the outcomes of turning to a loan shark are exorbitant interest rates, demands that all too often are accompanied by threats, and a trap of growing debt from which there is often no prospect of escape. The illegal nature of the transaction means that the normal controls and safeguards are not available. Because of the secretive nature of the offence and the collusion of victims, illegal moneylending is hard to detect and the law is even harder to enforce. That is why we ask the Parliament to join us in unreservedly condemning the activities of illegal moneylenders.

We fully recognise the social problems that are faced by those who turn to illegal moneylenders. Unmanageable debt is a big problem in Scotland. In 2005-06, citizens advice bureaux in Scotland dealt with 61,587 inquiries about consumer debt—11,000 more than in 2004-05. The total recorded new client debt in 2005-06 was £212 million, which was an increase of £54 million on 2004-05.

By taking some simple steps, most people avoid allowing debt to escalate to a point at which it becomes unmanageable. The Scottish Executive has supported the development of financial education and money advice to help ordinary people to live within a limited budget. People in Scotland today have unprecedented opportunities to receive education and to find work that is appropriate to their abilities, which enables them to improve their incomes. Our economy is more buoyant than it was in the past, and we have benefited for some years from the minimum wage and from the tax credits and child care disregards that help our poorer citizens who are in work to make their income go further.

Regardless of their income, the vast majority of people obtain credit, whether it is to buy a house, a car, other goods, a holiday or whatever. Financial institutions—which are very profitable, as we saw yesterday and have seen today—offer an enormous number of consumer credit products, and many of us have mortgages, car loans, hire purchase agreements and other forms of credit. Consumer credit is at an all-time high, but most people manage to pay their debts most of the time.

Today, however, we are focusing not on those who follow legitimate routes to credit but on the plight of those who cannot, or feel that they cannot, access those routes. Women who are on welfare benefits are the most likely to fall into the hands of loan sharks. Borrowing an average sum of £250 can be the start of untold misery for such vulnerable people and their families.

We are determined to work in partnership with the United Kingdom Government to tackle illegal moneylending through enforcement and prosecution and by developing new approaches, such as the successful illegal moneylending pilots. Before talking about the pilots, however, I highlight the existing efforts by the police, the Procurator Fiscal Service and trading standards officers to enforce the law. Section 39 of the Consumer Credit Act 1974 penalises unlicensed lenders. In 2005-06, 23 reports of violations were made to the procurator fiscal, which resulted in 15 prosecutions. To date, there have been 12 trials and eight convictions. Five cases have been reported so far in 2006-07, of which three are being prosecuted and two remain under consideration.

However, new steps were needed. To provide a more intensive approach, the DTI funded two pilot enforcement projects that were run by specialist trading standards teams, one of which was based in Birmingham and covered the west midlands and the other was based in Glasgow and covered the whole of Scotland. It is to the credit of those two hard-working teams that the public profile of illegal

moneylending has been raised. The teams are dependent on police capacity at all stages of their operations. The work that is required to remove even a single loan shark is resource intensive and it is possible only with the investment of significant police resources and manpower. In Scotland, the success of the approach has been demonstrated in Aberdeen, where there has been successful joint working with the police. The evaluation of the project, which was commissioned jointly by the DTI and the Scottish Executive, states that the approach should be used more widely.

The two teams found that victims' willingness to identify illegal moneylenders did not always translate into a willingness to provide evidence to support a prosecution. In Scotland, only one victim in five was willing to provide a statement and few were willing to take the matter further and go to court. That is a regrettable situation, and we should try to change it.

Illegal moneylending operations in Scotland tend to be on a smaller scale than those in other parts of the UK and they tend to be embedded in local communities. That reinforces the difficulties with persuading witnesses to come forward, because they know that they will probably be identified and that they risk being targeted. So far, the criminal justice authorities in Scotland have successfully prosecuted two cases that came out of the pilot, with another six pending. In the Birmingham operation, there was greater success with prosecuting cases and securing convictions. I am confident that the Lord Advocate and my colleagues the justice ministers will consider the findings carefully with a view to putting more pressure on illegal moneylenders.

Any changes to the law of evidence in relation to reserved offences are a matter for Westminster, but I am sure that members of the Scottish Parliament will wish to comment and give their views on what would work most effectively.

Illegal moneylenders are the most unacceptable face of today's society. They exploit poor and vulnerable people who have little or no choice in how they live their lives. Their control over their victims rests on a climate of fear that protects their revenue flow and acts against the possibility of their being reporting and convicted. They use fear and knowledge to control their victims. Sadly, there are still too many victims in Scotland.

Illegal moneylenders have perhaps been able to operate with a degree of impunity, but we intend to change that. Victims have had no recourse and little confidence in the authorities. Many of them are frightened and do not know who to trust. Illegal moneylending makes a huge hole in victims' finances, exacerbates crime and antisocial behaviour, and deepens financial exclusion. We must tackle this blight on our society.

It is clear that the removal of lenders has a positive impact on victims' finances, on their quality of life and on the health of the communities in which illegal moneylending is a problem. In the pilot projects, an estimated 1,800 victims benefited from the removal of unscrupulous moneylenders, and borrowers saved, potentially, £3.3 million. Although the removal of the moneylenders is a good thing, their victims might fear that they will return or operate in other ways.

Stewart Stevenson (Banff and Buchan) (SNP): I join the minister in unreservedly condemning the actions of illegal moneylenders. How successful have we been, under the Proceeds of Crime Act 2002 or otherwise, in recovering moneys that such people make from their illegal trade?

Des McNulty: I can give the member some figures in relation to the activities of the Glasgow illegal moneylending team. To date, 500 people have benefited from the prosecution of loan sharks in Scotland and loan books that were worth about £250,000 have been shut down. Counterfeit goods to the value of £5,000 have been recovered and assets valued at £500 have been reported for consideration for forfeiture under the Proceeds of Crime Act 2002.

The problem is that victims might have no other method of borrowing, so they can fall prey to these people again. The ability to strip illegal lenders of assets amassed through illegal lending is probably the most important deterrent. It certainly sits alongside the prospect of penal sentences. An early indication from the two projects taken together is that at least £2 million has been recovered.

Illegal moneylenders prey on the most financially and socially excluded groups in society. Their interest charges are not transparent, so victims usually end up paying back much more than they borrowed—multiples of 10 times more than they borrowed. That leaches more money out of already poor families and communities. Illegal moneylenders usually operate using an implied threat of violence against those who do not pay. That leads to other forms of destructive behaviour in areas where they operate, such as theft and prostitution, as people turn to desperate means to ensure they can pay back the moneylender.

We fully intend to crack down on illegal moneylenders, but that is only half the problem. Most people who borrow from illegal moneylenders do not have any other options, or at least they do not think that they have. If a moneylender is taken out of a community, the chances are that another illegal lender could just step into their shoes.

It is therefore important that, as well as enforcement action being taken against moneylenders, serious attempts are made to work with victims or potential victims to ensure that they are aware of alternative sources of credit, of which credit unions are a good example. Victims of illegal moneylenders often misunderstand their situation, and think that, because they are borrowing informally or do not have a contract, they are getting a better deal than they might do if they went to a legal lender. There is therefore a need for better financial education in communities that are targeted by illegal moneylenders, as well as a need to ensure that they are more financially included.

The Executive is striving to provide solutions for all victims, with the assistance of credit unions and money advice services, and through Citizens Advice Scotland, local authority trading standards departments and organisations that are in a position to help those with unmanageable debt.

Not all victims of illegal moneylenders present themselves to credit unions or advice services to ask for assistance, and, in some cases, credit unions might not be in a position to provide the instant access loans that people might need. Credit unions survive on their members' savings and they are required to operate under legal regulations. Although there are approximately 126 credit unions in Scotland, many are small and based in the community, and when they lend money they are lending their members' money.

Victims and potential victims of illegal moneylenders might be in their position because they have a poor credit history and are high risk. In planning for the development of services for victims within credit unions, it is important to be realistic about the different types of victim. In many cases, victims require greater and more proactive support with a greater degree of tolerance than for most current credit union borrowers. Some of those who are using illegal moneylenders are currently so high risk that they simply cannot be served on any kind of legitimate commercial basis, whether by credit unions or other lenders.

Nonetheless, the Executive can find ways of supporting credit unions to assist those who are in need. Credit unions are still an effective and safe way to borrow and save money. All that they ask is that new members save with them for a set period of time to prove their ability to repay, and that inculcates good habits. I am sure that many members will want to talk about the credit unions in their areas during the debate. I would certainly like to mention Dalmuir Credit Union in my area. Over the long period of time since its establishment, it has done a terrific job in providing helpful and inclusive support for people who are in a variety of financial circumstances to help them manage their resources.

We want to make money advice free and available to everyone. The Scottish Executive is committed to funding Money Advice Scotland: a further £2 million was allocated in 2005, in addition to the £3 million that was allocated in April 2002. In total, the Scottish Executive has supported the money advice sector through local authorities to the tune of £5 million.

Money Advice Scotland is an important part of our strategy to combat financial exclusion. We are committed to supporting an increase in the quantity and quality of money advice in Scotland to clients with debt problems.

Whatever approach we take to combat illegal lending more generally, we must consider the creation of support that is based in the local community. The victims who were reached through the pilots were adamant that intelligence and confidence need to be created at local community level. They believed that longer-term efforts to combat illegal lending and to create alternative forms of credit were more likely to be successful if they were developed within and by local communities. That takes us back to credit unions being one of the key ways forward.

If we form the next Administration—

Christine Grahame (South of Scotland) (SNP): Now there is an admission.

Des McNulty: I hope that the SNP will support us in opposition. We will invite our partners, such as Citizens Advice Scotland, Money Advice Scotland and local authorities, to consider how to go further with local community development, so that vulnerable people are not thrown back on illegal lenders.

For our part, we will continue our efforts to begin financial education as early as possible in schools and in settings such as the workplace and the community. We welcome the support of financial institutions such as Lloyds TSB, which are concerned about the unbanked and those who do not access traditional forms of credit. Our aim has to be to reduce to the minimum the number of people who feel that no option is available to them to raise immediate cash. Prevention is a much better option to protect people from loan sharks, and we will do everything possible to reduce the demand. However, I am quite clear: we will also take the appropriate enforcement steps to deal with those people who prey on the poorest and most vulnerable people in our communities.

I move,

That the Parliament condemns the activities of illegal money lenders who prey on and exploit vulnerable individuals and communities; welcomes the Scottish Executive's determination to work in partnership with the UK Government to tackle illegal lending through enforcement and by developing new approaches, such as

the successful illegal money lending task force pilots, and supports the Executive's activity to help affected individuals by increasing affordable credit from credit unions, by improving the availability of money advice, through citizens' advice, local authority trading standards departments and other organisations which provide invaluable help to those with unmanageable debt, and by extending financial education in schools and in other settings such as the workplace and the community.

09:31

Mr Kenny MacAskill (Lothians) (SNP): In moving the amendment in my name, I say that we do not disagree with anything that the minister said. Clearly, the Executive is flagging up an issue that has been a considerable problem in Scotland for far too long. I will return to many of the points that the minister made.

However, Scotland has additional problems that we have to recognise. First, there is a distinctive debt problem that is worse in Scotland than elsewhere in the UK, and we have to take that on board and address it. Secondly, I am reminded of the Donald Rumsfeld phrase about known unknowns and unknown unknowns, because as well as illegal moneylending we have legal moneylending, which, even if it is not illegal, is predatory—the phrase that the minister used—and immoral. We have to address that point. We cannot simply deal with the spivs and wide boys who are operating illegally as loan sharks in our schemes; we have to address the legitimate companies that are a bigger problem in our society. We need to tackle consumer credit legislation and the threats that were brought in—wrongly, we believe—under the Bankruptcy and Diligence etc (Scotland) Act 2007.

The minister is quite correct when he says that loan sharking, as it is often described, is not some form of social service—it never has been. Those of us who have read Jimmy Boyle's biography know that it is not some benign act of kindness with a higher rate of interest than is available from a high street bank. It is related to organised crime and is tied in with criminal gangs and drugs. Even in Mr Boyle's day, moneylending was related to violence, intimidation, slashings and broken arms and legs. It was unacceptable then and it is equally unacceptable now. It is a social evil that we must tackle.

As the minister has pointed out, the police and the Crown Office and Procurator Fiscal Service need to have the laws and resources to address the problem. We must stamp out those who prey on individuals who, for whatever reason, find themselves going to moneylenders. Whether someone has lost their wage packet or giro, or whether they have spent or squandered it, as happens in some cases, we have to protect

people from hardship and, sometimes, we have to protect them from their own foolhardiness.

We are not just talking about legal enforcement, as the minister correctly pointed out. Credit unions are one way of addressing the problem, especially in areas of poverty and multiple debt where high street banks—despite their huge profits, such as those that have been announced recently—are no longer prepared to provide a service when there are bigger pickings to be made elsewhere, including through predatory lending. Where they are not prepared to service areas, credit unions are required.

In members' business debates, the minister rightly has contrasted the situation with the one in the Republic of Ireland, where the credit union system is historically far better developed. There are good reasons for that. We need to drive our system further and faster.

Money advice must be made available. There must be attitudinal change in Scotland. We have dined out on the reputation of the thrifty Scots, and sometimes we have resented the implication that we have short arms and deep pockets. However, Scotland prided itself on being a nation in which there was not simply probity but some element of thrift. Now we find ourselves in a significant situation: we are more in debt than people south of the border. As I will go on to say, some of the reasons for that are understandable, but we must warn people against getting into debt. We also have to legislate sometimes to protect people from themselves. Some might say that that is the nanny state, but sometimes we require a nanny state to protect people from their own stupidity. It is a matter of balance. Given the levels of debt and the need to stop people being taken to the cleaners by either illegal or legal loan sharks, action needs to be taken.

In the SNP amendment, we state that the problem in Scotland is worse than elsewhere in the UK. The most recent statistics are clear—the average Scot's unsecured borrowing now amounts to £7,848, which is 31 per cent more than the UK average. That is unsecured borrowing rather than being mortgaged to the hilt.

When I embarked on my career as a young solicitor, we were told that if someone wanted to borrow money to buy property they could have two and a half times their wages. Now, people are borrowing four or five times their wages. They are also borrowing to get the initial deposit. Given the level of secured and unsecured borrowing in our society and what might happen to interest rates, a considerable problem could come back to haunt us. That is why we require to address debt.

Part of the solution is attitudinal change. We live in a world in which many more consumer and

material goods are available and people aspire to own property, have cars and go on foreign holidays. Sometimes, debt arises from necessity when a property is the only property that a person can afford and they have to borrow extensively against it. On other occasions, debt is caused by simply trying to keep up with the Joneses. Whatever the reason, we need to take action.

The problem comes back to the fact that although illegal moneylenders and loan sharks need to be stamped out, predatory lending is also a significant problem in Scotland. Many predatory lenders are front companies, sometimes making vast profits for the major high street banks. They operate by postcode targeting, and target areas in which they know people are desperate for a variety of goods. One of the common tactics is to work with car dealers and offer people a variety of vehicles for £999 and instant funding. They say, "You can have this vehicle. Take which one you want and we will lend you £999." Of course, they do not point out that the interest rate is not 80 per cent or 90 per cent but sometimes 100 per cent or 140 per cent. Predatory lenders know that it is not 5 per cent or 10 per cent of debt that will go bad and be called in but upwards of 40 per cent. They then repossess the car and take whatever action is necessary.

We need to take action against predatory lenders who deliberately target postcode areas, whether in Edinburgh or Glasgow and whether they work with car dealers or other high street retailers. Such lenders target vulnerable people, often in the run-up to Christmas. We saw the problems that befell people involved with Farepak. Even when people are involved with legitimate companies, they find themselves unprotected by consumer credit legislation when things go wrong. We have a distinctive problem in Scotland that is not being addressed adequately by consumer credit legislation from Westminster and it needs to be tackled. That applies to companies such as Farepak, but more so to the predatory lending of a variety of companies, some of which, sadly, are front companies for major high street retailers.

This Parliament has to address the consequences of debt. We have to deal with the matrimonial problems, the crime problems, suicides and all the health problems that are a result of debt wearing people down. They turn in on themselves, they turn to alcohol or drugs, or they turn on and beat the wife. The problems of debt become magnified. Although we have to address the consequences of debt, we do not have the power to address the causes. This Parliament cannot properly address the needs and requirements of our people until such time as we can address adequately the causes as well as the consequences. Until such time as we can do that, we will be letting our people down.

Last year, this Parliament passed the Bankruptcy and Diligence etc (Scotland) Bill. We fully agreed that a great deal of its provisions were necessary. The law in Scotland was out of date and we needed to move it forward. However, in terms of section 185, we allowed for a land attachment order to be attached to somebody's principal dwelling house. That was the reason why we voted against the bill, notwithstanding the huge array of provisions that we recognised would be beneficial. We knew and we said so in Parliament that land attachment orders would be used by predatory lenders. We knew that those high street companies would say to individuals, "You have a debt of £3,000. If you do not pay it, we will take your house through a land attachment order."

We accept that in many instances such orders may be used as a threat rather than as a reality, but the threat remains. The Jimmy Boyles of this world threatened to slash people's faces or break their legs. Many of the predatory high street companies will seek to take back their money at huge interest rates, such as 80 per cent, 90 per cent or 100 per cent, and they will do so by threatening to take away family homes.

The only way in which to address the problem is to remove the threat of someone's house being taken from them by a land attachment order. That is why this Parliament must commit to repeal that provision of the Bankruptcy and Diligence etc (Scotland) Act 2007. We do not need to use primary legislation; it can be done by ministerial edict. The Scottish National Party has committed to so doing when we are the Administration.

I move amendment S2M-5669.1, to leave out from "welcomes" to end and insert:

"notes the significant debt problem in Scotland, a problem that is more serious than in the rest of the United Kingdom; recognises that a main cause of Scotland's debt crisis is the irresponsible actions of legal money lenders; believes that the causes as well as the consequences of unmanageable debt must be addressed; regrets that current consumer legislation at Westminster is inadequate in protecting vulnerable groups from predatory lending; calls for the Parliament to have appropriate powers to deal with Scotland's distinct debt problem, and further calls for the removal of dwelling homes from the land attachment method of debt recovery, thereby ending the draconian situation of a person's home being at risk over a small amount of debt."

09:41

Margaret Mitchell (Central Scotland) (Con): I very much welcome this important debate, which focuses on what has become a huge problem throughout the UK—namely, consumer debt and the activities of illegal moneylenders or loan sharks, who prey on some of the most vulnerable in society and cause immense misery.

The full extent of the problem associated with personal debt and financial exclusion can be graphically illustrated by the following stark statistics. Including mortgage debt, total consumer debt in the UK is more than £1.2 trillion, an amount that is larger than the UK's annual gross domestic product. Britain's personal debt increases by approximately £1 million every four minutes. To put that in context, the average UK consumer owes over 200 per cent more than the average western European.

There is little doubt that the easy access to credit offered by major credit card companies contributes to the level of personal debt. Such offers are invariably unsolicited and irresponsible. As a result, there are 31.6 million credit card holders in the UK today, with every person having an average of 2.4 cards, which in turn means that there are more credit cards than people. The average interest rate on credit card lending is currently 15.72 per cent—a staggering 11 per cent, approximately, above the base rate.

As more people attempt to manage existing debt by accessing new credit, it is not difficult to see how their debt spirals out of control. Hence, insolvencies are up by 55 per cent in the current quarter, in comparison with the same period in 2005, and they are estimated to top 100,000 for the entire year. Furthermore, the average age of a bankrupt has fallen from 43 to 41 in the past four years and the proportion of young bankrupts, aged between 18 and 29, has more than doubled.

Given those sobering statistics and the fact that, according to a recent Financial Services Authority survey, 62 per cent of young people admitted that if they had money problems or debt they would not be able to name any advice or support service to which they could turn, it is clear that here is fertile ground for loan sharks.

Illegal moneylenders operate without a credit licence. According to recent research commissioned by the DTI, their victims fall into two main categories. The first category contains the credit impaired and represents about a third of the victims—people who have chaotic lifestyles associated with drug or alcohol abuse, who might work occasionally, but who have systematically slipped down the credit ladder.

The second category is that of the credit excluded, which contains about two thirds of the victims. These are people who are unable to access mainstream credit for a number of reasons. They are usually on benefits and are among the most vulnerable people in society.

The DTI has responded to the problem positively and effectively by setting up an illegal lending enforcement pilot project, which has been allocated £2.6 million over two and a half years,

with a further £1.2 million secured from the financial inclusion fund. The project funds regional teams, including one in Glasgow, to investigate the impact of enforcement against illegal money lenders. The teams have achieved a number of notable successes since the pilot was established in September 2004 and appear to be on target to recoup £2 million, which is roughly equivalent to the original budget for the pilot. The Glasgow team has reported 12 cases to the procurator fiscal and three loan sharks have been sentenced. Five hundred people have benefited as a result of Scottish loan sharks being prosecuted, with savings of almost £250,000 that would otherwise have been demanded from some of the poorest people in Scotland. The team has seized or frozen £500,000 of loan sharks' assets and recovered £5,000-worth of counterfeit goods.

The subsequent DTI evaluation highlights areas of policy for which the Liberal-Labour pact must assume responsibility and in which it must play its part. This is the aspect of illegal lending that my amendment covers. The evaluation emphasises that effective relationships with key partners must be in place and stresses that the police have a pivotal role. It is therefore crucial that adequate police capacity and powers are available to ensure proper enforcement. As the minister said, the removal of loan sharks involves significant police resources and manpower, so there are major resource implications. However, the pact's commitment to ensuring that that resource is in place will always be in doubt as long as it continues to dedicate precious funds to employing community wardens rather than full-time police officers, as wardens do not have sufficient powers to deal with loan sharks or to give the public the confidence to report illegal moneylending without fear of reprisals. It is also essential to ensure that credit unions have sufficient capacity to offer instant loans and to manage high-risk borrowers.

Tackling personal debt and financial exclusion is an issue of social responsibility—we are all in it together. Government must ensure that we have fair and proportionate regulation; that consumer protection is in place; and that financial education and financial inclusion are promoted. If supervised attendance orders were available as a first disposal in the justice of the peace courts, that would go some way towards ensuring that potential victims of loan sharks could access money management services as soon as possible. Individuals must act responsibly and take into consideration the consequences of borrowing and spending. Civic society, charities and non-governmental organisations should be encouraged to devise innovative local solutions that address local issues in a way that centralised services cannot. Crucially, business must provide important financial advice and training that illustrates how

success goes hand in hand with lending responsibly and acting with integrity.

Government, civic society and business must therefore all work in partnership and play their part in tackling personal debt and financial exclusion. My amendment acknowledges that fact whereas, by contrast, the Scottish National Party amendment is divisive.

I move amendment S2M-5669.2, to insert at end:

“recognises that an increase in the number of police walking our streets would encourage and give people more confidence to report the activities of illegal money lenders in local communities, and believes that tackling personal debt and financial exclusion is an issue of social responsibility.”

09:49

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The debate is a worthwhile one. I am indebted to the Rev Graham Blount for all his work on the issue. He is known to all of us, and is the secretary of the cross-party group in the Scottish Parliament on tackling debt, which I co-convene with Jackie Baillie.

Citizens Advice Scotland recently submitted evidence to Westminster's Scottish Affairs Committee, which stated:

“A longstanding concern has been that those on the lowest incomes pay the most for credit. This means that when borrowing is unavoidable—for example when a major household appliance breaks down—the costs to those least able to pay is actually the greatest. For example: ... a 70 year old retired woman with a loan running an APR of 246% or ... a female client with mental health problems with a loan running at an APR of 177%; and ... a lone parent owing £500 to one lender, who negotiated reduced payments of £20 per month. After interest and charges only 15 pence was going towards the debt.”

Members have given similar examples.

I am sorry that Margaret Mitchell did not elaborate further on the notion in her amendment about police on the streets. I do not dismiss her amendment but, as Jeremy Purvis said to me, it is not as if moneylenders have stalls on the streets. The form of police work that is involved is much more intensive than simply having policemen on the beat. However, the issue is worth discussing.

Bill Aitken (Glasgow) (Con): Is Mr Stone aware that much of the collection, intimidation and threatening behaviour that illegal moneylenders carry out is done on the streets and street corners? Does he agree that the presence of police would act as a deterrent to that?

Mr Stone: I take that point, but my point is that those activities are not overt, but covert. The police work that is involved has to be much more

detailed and clever than simply putting policemen on the street.

In a letter published in *The Herald* on 16 February, Kallian Lyle, the chief executive of Citizens Advice Scotland, said:

“We applaud the progress made by the Scottish Illegal Moneylending Unit in combating exploitation in Scotland's poorest communities ... But cracking down on loan sharks still begs an awkward question - how else do people on low incomes access credit? No-one deliberately goes to a loan shark from choice. They go because it's their only option. With no collateral or guarantors, the legitimate lenders usually aren't interested in them.

What the poor need is more access to affordable credit - not for profligate lifestyles but to allow them just some measure of the financial breathing space the rest of us enjoy. Liberalising the rules for the government's Social Fund and continuing the expansion of the credit-union sector would help.”

Des McNulty referred to credit unions. I regret very much that, despite my attempts before I became a member of the Scottish Parliament to establish a credit union in the south of my constituency in Invergordon, the project failed. At that time, when I was a councillor, I became convinced about the excellent work that credit unions do. However, as has been said, the caveat is that when people need instant access to credit for a sum of money to get them out of a hole, the process is not as swift as it could be.

The main thrust of what I want to say is about the clearing banks, which Margaret Mitchell touched on. We must examine why people end up going to loan sharks. Mention has been made of the multiple credit cards that people have. We all get mailshots offering new credit cards. If anyone is an aficionado of Sue Townsend's fictitious character Adrian Mole, they will know that one of her most recent books contains an accurate description of how people get caught in the multiple credit card and multiple borrowing trap. I recommend that book to colleagues, as it has the finest description of that process that I have read and illustrates perfectly what happens to some of the poorest people in our society.

If we compare today's standard clearing banks in Scotland, Ireland or wherever with those that existed when I was a young man, we find that things have changed and that the benevolent bank manager who kept an eye on his clients is a thing of the past. That is in no way a shot at the people who work behind counters in our banks, who are doing their best, but the issue is that they have targets that they have been told to get to grips with. When an ordinary customer tries to access credit from a bank, friendly advice is often not available across the counter in the way in which it used to be. Our banks must rise to that challenge. The failure to give advice to some of the poorest people and the failure to give them credit and then

to manage it lead those people straight into the grip of loan sharks.

Christine Grahame: From the member's comments, it seems that he supports the statement in the SNP amendment about the burden that legal moneylending puts on people. Is that the case?

Mr Stone: I am attracted to the SNP amendment, but the trouble is that I do not support separation, as I have said elsewhere. The motion and both amendments have merits, and it is useful that this debate is taking place and that members are expressing such views. I sincerely hope that the banks will sit up and take notice of what has been said in the debate.

I also hope that members will consider the availability of credit and how our clearing banks are behaving. A huge amount could be done to tackle the source of the problem if those institutions had slightly more socially aware policies. My God, it would not take much from the huge profits that have been announced in recent days to sort out the problem.

09:55

Trish Godman (West Renfrewshire) (Lab): Some time ago—in 2002, I think—I was fortunate enough to secure a members' business debate on loan sharks. The *Daily Record* was running a campaign to expose the squalid activities of loan sharks in poor communities throughout Scotland and I was pleased to support that campaign, as others were. I am pleased that I am taking part in today's debate, in which we can get an overview of the progress that has been made since then.

We all have a duty to ensure that everyone has access to the social security housing benefits to which they are entitled. Welfare rights officers, citizens advice bureaux and independent advice centres play a vital role in the process, and action against illegal moneylenders is vital. The full weight of the law must be brought to bear on loan sharks. From what the minister said, it is clear that we are beginning to address the cycle of disadvantage and poverty and to promote financial and social inclusion.

I am sure that members agree that there should be a cap on excessive interest rates. Irresponsible lending by companies that have no intention of seeing debts paid off but want to keep people in debt for ever and a day must be eliminated.

We must rid ourselves of the disgraceful notion that the poor will always be with us. Our aim should be to change an environment of debt and poverty into an environment of civil rights and empowerment.

Credit unions, such as the excellent credit union in Port Glasgow in my constituency, form one of the strongest defences against illegal moneylending. They have a positive history of service in disadvantaged communities. I was pleased that the minister explained "Unlocking the Potential—An Action Plan for the Credit Union Movement in Scotland", which aims to help grow that movement and ensure that financial services are available to everyone. A partnership with local authorities, Scottish banks, voluntary organisations and Communities Scotland can only be good news.

In Renfrewshire, a pilot scheme links money advice with the pathways to work programme—that, too, can only be good. There are also money advice pilots for people with mental health problems, people with learning difficulties, young people, lone parents and ethnic minorities, all of whom have been identified as facing barriers to accessing mainstream money advice. We should consider one-stop shops in which local people in need can obtain local government, voluntary organisation, Scottish Parliament and Westminster Parliament services.

Often, education is the solution that we apply to deeply rooted social problems. That is the right thing to do—certain practical programmes ought to be woven into the curriculum to help young people understand money, debt, benefits and credit issues and how to handle resources.

Where do bankers, small businesspeople, trade unions and voluntary and community organisations that are not directly involved with money advice stand on debt and loan sharks? The minister is going some way towards creating structures that will allow those people and organisations to engage constructively in the process and ensure that we eliminate the cancer of crippling personal debt. Unfortunately, Scotland does not have the experience of Canada or Australia, where credit unions are significant financial institutions. Work-based and community-based credit unions have an important role to play in an annual summit in Australia that calls together all the financial institutions, moneylending companies, banks and credit unions. The minister should consider that experience.

It has been said that there is an obvious link between loan sharks and drug dealers in many constituencies. Indeed, a loan shark is often also a drug dealer. I would like more action to be taken against their supplying drugs and their arrangements to extort even more money from the communities that they assault.

The fundamental issue in this debate is the Executive's determination to tackle poverty and assist people to get out of the grip of debt. A holistic approach to the problem that involves

assisting people back to work, such as appropriate child care facilities that enable women to return to work, and investing in education, housing and health is necessary. We must find ways to let people who are in the grip of illegal moneylenders, who are terrified of their debts and who do not know what to do or where to go know that help is available and that something can be done. We must create a climate in which victims can come forward without fear of reprisals and be confident that prosecutions will be undertaken and convictions obtained.

We have come some way since the debate in 2002, but there is still a long way to go. I still fear that people's unopened bills will sit behind clocks and that when they think that they can do nothing else, they will walk down the street, go up a close and knock on a loan shark's door. However, I am encouraged by what the minister said. Illegal moneylenders are a cancer in our communities. We have started to address the problem, but there is still some way to go.

10:01

Ms Sandra White (Glasgow) (SNP): The minister said that the debate is about loan sharks—illegal moneylenders who do not have a licence to lend money. However, does he believe that it is okay for so-called legal moneylenders—credit companies and banks—to charge extortionate interest rates for credit, mortgages and so on? Surely, by his own admission, those moneylenders must also be considered.

Many forms of loan shark have been mentioned. In that context, I want to talk about my personal, first-hand experience from when I worked in various areas in Glasgow and Paisley. I want members to know how moneylenders operate. When I worked in the east end of Glasgow, there was a shop—which I will not name—that kept family allowance books in a drawer. Therefore, families or mothers had to use that shop. The prices were extortionate, but it was the only shop that they could use. That was one form of moneylending. Obviously, there were terrible consequences for the families that were involved and for the community at large.

In Paisley, long queues of moneylenders would wait outside post offices to take money or benefits from people collecting their money or benefits. The police were eventually called.

Those are two examples from my first-hand experience of illegal moneylenders or loan sharks, but such things still happen today. Money is taken from people not only on street corners, but in front of shops and post offices, and families are left destitute. They have no money left for clothes, food or anything else. I welcome the figures that

the minister gave in reply to the question that Stewart Stevenson asked, but such things still happen, and it is a terrible indictment of today's society that we must put up with such moneylending.

Credit unions, citizens advice bureaux, Money Advice Scotland and other organisations have been mentioned. I agree that those organisations do an invaluable job and I welcome the loan-shark hunters—I think that that is what they are called—because we need to protect people from illegal moneylending, which can have terrible consequences for them.

I turn to the Scottish National Party's amendment. Kenny MacAskill was right about the effects of the Bankruptcy and Diligence etc (Scotland) Act 2007. People's houses can be taken off them as a result of debts of as little as £3,000. Sometimes the debt will not even be of their own making. I will give an example. Hundreds of people are being taken to court for debts of between £3,000 and £7,000 relating to bills for repairs to their houses. I am sure that the minister knows what I am going to say next. Those people did not ask for the repairs to be done, they did not want them to be done and they could not afford them. However, the Glasgow Housing Association, which the Labour Government set up, is taking them to court.

The GHA is a predatory company. It insists that people pay for things within a year and says that, as it is a charitable institution, it cannot afford to extend payment periods. Even Communities Scotland has said that that is not the case. Will the minister, in summing up or in an intervention, confirm to people who are suffering under the GHA that that is not the case? The GHA is taking people to court to pay back money within a year, which may lead to bankruptcies. People could lose their homes under legislation that the Labour Government passed.

The minister cited Lloyds Bank as an example of a good creditor. However, the funny thing is that that is the very bank that the GHA advises people to go to for the £5,000, £6,000 or £7,000 loan that they need to pay back the GHA because it has refused to extend payment periods. I am not one for conspiracy theories, but I certainly want the minister to clarify that point.

We must deal not only with illegal but with legal moneylenders. By that, I mean not just banks and credit companies but what I would call the Executive's own illegal moneylenders, such as the Glasgow Housing Association, which is putting people into debt.

Members: Oh, come on!

Ms White: Members can intervene if they wish.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): If we take the member's argument to its logical conclusion, is the SNP saying that it would make tenants pay for repairs to owner-occupiers' houses? Does she expect tenants to sit with water pouring through their roofs because owner-occupiers will not pay their way?

Ms White: Owner-occupiers are quite happy to pay for repairs to their homes, but they simply cannot afford to pay £7,000 within a year. I want the minister to clarify that point. The member talks about repairs, but I know of one case in Cardonald in Glasgow in which apex roofs were going to be put on houses. When a survey was carried out, it became clear that if those so-called repairs were carried out, the roofs would fall in. That is the kind of workmanship that I am talking about. The whole project has been disbanded, and those flat-roofed houses will remain flat-roofed. The member should get her facts right.

The Labour Government needs to do something about this problem. Mr McNulty might well shake his head, but he should go along to some of the meetings that I have attended with 250 people who desperately want to pay but who cannot do so within a year. They are being made bankrupt because of the Government's policy and ideology, and I want the minister to clarify the whole issue.

10:06

Patrick Harvie (Glasgow) (Green): I welcome the opportunity to debate this issue. However, I struggled to find any information about issues such as credit unions and the debt arrangement scheme on the Scottish Executive's website. Indeed, after 10 minutes of searching, I found only one reference to illegal moneylending, so it might be useful if more information were to be made available not just to members, but to the public.

In his opening speech, Des McNulty defined loan sharks as people who lure unwary borrowers into easy credit. He mentioned exorbitant interest rates and appalling practices involving harassment and violence, and highlighted the consequences of unmanageable debt. He also talked about how £250 might be borrowed to pay off an unexpected debt. That led me to recall Scott Barrie's members' business debate last night, which touched on Scottish Power's back-charging of prepayment meters. The £250 that is borrowed to pay off that kind of debt can easily spark off a spiral of debt that can go out of control; in some cases, that £250 might become a four or even five-figure debt within a short space of time.

I am very happy to answer Des McNulty's call and join in his condemnation of illegal moneylenders. I welcome the Executive's support of credit unions and its work on financial

education, money advice and mechanisms to help people to manage their debt better. Indeed, I am sure that there is a broad welcome across the chamber for many of those measures. Moreover, I am keen to hear more about the task force pilots, which no doubt have a role to play.

However, I want to highlight two further issues, the first of which is the unhealthy trend towards the general social acceptability of substantial amounts of debt through the enormous mortgages that some have taken on, through credit cards, or through loans from illegal or legal moneylenders.

The SNP amendment touches on the second issue that I want to raise, which relates to legal moneylending. Although we should certainly join in condemning illegal moneylenders, we should recognise that they are only one part of the problem. Irresponsible legal moneylending is at least as much of a problem. For example, all the criticisms that Des McNulty made of illegal moneylending could equally be levelled at the so-called subprime lending sector.

Provident Financial is perhaps the best-known UK example of a company that provides such credit. Its pitch of providing immediate, no-questions-asked cash on the doorstep is specifically targeted at low-income households, and very often leads to repayments that are nothing short of extortionate. One single mother who borrowed £200 was required to pay back £300 over 30 weeks. When she got into trouble with the payments, the same agent immediately offered her a second loan of £500 to settle the debt and cover some additional expenses. The interest on that loan, which was to be paid over 54 weeks, amounted to £310. Again, difficulties arose, and a loan of £1,000 was offered, which was to be paid back over 54 weeks at interest rates equating to about 170 per cent. The debt spiralled and spiralled until, at the end of the year, it had reached more than £7,000, an amount that the woman had no realistic prospect of repaying.

The subprime lending sector and its huge profits are in no way subject to the same kind of criminal penalties and sanctions that Des McNulty outlined and which we would all support for the illegal sector. Indeed, far from it. The UK Government has simply not addressed the problem of legal providers and predators—and I reinforce the point that, in this instance, I am talking not about the Glasgow Housing Association, but about subprime credit providers, who are free under legislation to continue to do very nicely, thanks very much, out of people's poverty.

In that context, I commend to members the New Economics Foundation's publication, "Profiting from Poverty: Why debt is big business in Britain", which recommends a cap on the interest rates that can be charged on such loans. That measure,

which echoes Trish Godman's proposal, is already in place in several European countries and should be considered.

At the moment, shared legal actions against companies are not permitted in this country. However, there is a wide range of reasons why we should be open to the idea of class actions and of enabling borrowers to make joint complaints against companies such as subprime lenders.

Finally, it does not make sense that while the rest of the financial services sector pays for its own regulation, the public sector pays for the regulation of credit. In effect, that amounts to state subsidy of the credit industry.

Members have mentioned many other proposals with regard to credit unions and have highlighted a range of other measures on which communities and the public sector can work together to address the problems. However, I am forced to agree with much of the tone of the SNP's amendment, which does not, as Jamie Stone seemed to imply, hang on the idea of independence. Those who support or oppose independence can have that disagreement, but no matter whether we believe in devolution or federalism, we need to resolve the current split in which we have responsibility for debt issues but not for credit issues. Even if members want devolution to continue instead of choosing another option that some of us support, we should at least re-examine the area.

10:14

Christine May (Central Fife) (Lab): Members have made some very good speeches on an issue that we are all concerned about, even if we have slightly different views on how to solve it.

Unlike Patrick Harvie, I managed to find information on the subject quite easily on the internet. In the UK, the total value of advances made by illegal moneylenders has been estimated at £40 million per annum, whereas repayments to those lenders are of the order of £120 million per annum. I am sure that, like me, many members watched "Dragons' Den" last night. If so, they would have seen the dragons decline to invest on the ground that they would not get a decent return on their investment from what was on offer. The dragons would kill for a return like that. I use the word "kill" deliberately, given that that is what many illegal moneylenders do to their clients—if not in actuality, then virtually.

We can only guess at the effect of borrowing from illegal moneylenders. In my efforts to find out the scale of the problem in my constituency, I discovered the difficulty of doing so. The activities are performed illegally and under cover, in back closes and wherever else. They are about terrifying people and taking control, a lack of clarity

and therefore uncertainty. Illegal moneylenders offer something to people who are in desperate straits and then intimidate them for the repayment of the loan.

During the passage of the Bankruptcy and Diligence etc (Scotland) Bill, we heard evidence from the citizens advice bureaux and Money Advice Scotland, and from money advisers in my constituency. We heard horror stories about the tactics that are employed by legal money lenders—the banks, the Provi and other such lenders, as members have described in the debate. The witnesses talked about people getting calls on their mobile phones at 3, 4 and 5 o'clock in the morning. They also spoke of the intimidation of families in which the debtor was in hospital for an operation—the lender would call family members and say, "We don't believe you. Get him to the phone now or we are coming round."

I heard evidence that illegal moneylenders' enforcement tactics can include furniture being tossed over balconies and set on fire—even, on one instance, an individual being tossed over a balcony. I heard of broken limbs and people driven almost to suicide. Debtors' children can be threatened on the way home from school and, even with all the security measures that are in place, benefit books are still being taken and kept. Whether or not we control the credit end and can deal only with enforcement, we must be concerned about that. Indeed, the minister said that he was working with Westminster colleagues to deal with some of those issues.

The Executive has sought to put solutions in place. For example, there are the changes to the way in which debt is dealt with, particularly for the no-income-no-asset group, with the passing of the Bankruptcy and Diligence etc (Scotland) Act 2007. There are also the improvements to the debt arrangement scheme, with the freezing of debt at the point at which the DAS is made, access to advice and help, and representation in court by money advisers. I am aware that some colleagues have difficulty with the land attachment element of the act. However, the minister not only gave guarantees on the way in which the provision would be used, but made a commitment to review implementation, including a promise to come back to the chamber.

Jackie Baillie and I did a considerable amount of work, together with the minister, on credit unions. I congratulate Johann Lamont on her work as Deputy Minister for Communities in that regard. Johann Lamont, who is a fellow member of the Scottish Co-operative Party, introduced expanded powers for credit unions in order that they could more easily offer loans to members, including loans with a shorter savings time. Credit unions now have the ability to expand their activities in

areas of deprivation. For example, after 18 months, my credit union—the Glenrothes and Levenmouth Credit Union—has some 2,000 members and the number is still growing every week.

Much has been done. I agree with Trish Godman and Patrick Harvie that a cap on interest rates would go a considerable way to preventing people from falling into the hands of illegal moneylenders. However, such a cap would not help everybody; those who find themselves needing to go to illegal moneylenders often tend to be the sort of individuals to whom we would not lend money, easily or readily, because of their inability to repay. It is essential that we deal with poverty and its causes, and deprivation in terms of jobs and educational attainment. That is the wider policy framework within which the Executive and the Government at Westminster are working. That is what we need to support.

From the briefings that I have received and from reading the DTI report, I note the evidence from the pilots that suggests that a time lag will emerge between getting rid of the illegal moneylenders and introducing alternatives. In the minister's summing up, I ask her to discuss some of the areas in which the Executive hopes to shorten that gap. Any gap in the availability of credit is likely to let in the next criminal.

I have pleasure in supporting the Executive motion. I hope that all members will support it at decision time.

10:20

Colin Fox (Lothians) (SSP): I wonder whether the minister is familiar with the lines that Woody Guthrie sang:

"Some will rob you with a six-gun
And some with a fountain pen."

In the motion that is before the Parliament, the Executive is right to condemn the activities of illegal moneylenders; I am sure that that is agreed across the board. However, I also have some concerns about the practices of quite a few of the legal moneylenders; other members have hinted that they have such concerns. I am a bit surprised that no member has yet made a stronger connection between the illegal moneylending that the debate is centred around and the exorbitant profits and profit taking that the two biggest banks in this country have announced over the past two days. The minister mentioned that, but he underplayed it.

Mr Stone: I mentioned it.

Colin Fox: Mr Stone also mentioned it, but he underplayed it, too. I will tell members why.

Today, the Royal Bank of Scotland declared

profits of £9.7 billion and, yesterday, HBOS—the Halifax and Bank of Scotland—declared profits of £5.7 billion. In each case, profits were up about 15 per cent on the past year. Whichever minister replies on behalf of the Executive ought to reassure the Parliament that ministers will address the issue and protect customers from such profiteering. Members have spoken about the loan sharks' rates of interest, and it is right that we should do so, as those rates are both disgraceful and outrageous. However, the rates of interest that the banks charge on the high street are also outrageous. Credit card repayment rates can be in excess of 30 per cent. All the banks operate exorbitant rates and declare outrageous profits, based on exploitation of their customers.

It concerns me—if that is not an understatement—that HBOS has announced a profit of £5.7 billion only a few weeks after the Parliament debated, and raised concerns about, the role that HBOS played in the Farepak scandal. Part of the money that HBOS had in its vaults—clearly, the money was part of the profit that the bank has just declared—was £40 million of Farepak customers' money.

The focus of today's debate is on those whom the minister at the DTI described, rightly, as the scum who are illegal moneylenders. As other members have said, that term is far too benign—the term "loan shark" is a better way of describing those who have a viciousness to their trade and who bring terrible suffering to vulnerable people. However, although we are debating illegal moneylending, we should not absolve the many legal moneylenders whose reputation is often only marginally better.

It is right that members should talk with some colour about the moneylenders who prey on and exploit the vulnerable in our communities. Vulnerable individuals are intimidated by thuggery and threats of violence, and forced to settle debts that they cannot afford to settle. They are forced to enter into illegal, vicious transactions that often involve drug dealing and sexual exploitation. It is right that we consider the debate in that context.

The link between illegal moneylending and poverty is highlighted in a report that I was given by the PFRF—I am not sure what the letters stand for—which shows that, in the poorest areas of Britain, 50 per cent of the population admitted to using legal home credit lenders over the past five years and 6 per cent admitted to using illegal moneylenders. People who cannot get credit from the high street banks, or even through home credit lenders, are the ones who turn in desperation to the loan sharks.

Users of illegal lenders are often women on benefits who face an immediate crisis because they have no money to pay a gas bill or buy new

shoes for the kids. Users of illegal lenders might have what the PFRC report colourfully describes as “chaotic lifestyles”. They might have drug and alcohol or mental health problems. They are excluded from almost all other avenues of access to loans, so loan sharks step into the vacuum. Kenny MacAskill had a point when he said that Scotland has a graver problem with illegal moneylending than do most other parts of the UK, as the report says.

The prosecution of loan sharks is only half the battle, as is rightly suggested in the motion. My impression is that the criminal justice system has not given sufficiently high priority to tackling illegal moneylending in communities. The police have not taken seriously enough the need to detect illegal moneylending activities. Margaret Mitchell mentioned the figures on prosecutions, which are pretty small given the size and nature of the problem. I welcome plans to enforce the law properly—if they are serious—so that illegal loan sharks are removed from communities, and I take comfort from the work of the Glasgow illegal moneylending team and the task force that has been set up under the auspices of the DTI. It is right to pursue the prosecution of loan sharks.

Members were right to acknowledge the valuable service of citizens advice bureaux in providing help and financial information and inspiration to people, to help them to overcome serious debt problems. However, although there is improved access to money advice, it is important to note that CABx are closing throughout the country.

Prosecution and information provision are only half the battle. We must also provide an alternative source of funds, so that people do not have to go to illegal moneylenders in the first place. I am a big supporter of credit unions, which do a brilliant job and should be developed. However, a credit union is not the first place to which a person is likely to turn in a crisis. Social lending should be expanded. There should be targeted social fund lending, community care grants and other such measures.

Is the minister aware of the Accent Group’s pilot community investment scheme in East Lancashire? Accent is underwriting credit union loans so that borrowers can receive money immediately, rather than wait 12 weeks for a loan in line with credit union rules. Accent’s interest rate is 1 per cent per month and the scheme is funded through social provision. I understand that the pilot in East Lancashire has been a considerable success and I hope that the minister will say whether there are plans to introduce such a scheme in Scotland, where it is needed.

Trish Godman was right when she said that we need a holistic approach. We will not solve

people’s difficulties with loan sharks simply by treating the issue as a credit problem and setting up repayment programmes. The problem is far more severe and complex and a holistic approach is required in which people are provided not just with another source of credit but with another life entirely. We need to address the underlying reasons why people get into trouble with loan sharks, which means that we must provide universal health care, tackle poverty and drug problems and give meaningful assistance to people who are socially marginalised and, all too often, excluded from aspects of life that we take for granted.

10:29

Helen Eadie (Dunfermline East) (Lab): I join the minister in condemning illegal moneylenders unreservedly. He was right to say that there are many threads in the strategy to tackle the issue. The Parliament should give clear, focused support to the measures that he outlined.

Like the minister, I congratulate Her Majesty’s Government on its major effort to address a serious problem for individuals and society by establishing pilot projects in which regional teams, funded by the DTI, tackle the challenge of illegal moneylending. I declare an interest, as a Co-operative Party and Labour Party member of the Parliament.

Credit unions play a vital role in Scotland and I pay tribute to everyone who has struggled for their development in the UK—the struggle has not been easy. In particular, I applaud the work of credit unions in Dunfermline East, in Benarty, Cowdenbeath and Rosyth. I take issue with Colin Fox’s comment about credit unions: people in my constituency are learning that credit unions can give them a sympathetic hearing and practical help. In America, Canada and elsewhere, credit unions are a major business—the White House has its own credit union.

Education and debt advice are key elements of a strategy to tackle illegal moneylending. I agree whole-heartedly with everything that Trish Godman said and particularly with her point about the need for one-stop shops. It should be an urgent priority for the Scottish Executive to establish such facilities in Scotland’s most deprived areas.

Credit unions alone cannot tackle the problem, so a key issue for policy makers is how we determine the most effective form of alternative social lending. It has been suggested that, if we are to combat illegal lending and provide affordable credit on the most disadvantaged estates, the best candidates for alternative supply are, on one hand, the social fund, and, on the

other, credit unions and community development fund institutions. A targeted expansion of the social fund—in partnership with a major effort by the Scottish Executive to give even more support than it has already given—might provide an effective alternative to illegal lending.

Relatively small loans with initially affordable repayments can escalate and become unmanageable, ultra-high-cost debts. Individual cases illustrate the financial cost of borrowing from an illegal lender. In a typical case in Scotland, Mrs A borrowed an average amount—£300—and was told that she would have to repay £680, in instalments of £20 per week. When she missed some repayments, the lender added £300 to her debt. From her witness statement, it appears that after paying at least £780—more than two and a half times the original loan amount—the lender told her that she still owed £220. In the event, the lender was arrested and she did not have to pay the additional amount. The total cost of the credit was £700, at a staggering APR of 1,669 per cent.

During the debate we heard about highly coercive lenders—the loan sharks of popular imagination—who exploit their victims and are often violent, as Christine May said, and whose lending operations are frequently aligned with criminal activity. We know most about that category of lenders, which suggests that their operations represent the most prevalent model of illegal lending. Although there is considerable variation in the scale of lending and in involvement in criminal activity, such lenders share a common aim: they want a regular flow of income from borrowers over as long a period as possible. They do not want loans to be repaid; they want to carry on getting £30 to £40 per week from borrowers.

Studies have shown that illegal lending is linked with drug dealing and other criminal activity. Trading standards officers report that many lenders have a criminal lifestyle and are involved in activities ranging from fraud and burglary to prostitution. Illegal lending can be a means of recycling the proceeds of criminal activity and facilitating other such activity, for example when people who are in payment difficulties are recruited into drug dealing, shoplifting and even prostitution. The extreme end of illegal lending reportedly involves organised crime or even paramilitary organisations.

We have to consider the impact of illegal lenders on the communities in which they operate. Payments to illegal lenders can hollow out already stretched budgets to the point at which essentials are forgone. The escalation of debt and of weekly payments by means of penalty charges and roll-over loans can put a severe strain on borrowers' finances, especially if the borrower has several loans that have been rolled into one or has been

making payments to the lender for a considerable time. It appears that what starts as a seemingly manageable regular payment can soon escalate beyond a borrower's means. The household becomes unable to afford to pay for essentials such as food, bills or the rent because payments to the lender take priority over other spending. Moreover, it is not uncommon for both partners in a household to be repaying loans to an illegal lender. Such payments can represent a significant proportion of their household income.

I will have no hesitation in supporting today's motion from the Scottish Executive. I applaud everyone's efforts to tackle what has to be the most crucial issue that we all have to deal with in our constituencies.

10:36

Bill Aitken (Glasgow) (Con): Despite there being two amendments to the Executive's motion, the debate so far has been largely consensual. The Conservatives acknowledge the efforts that the Department of Trade and Industry has made in addressing the problem of illegal moneylending—a problem that pervades certain sections of our society and afflicts the most vulnerable and at-risk people. For many credit-impaired and credit-excluded people, the problem continues a spiral deeper and deeper into debt. We welcome what has been done to date, but we know that more remains to be done.

We have a responsibility to rectify the curse of illegal moneylending. For example, we must intervene earlier when people are in financial difficulty, rather than wait until they are forced into borrowing money illegally from the loan sharks who prey on the most vulnerable people. To be frank, what we are talking about is gangsterism at its most unrefined and crude. Violence is often threatened, as Kenny MacAskill said, and it seems that even today tallymen such as there were in the 1960s are still abroad and operating in the streets of our cities, without remorse and, in many cases, without being detected and prosecuted. That is the primary issue that must be tackled expeditiously and vigorously.

We have to eradicate the culture of loan sharks, which, as I say, threatens a very vulnerable section of society. That culture is flourishing on Britain's increasing amount of personal debt—which, as Margaret Mitchell said, increases by a staggering £1 million every four minutes. The culture is also flourishing on the staggering increase in financial insolvencies, which are widely expected to top 100,000 across the UK in 2007. There is also a culture of crime that is flourishing on the lack of financial education that has produced a citizenry in which approximately 15 per cent of 18 to 24-year-olds think that an ISA—an

individual savings account—is an accessory to an iPod, and in which another 10 per cent think that it is an energy drink. There may be a certain amount of black humour in that, but it is unacceptable.

Pilot programmes have been effective in establishing relationships with law enforcement officers in order to crack down on loan sharks, but the pilots are failing to establish effective partnerships with money advisory groups and credit unions, which do such a good job in assisting people who are in debt. It is of the utmost importance that we work with those sectors to ensure that the victims of illegal moneylending are able to work towards solvency and are not forced back into resorting to illegal methods. We must encourage those sectors, which too often are overburdened, so that they are able to offer constructive solutions to individuals' problems.

Businesses have to take a much more active role in providing unbiased and premium advice and training on personal finance. I have listened with interest to much of what has been said today; for example, from his perspective, Colin Fox was quite right to point out the massive sums that the banks have made, although it appears that the vast majority of those profits have been raised not from personal borrowers but from wider aspects of 21st century banking. Nonetheless, we have to consider interest rates and the free availability of credit, although if we do that, we will interfere with other aspects of the economic equation and there will be consequences. That argument is, perhaps, for another day.

Christine Grahame: I am interested to know how we can interfere with interest rates when we do not have the powers to do so in this Parliament. Is Mr Aitken suggesting that we should have those powers?

Bill Aitken: No—that is not what I am suggesting. I was careful in what I said so that no one would think that I was suggesting that. I was simply pointing out arguments that have been advanced and suggesting that there would be consequences to our interfering with interest rates and with the availability of credit. From perspectives such as Colin Fox's, a case can be argued for such interference, but the political and economic consequences might be unacceptable. Members must bear that firmly in mind. As I said, that is an argument for another day and, obviously, for another place. We will see what transpires.

Colin Fox: Perhaps Bill Aitken will unravel the great 21st century mystery of how the banks make their money. They lend at one rate and borrow at another. Is not that what banking is? Is not that why their profits are so huge? They have borrowed at one rate and loaned at another—their profit is the money in between. If there is a greater mystery, perhaps Bill will unfold it for us?

Bill Aitken: That was a rather simplistic argument. On the basis of the equation that Colin Fox advances, the money that the banks make has not been made, to any great extent, from personal borrowers, but from commercial borrowers, which does not really come under the terms of today's debate.

We have to consider education: we have to look to schools to give youngsters better advice on financial borrowing and on every other aspect of their financial affairs. We could do a lot better in that respect.

As I have suggested, the people who engage in illegal moneylending are despicable. A number of members have highlighted how such people use violence, how they use the drug industry to advance the financial aspects of their criminal activity and how people are coerced and threatened and have their families threatened in order to ensure repayments. We must combat that. As Margaret Mitchell correctly said, not enough is being done on policing and enforcement. We will have to look into that.

I said earlier that there is consensus in the chamber—the Conservatives will not oppose the Executive's motion—but I hope that, in the future, more constructive and more determined methods will be adopted to combat this growing evil.

10:43

Mr Kenneth Macintosh (Eastwood) (Lab): I am pleased to speak in this morning's debate—not only to praise the Executive for taking action to deal with illegal moneylenders but, more particularly, to highlight the support that we are giving to positive alternatives to loan sharks and financial exclusion.

I am proud of our commitment to, and the positive impact of, our money advice network, our local authority financial and welfare advisers, our citizens advice bureaux and, most important, our credit unions. Scotland has a long and much-admired tradition of innovation in establishing organisations to deal with the problems of credit and debt, and of providing support to the more financially vulnerable people in our communities.

I recently took advantage of an offer—made, I think, to all MSPs—to meet the staff and management at one of my local branches of Lloyds TSB, in Barrhead. I had an especially encouraging and enlightening discussion with regional manager Alistair McManus, who reminded me of the bank's history and origins. As I am sure many members know, the TSB was established early in the 19th century by a minister in Dumfriesshire to help the poorest parishioners there to save for times of difficulty. It is clear to me that that admirable ethos—the collectivist

impulse—has stayed with many of the staff at the TSB and, I imagine, with many of their customers.

However, it is unfortunately also the case that, despite that good will, too many people are denied access to high street banks, sources of reliable credit and the advantages—if not the everyday necessity—of having a bank account, and suffer from the problems of such financial exclusion. I do not know how many members share my slightly ambivalent feelings about our banks. I am fiercely proud of the way our Scottish banks have performed on the world stage—they have shown themselves to be incredibly successful and competitive businesses and are hugely important to the Scottish economy—but at the same time I worry about the customers whom we may have left behind and the communities that we may have deserted. It is not illegal moneylenders alone who have stepped into that breach, but the semi-legal cheque-cashing operations that operate from shops on many main streets, and organisations such as the Provident, which Patrick Harvie mentioned, that charge up to 100 per cent APR and take advantage of our most vulnerable citizens.

That is why I am pleased that the credit union movement has in recent years been able to expand so much to serve people who are financially excluded. It is particularly noteworthy that, during the recent collapse of Farepak, the credit unions in East Renfrewshire and, I believe, in Bridgeton in Glasgow—in Frank McAveety's constituency—stepped in to help local residents who were in difficulty and to set an example of local people coming together to pool resources and save money in a secure place.

The Executive's support for credit unions has been warmly welcomed and has helped their expansion. In my area, it helped to provide a shop front on a main street store for East Renfrewshire Credit Union. It has also helped the credit union to take on a more diverse group of shareholders from financially excluded people to professional people who use a credit union because of the principles that the credit union upholds—I imagine that many of the MSPs who are present would be included in that number. Services are also being expanded: credit unions are seeking to help difficult-to-reach groups or individuals, such as homeless people, and to provide insurance schemes for funeral services.

Alongside the credit unions are the advisory services that Money Advice Scotland, the local authorities or the citizens advice bureaux provide. I can speak highly of all those services in my area, and they are needed more than ever. There is no doubt that it is increasingly difficult to live in our modern society without access to credit, but it is also the case that higher levels of personal debt

are causing an unbearable burden of misery for many people.

I have one word of caution for the minister on the operation of the Bankruptcy and Diligence etc (Scotland) Act 2007: anecdotal evidence suggests that some unprincipled individuals are taking advantage of the new debt arrangement schemes to run up huge debts with no intention of ever repaying them, but are instead declaring themselves bankrupt. For organisations that operate with a socially responsible ethos, such as the credit unions, that can be a particularly difficult and unfair burden to bear. I hope that the minister will reassure me that her officials are monitoring the situation closely.

I also make an appeal—which, I am sure, will be familiar to the minister—for core funding for organisations such as the citizens advice bureaux. Colin Fox made the same point earlier. I know how much work the East Renfrewshire CAB does for financially excluded people. Debt problems account for a huge proportion of CAB caseload, but the bureaux themselves exist on a less than secure financial footing.

I am pleased that we come from a country that has a long history of innovation in financial organisations and which has a particularly strong record of supporting those who are worst off, financially excluded and most vulnerable. I am delighted that the Executive is maintaining that tradition with a range of measures to protect our communities from exploitation by unscrupulous people.

10:49

Stewart Stevenson (Banff and Buchan) (SNP): I draw members' attention to entries in the voluntary part of my register of interests. I suspect that I am the only member who came to the Parliament in an effort to reduce the public opprobrium that my previous profession attracted—for 30 years, I was employed in a bank, albeit in a computing capacity rather than as a banker.

I will address one issue that has not, I am slightly surprised to note, been developed to any great extent, although Colin Fox referred to it tangentially. No one has picked up on the DTI research that says:

“The profile of those using illegal lenders is similar to that of home credit users in that most”—

I emphasise “most”—

“users are female, with families, and are aged 30–40.”

In other words, there is an equality issue at the heart of the matter besides all the other issues and we should take note of that in our consideration of it. Throughout Scotland, it is largely women who

keep families together, so if women are differentially subjected to the evil trade of illegal moneylending, it undermines family life.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I do not necessarily disagree with the evidence that Stewart Stevenson has presented, but does he also appreciate that, when microcredit—which has been highly successful—has gone directly to women or when the women are in control of budgeting, the management of family finances is much better than in families in which much of the income is managed by the men?

Stewart Stevenson: That is spot on. However, there is a vicious circle: poverty creates debt which creates poverty. All members should recognise and support the efforts that have been made to break that cycle, but we must also acknowledge that we have created a debt-driven society and have normalised debt as a part of life. In less sophisticated economies, the attitude among the poor is different. The people with the best credit rating in the world live in the squatter camps of South Africa. Traditionally, they are not exposed to debt and desperately try to ensure that they always repay their debts. To some extent, the problem has been driven by wealthy people who have used debt over the years, and has spread to people in other parts of society.

I am not Adrian Mole—like Jamie Stone, I am an adult. The people who use illegal moneylenders represent 0.44 per cent of the adult population, but 3 per cent of low-income households and 6 per cent of households in the most deprived areas. That compares to the figure of 2.3 million users of high-cost licensed home-credit lenders in the UK, which is 6.15 per cent of the adult population. The DTI also says:

“On the most deprived estates, 50% of residents have used home credit lenders within the last 5 years.”

It estimates that the total that is owed to illegal moneylenders is £40 million or, with repayments, £120 million, so the numbers are big and worrying. I hope that people take tent of that fact.

Patricia Hewitt said:

“Illegal money lenders, who are unlicensed ... are commonly referred to as loan sharks. These loan sharks not only take advantage of vulnerable lenders but also bring disrepute to legitimate lenders”.

To be blunt, the legitimate lenders will have to live with that, because they are not at the core of the argument.

I am disappointed that, despite our efforts, we have so far made only comparatively modest inroads into tackling illegal moneylending. I note that the DTI's report on the pilot enforcement schemes says that

“9 cases ... have been dealt with by way of formal cautions”

because they were very much at the low end of the offence and only two cases have been brought to court, with a further six in the pipeline. I am not sure why that leads Cathy Jamieson to say that we should have super-antisocial behaviour orders for illegal moneylending. If it is a crime, we should prosecute it as such. I do not understand where the obsession with ASBOs comes from.

I will turn to an important point. In the DTI's research, there is a little table that shows the connection that users of illegal lenders have with formal banking in one shape or another. It shows that about 50 per cent of all residents in the UK have a bank account, but that only about 10 per cent of users of illegal lenders have one. The really interesting thing is that more than 80 per cent of the people who use illegal lenders have a Post Office card account. It is their connection with the formal financial system but that is precisely the card that it is proposed should be abolished. Those people ain't gonna go to the banks—it is not part of their tradition, and they are uncomfortable with banks. If the Executive ministers could do one constructive thing, it might be to persuade their colleagues at Westminster not to proceed with the winding-up of the Post Office card account. That will simply not help.

Colin Fox referred to the problems of the people who use illegal lenders. The DTI has shown that three in 10 are users of drugs or alcohol or have mental health problems. At the core of the matter—I hope that the pilot schemes have tackled this—is reluctance to report the problem. The DTI report shows that 85 per cent of people would never report illegal lending.

I make the simple point that the lending of money is behind big advertising bucks. In every paper, we see adverts for the lending of money. They focus on interest rates but, for most people, interest rates do not actually mean very much. The banks should be forced to start telling people not what the interest rate is, but what they will have to repay. People can understand that, and it would help them to understand the differences between using formal licensed lending and going to illegal sources of money.

The bottom line is that we expect the most from the people who have the least. The financial management skills of members, cushioned as we are from the need to manage our wallets precisely down to the last penny, would be wholly inadequate for the challenge that many people in our disadvantaged communities face. I very much support the amendment in my colleague's name, and I very much support this debate.

10:57

Michael McMahon (Hamilton North and Bellshill) (Lab): A few weeks ago, I attended the funeral of a family friend. As people do when they

get together at such times, members of the older generations shared reminiscences of times gone by, as they looked back on the life of the one who had departed. The names of people long since gone tripped off the tongues of the assembled mourners. "Do you remember Such-and-such, the chemist?" one asked. "What about that Mr So-and-so, who had the corner shop?" They even remembered my own great-grandfather, who owned the yard behind the Crown Bar in Holytown. Someone went on to say, "What was the name of the moneylender who lived down the miners' rows? What a character he was. He saved many a wean from starving. Mind you, you didn't want to cross him."

Today, we hear about the same moneylenders and we agree that they operate in a culture of fear. They think that they are above the law. They are the lowest form of social culture, and they are involved in criminality that is among the worst forms of antisocial behaviour that affect our communities today, but their predecessors can be remembered almost with fondness by decent people who live in the communities in which they used to operate. I was staggered to hear that. I had to interject and point out that we also used to send children up chimneys and send girls down the pits. They were not the good old days. There I was, listening to people who were talking as though they thought that moneylenders today were different from the ones they knew in their youth. I asked them, and the consensus was that there was a difference—"That was then; this is now." The moneylender of their day was a member of the community, a necessary evil. The ones who lend money now, however, are viewed as gangsters, thugs and the lowest forms of scum.

I was reminded that there were no credit unions then, which is a significant point to acknowledge. That brought home to me just how important the credit union movement is in our modern society. No longer are the people to whom I have referred prepared to accept the illegal moneylender, no matter how much they might have tolerated them previously. They do not see the need for people to go to illegal moneylenders because of that difference: the credit unions. They understand that communities need to work together to prevent people who are in need from putting themselves at the mercy of today's criminal element, and they look to their credit union for that.

Today, the provision of personal finance services, with access to low-cost flexible loans and secure savings facilities via credit unions, makes absolute sense to us all. It seems that we now have to do more to ensure that that vital service becomes more widely available. We need to increase choice and access to a range of more appropriate financial products that are suitable for

people on low incomes, as other members have said in the debate.

One thing is certain in this life: we will all go out in a box. Some time hence, people will sit around, reminiscing about this period, as I heard people doing a few weeks ago. I doubt that they will remember with any affection our moneylenders of today—I hope that they do not. Moneylenders should be a thing of the past—a distant memory—if we get it right. Much work has been done to bring that about and, if we put further development of credit unions at the core of our efforts to bring financial assistance to the poorer sections of our society, we can build on the good start that has been made, which is helping bring about the much-needed change in our attitudes to illegal moneylenders. I commend the Executive for its work, particularly its work to support our credit unions, and I look forward with confidence to the results of the latest assistance that it has provided.

I remember joining the then Deputy Minister for Communities, Johann Lamont, a year or so ago, when she came to a credit union in Newarthill to launch one of the new innovative support mechanisms that the Scottish Executive had introduced to ensure that the credit unions that most of our communities now take for granted were given the support that they needed to continue the work that most people now recognise they do.

I also praise the Scottish ministers for working with ministers at Westminster in targeting resources directly at the criminals. As has already been said this morning, those are the people we are dealing with. We are not dealing with fly-by-nights who just happen to find themselves in a community where they can use their skills to make a quick buck; rather, we are talking about organised gangs of criminals who target poor people and communities. They must be dealt with as they are—as criminals. They prey on vulnerable families and they drag them further into financial and social problems, as other members have said. They have to be challenged—the minister is right to do so and to have secured this morning's debate. It has been a good debate, and I hope that, by the time we conclude it, we will have arrived at a consensus. Credit unions are fundamental to the attack on the problem, but much work still has to be done.

The Deputy Presiding Officer (Murray Tosh):

We come now to the closing speeches. We are slightly ahead of the clock, so I can give Jeremy Purvis, who is closing for the Liberal Democrats, up to eight minutes.

11:02

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I am lucky to represent the

constituency that has the lowest level of personal debt in mainland Scotland. The Scottish Borders is second only to Shetland in that regard, on the basis of information that was provided by the Bank of Scotland last year. I alluded to one of the reasons for that in my intervention on Stewart Stevenson. There is a long tradition of women workers in the Borders mills—they were central to financing of families. They bore much greater responsibility for finances and they had a much greater recognition of debt and its impact on family finances.

At the start of his speech, the Deputy Minister for Communities said that the debate was concerned with extortion. It is clearly so. It is also clearly a cross-border, cross-authority issue. The UK Government, the Scottish Executive, local authorities, Scottish police and prosecutors must work together to ensure a joined-up response to what is an insidious, but sophisticated, business. In many cases, it is an illegal business.

I will touch on some of the wider aspects of the issue, rather than just the illegal trade. Many members have spoken about legal moneylending, and I will touch on that later.

Stewart Stevenson: Will the member note that the problem is not simply a cross-border one, but that it is trans-European? All the processing and administration of Post Office card accounts is done in the United States, so it is an international issue that has no boundaries.

Jeremy Purvis: It is. As far as the legal aspects are concerned, however, the international boundaries are very clear. That is one reason why I am rejecting the siren calls of the SNP amendment. Legal moneylending is international.

On the other hand, the illegal practices relating to street moneylending are extremely local and are an issue for the police in Scotland. The minister outlined the record of prosecutions in Scotland. Most members will accept that considerably more work needs to be done. One of the problems is the climate of fear around illegal moneylending. Fear surrounds borrowing and repaying money and it surrounds any investigations into the issue. As members have said, loan sharks encourage and thrive on a climate of fear that makes prosecutions difficult because victims and witnesses are too terrified to come forward. Loan sharks also create additional criminality, including some of the worst forms of antisocial behaviour, through their own actions and as a direct result of the destruction of the lives of their victims.

I appreciate Stewart Stevenson's point about ASBOs, but I think that the minister's suggestion could be a creative use of ASBOs, because it would place a lesser onus on victims and witnesses to come forward and would allow a civil

process to cease the trade. Members have pointed to some successes in that regard, such as the DTI's project to combat loan sharks in Glasgow, which benefited some 500 people. The pilot scheme that was set up by the DTI in 2004 has shut down loan books that were worth more than £250,000, but the project has been handicapped by difficulties arising from witnesses' being unwilling to appear in court or who cannot, because of pressure, be relied on to do so. That is an area in which the work that the Scottish Executive has done on protecting witnesses and making it easier for them to come forward has to be joined with the work of local authorities.

Other positive work has been done. For example, credit unions can offer home insurance and bill payment accounts to their members, the financial inclusion plan gives people more control over their finances and greater access to advice, and there have been schemes such as save by the bell in Dundee, which teaches school pupils the importance of saving and budgeting, which is important. In the Borders, I have worked with Citizens Advice Scotland on a project that gets young people who are leaving school to sit down and think about family budgeting and explains basic elements of personal finances such as what a rental agreement or a mobile phone agreement looks like.

We acknowledge the work that our financial sector has done in Wester Hailes in Edinburgh and the partnerships that HBOS is developing. However, as Jamie Stone and others said, more needs to be done. The support of the large banks for microcredit schemes, as well as public sector involvement, can be significant. The Grameen Bank, a microcredit scheme that lifts thousands of people out of poverty by offering low-interest loans in a transparent and accountable way, shows one way in which we can remove the mystique from credit.

All parties in the chamber recognise that the most financially vulnerable people often pay more for credit than those who do not require credit. Hire-purchase agreements became the acceptable face of credit in the second half of the previous century. The culture shift of which they were part opened up opportunities to purchase for thousands of Scots and, today, as Kenny MacAskill said, the availability of legal credit has been extended even further. There is incessant television advertising that makes significant credit more attractive for people who have a bad credit history—even though the offers are not as attractive as they seem and the fine print is questionable. However, although legal credit is more available, that has not meant that there is no market for the illegal lenders. That should give us pause for thought.

The House of Commons Treasury Committee published an excellent report in November that scrutinised access to financial services. In the 1950s, people who paid for products through hire-purchase schemes paid more than those who did not. Today, only 30 per cent of customers of the Royal Bank of Scotland who have a basic bank account pay their utility bills by direct debit because they do not want to lose an extra degree of control over their bank account, with no buffer, and—of course—they do not benefit from the discounts that that form of payment attracts.

The Treasury Committee also recommended that the UK Government actively support the development of credit-union based transactional bank accounts as an alternative to basic bank accounts in areas of financial exclusion.

Although the Government has indicated that there will be a successor to the Post Office card account, there is considerable uncertainty about what form it will take and whether it will provide the same level of support—or, indeed, more support—for the most vulnerable people.

There are many issues in the realm of legal moneylending that Parliament would want to address, but there is a fine line between legitimate lenders who employ what we might consider to be immoral practices, and illegal lenders. Both types of lender need to be addressed. We can do so by using the new powers for supporting witnesses, we can ensure that the Scottish crime and drug enforcement agency has a greater role in the more organised element of moneylending and we can ensure that all parts of the public sector do much more to offer support to those who are financially insecure and to ensure that there is proper prosecution of, and a robust approach towards, illegal moneylending.

11:11

Dave Petrie (Highlands and Islands) (Con): I cannot disagree with much of what has been said already. Illegal moneylending is a growing blight on our society and must be stopped. Under the Labour Government, debt has rocketed. Personal debt in the UK now outstrips our GDP—quite something for the fifth-largest economy in the world. Insolvencies and the number of credit cards in circulation are also up. In that respect, the UK leads western Europe.

Scotland is experiencing a debt crisis that, often, results in the most vulnerable being harmed and the weakest being exploited. Television advertisements encourage vulnerable adults to put up their homes as security and are used to publicise firms that take on customers with bad debt records. I am sure that we have all seen the advertisement in which someone phones an 0800

number and is told that they can borrow £15,000. That is fine, but how and when will it be paid back? On that basis, I do not disagree with the SNP's amendment. Legal lending is creating the problem.

When legal lending fails, illegal moneylenders step in. An economy based on debt will eventually implode. A system of lending that is based on exploiting the poor will inhibit social mobility. We have developed into a "live now, pay later" society in which savers are few and ever increasing numbers of people are terrified victims of loan sharks.

I appreciate the minister's comments and I am pleased that the Executive is focusing on the issue. However, is the Executive doing too little, too late? I agree with joint working with the police, but the fear of recriminations prevails. The removal of illegal lenders is the only solution. Personal debt and social exclusion go hand in hand and should be tackled in tandem. Counselling must be readily available and, accordingly, I support the excellent work that is done by credit unions, which must be more actively promoted. I also agree with Colin Fox's point about the importance of citizens advice bureaux.

The Scottish Conservatives recognise the need for early intervention when financial problems occur. Such intervention will deal with the situation at the root level and will bypass the unscrupulous moneylenders who are willing to prey on the vulnerable.

It is one thing to introduce new laws, but we need to examine the legal system. As Bill Aitken and Margaret Mitchell rightly say, we must reverse the drop in the number of police on the streets. We must also consider the increased use of undercover police, as a lot of the illegal activities that are related to moneylending take place behind closed doors and up closes. We must also tackle repeat offending and consider the ineffectiveness of some of the community sentences.

It is all very well for the Executive to make new commitments and promises but, if the legal system is failing, how are we to deal with the criminal activities of illegal moneylenders? The Executive needs to realise what the knock-on effects of its policies are. We must ensure that crime does not pay.

I agree with Kenny MacAskill and Jamie Stone that credit is too easy to secure from not only banks, but supermarkets and internet providers—that is not to mention the plethora of companies using television advertising. For example, Abbey offers mortgages at five times someone's salary. If the interest rates go up by 0.5 per cent, they cannot afford it.

Let us consider the annual percentage rate on electrical goods in well-known high street stores. Someone can go round five or six stores in one day, pick up a separate credit card in each store and run up £400 or £500 credit in the same day. It is no wonder that people, at the end of their tether, resort to whatever access is available to finance. Using one credit card to pay off another also gets people into a terrible debt trap—it is all too easy.

We live in an ever more consumer-led society and money is being thrown at people. That is too often the beginning of a slippery slope. If legal lending was more responsibly managed, loan sharks would, I hope, disappear. Once vulnerable individuals are sucked into the vicious circle of personal debt, it can all too easily spiral out of control.

All too often, current policies are not helping the poorest in our society, but working against them. The poorest families pay, proportionally, the highest tax and unscrupulous moneylenders too often step into the vacuum and offer to help them make it back.

Des McNulty: Utter rubbish.

Dave Petrie: It is not utter rubbish.

In a society where social responsibility is actively promoted in communities, business, civil society and, as Bill Aitken said, education, we must go back to education and start from the grass roots. Learning how to manage finance, we should be able to create more secure and fairer communities.

In conclusion, we must renew our efforts to eliminate this scourge on our society before vulnerable individuals and families lose everything. We will, accordingly, support the Executive's motion as amended, I hope, by the amendment in Margaret Mitchell's name.

The Deputy Presiding Officer: I call Christine Grahame to close for the SNP. I can be even more generous in the time allocation than I indicated earlier.

11:17

Christine Grahame (South of Scotland) (SNP): Presiding Officer, when you indicated that I would have nine minutes, there was a groan from behind me and someone said, "You don't need to use it all." That hardly gives me faith in my oratorical powers, so please do not say that I have any longer. With friends like these, who needs enemies?

Whatever our constitutional position, we must accept that, to tackle the problem, we have to examine the causes, many of which are reserved: consumer credit, advertising legislation and the

culture of credit and borrowing that pervades contemporary society. Gone are the days when my worthy mother saved up to buy something and dad came home with a record player, for example, to rounds of applause. That was how we did it then—we did not buy now and pay later. That has changed, and we cannot turn back the clock, but we must look at how we deal with the situation and prevent the problems from spiralling out of control.

In Parliament, we deal with the consequences of those causes: debt recovery, which I will touch on, deprivation, matrimonial problems—which Kenny MacAskill mentioned—alcoholism, violence and crime. Many a relationship breaks up because of rows about money problems.

Like others, I applaud the work of citizens advice bureaux. I used to be a volunteer lawyer for a bureau, and most queries were about consumer debt. I support what was said by—I may miss some members out—Ken Macintosh and Colin Fox about core funding for the bureaux. It is the place where people go at the last minute, with a writ or letter demanding payment in their hand. When they are asked when they are due in court, they say, "Tomorrow." The bureaux are on the street, so people can walk in and get a stay of execution.

I also applaud the work of credit unions—I am a saving member of a credit union. I have always felt that the name is a bit difficult and I have raised the point before. I do not know whether they need to rebrand themselves to help more people understand exactly what they do, which is what the old TSB used to do before it became a profit-making bank like the others.

Stewart Stevenson: In the interests of being helpful, how about calling a credit union a community bank?

Christine Grahame: I thank Stewart Stevenson for that suggestion, and I will forget what he said earlier about me and the length of my speech.

I want also to remark on the Post Office card account, which must be supported. We all know that there are threats to shut some of our rural post offices. If that is done, it will mean that there is no bank in those places either. There is a huge issue of access to services for people both in isolated, rural communities and in some city suburbs.

The money advice scheme is also a good idea, but I do not think that it is working as it should. In part, that is because of the shortage of accredited advisers. I know that there are none in the Scottish Borders, so we cannot have money advice schemes there. I hope that the minister will address that point.

Education was rightly touched on by others, including Bill Aitken. We have a generation of children who sometimes never see cash. We know how easy it is to pay by putting a card into a machine and getting a slip—the pain is later. We have a generation of children who not only have credit being thrown at them, but do not actually see the money coming out of their purses when they spend it, leaving only 10p pieces or whatever. That is a big issue for schools. How will such education be timetabled—in either primary or secondary schools—with the current emphasis on various subjects? There is no easy solution.

We heard graphic descriptions of loan sharks from Christine May—they are sinister, insidious and ruthless. Frankly, I do not think that the solution is simply more police in the community. There is a huge problem with fear and victimisation. Word gets around like wildfire, and comments are made like, “You’re the one who shopped him.” Although I welcome pilot schemes and would agree with a cap on interest rates as mentioned by Christine May, we cannot do that from this Parliament.

Margaret Mitchell: Does Christine Grahame accept that that is not our sole proposal for a solution to the problem, but that it is crucial? If we do not have adequate numbers of police on the streets to whom people can report and who can deal with what are very dangerous people, it does not matter how many laws we pass—they will make no difference.

Christine Grahame: If people are desperate to go to loan sharks, they will go to them. We will just drive them behind even more closed doors and into more alleyways.

I do not know what the last bit of the Conservative amendment means—Dave Petrie did not address it in his summing up. It says

“that tackling personal debt and financial exclusion is an issue of social responsibility.”

That looks like waffle to me.

The way to get rid of loan sharks is to make them redundant. That brings us back to reserved matters, and I want to return to advertising, which was mentioned by Mr Petrie and others. We are in a must-have culture: we must have something now, whether or not it is needed. Offers to borrow money and get credit are thrust through our letterboxes day in, day out. When we go into shops, we are asked, “Will you take a store card?” Most of us who know that we are not financially sensible say no, but if someone was desperate and needed something, they could take a store card. Again, at that moment it is painless and there is some kind of satisfaction and gratification. The pain comes later with high interest rates.

As has been mentioned, a lack of affordable housing is driving people to borrow four or five times their income. All that needs to happen is for a couple to split or someone to become ill, and that house, like a pack of cards, tumbles down around them. They may not have enough equity to pay off the loans, and they may be left with a personal debt. That causes homelessness and is another issue to consider.

My colleague Kenny MacAskill mentioned predatory lending. I mentioned the unsolicited mail, but let us look at the consolidated loan companies. We see their adverts on afternoon television, and there is one that I particularly despise. It shows a lady smiling while she is talking on the phone. Her son cannot find his skateboard or roller skates, so the dad is looking for them as well. There is a homely conversation going on, with genteel domestic chaos. In the middle of that, the woman says, “£25,000? Yes, that’ll be good,” as if that is all that it means to borrow £25,000. The adverts do not say out loud that the loan is secured against their home. I would love to see the Parliament tackle that and ban those adverts, but unfortunately we cannot.

I must address land attachments, which are a big mistake. My colleague Kenny MacAskill said that the average personal debt in Scotland is £7,000-plus, but a land attachment needs a debt of just £3,000. I will consider the principle that operates. If I want to borrow £10,000 as a secured debt, I know what I am doing; I take legal advice, a legal document is drawn up to secure the debt against my property and the interest rates that I pay reflect that—they will be 6 or 7 per cent over 10, 20 or 30 years.

However, if I take out an unsecured loan of £4,000 and I do not repay it, it will transmogrify into a secured debt—a land attachment. That is although I never had a legal document at the time of contracting that said that that would happen and the interest rates that I am paying—20, 30, 40, 50 or 60 per cent—reflect that. That is unjust and it flies in the face of contract law, because when someone contracts to do something, they should know the duties and obligations, which are not known in the situation that I described. The Deputy Minister for Communities talked about guarantees that this or that will not happen, but they cannot be given. That situation will be a sword of Damocles over people who, to fend off land attachment, will have to borrow from the consolidated loan companies with their adverts on television that none of us wants.

All those issues come to bear.

The Deputy Presiding Officer: One minute.

Christine Grahame: We return to the buffers of what the Parliament can and cannot do.

Mr Macintosh: Will the member take an intervention?

Christine Grahame: No, because I am in my last minute. Many of us—not just SNP members—who have been here for eight years, or four years, are becoming exasperated by knowing what we are dealing with but not having the tools to eradicate endemic poverty. When we get rid of endemic poverty, we get rid of loan sharks. *[Interruption.]* Someone rightly said that that is trite. Only the rich can afford credit.

The Deputy Presiding Officer: I call Johann Lamont to wind up the debate. There are 13 minutes left.

11:27

The Deputy Minister for Justice (Johann Lamont): If people were concerned about our friend Christine Grahame speaking for too long, I hate to think what the reaction is to my having 13 minutes. I shall sort it by speaking slowly, rather than trying to be too controversial.

The fact that communities and justice ministers organised the debate and acknowledged its importance is a symbolic and a practical expression of the important joint work that must be done to deal with illegal moneylenders. We need not only to examine the particulars of illegal moneylending but to understand the important message to which Christine May referred: that the driving force of the Scottish Executive's and the Scottish Parliament's commitments to deal with the issue should be addressing poverty, disadvantage and deprivation. That should be at the core of all the Executive's and the Parliament's work.

The terrible injustices and brutalities of illegal moneylending can be explained by how poverty is experienced in our communities. That is precisely why we must put that experience into the context of talking about the development of a stable economy and supporting the creation of jobs and full employment and joining that with shared prosperity throughout our communities. Many people are in favour of the strong economy, but they are perhaps not as committed to the consequence of that, which is the entitlement and right of all to share prosperity and to share and participate in the economy. That is why it is important that we talk about good jobs and the national minimum wage and that we challenge employers in business in that regard.

We must understand the geography of poverty, the impact of multiple deprivation and the impact on families of living in a community in which people must access illegal moneylenders, even if they do not do so. We must understand more what happens to the most vulnerable people in our most

vulnerable communities. That is why we need to continue the hard, unpublicised and difficult work and the day-to-day small successes of addressing employability, supporting people who have drug problems and dealing with the nitty-gritty of people's chaotic lifestyles and the impact that they have on communities and individuals.

We must understand that illegal moneylending is not just about income and that poverty and deprivation are not simply about income. Different families that have the same money coming into the house can experience life differently because of how that money is spent, the family's priorities and the pressures on the family. We need to understand why and how illegal moneylenders thrive in poor communities and their link to poverty and exclusion if we are to address the problem.

I am sure that I am not the only member who has been shocked by the distress that very small amounts of debt have caused somebody who has come to a surgery. I still remember that somebody who came to me was highly distressed at owing less than £200, because that had massive consequences for their life, health and capacity to find a way out. It is also a shock that poorer communities are the most seriously affected.

We recognise the credit unions' critical role, which Trish Godman mentioned. One critical aspect of credit unions for the broader community is that they are wise about saving. They offer people wise words rather than false hope. They say that there is nothing for nothing and that people who sensibly and logically manage and save their money before taking a loan are less likely to get into trouble.

I understand what Christine Grahame says about the name "credit union", but the state did not invent credit unions and perhaps we should leave it to the credit union movement to decide what it should be called. We could not invent credit unions, but communities did and understood their importance.

The Scottish Executive has led the charge and done important work to support credit unions because of what they bring to the table. Through allowing loan guarantee funds from services of general economic interest, we have afforded credit unions the opportunity to offer a wider range of products. Credit unions offer services such as Christmas savings clubs and savings clubs for children and they go into schools. They also do hard stuff in dealing with illegitimate lenders. They offer a better place to go to.

My colleague Des McNulty mentioned the credit union in his area and it would be remiss of me not to mention Pollok Credit Union, which creatively addresses need every week in its community, most recently through selling white goods at

reasonable rates and taking out the high street lenders that offer those goods at extortionate prices. We know the importance of credit unions and that they do a critical job of financial education for the broader community.

Credit unions also offer the intelligence and understanding of the volunteers who work in them. Credit unions and the broader voluntary sector bring to the table not just the capacity to talk to individuals, but an understanding of the experience locally. They offer communities trust. I had the privilege of attending the 25th anniversary celebration of the Scottish Transport Credit Union, which I think started with a tinner a head from half a dozen shop stewards who worked on the buses. That credit union offered someone to stand next to people who had a crisis or a difficulty to offer a bit of wisdom and advice and to support them.

Michael McMahon talked about the credit union in his area and I have had the privilege of going to Newarthill. An issue exists with funding for the voluntary sector, but Newarthill Credit Union has a beautiful building and not one coin from the public purse went towards building it. That is because the people who started in a back room to address the situation and to support communities worked in a businesslike way. In understanding what is happening in the community, it is important to recognise that bit of the voluntary sector, but I do not gainsay the significance of what was said about core funding.

Patrick Harvie mentioned that the social acceptability of debt is unhealthy. A broader issue is the idea that people can have something now without having to plan, which involves an interesting argument. However, the reality is that the victims of illegal moneylenders are not people who overstretched themselves with massive mortgages, but people who are trying to cope with small and unpredictable events, such as a funeral, a birthday party or a school trip.

It is important to address the general issues of debt and unnecessary debt and to address education. Kenny MacAskill implied that if the Parliament does not deal with the inappropriate offering of credit by the financial sector, it will somehow not be addressed. As our motion says, it is possible to work with Westminster, local authorities and a range of partnerships to tackle the issues. I would argue that John McFall is a champion of the consumer and—dare I say it—a champion of those communities that are most at risk. It is a matter not of whether we do it, but of how we do it. The issue is about political will and commitment rather than about the place where the debate is taking place.

Mr MacAskill: Is it not the case that the Westminster Parliament recently passed consumer credit legislation that was substantial

and was intended to set the scene for a long time to come, yet has failed to address subprime lending or predatory lending? The chance was given to Westminster, but Westminster failed. I am unaware of any proposals to instigate change to address subprime and predatory lending. Perhaps the minister can enlighten me.

Johann Lamont: That seems to be more about the political argument than about where the responsibility lies. It is about the colour of the political commitment rather than whether the Scottish Parliament has the power to act. The work that has been done by John McFall and others to challenge and address the financial sector has been significant.

Mr Macintosh: I welcome the minister's response. It is vacuous nonsense to suggest that we have a monopoly on caring about these problems and that Westminster does not share that responsibility. It is disappointing that I have to say this in a debate that has been genuinely consensual, but does the minister agree that the fundamental problem with the SNP's reasoning in suggesting yet another constitutional solution to a problem that we can address here is that it tries to shift the blame and responsibility elsewhere? Given the fact that we can do something here, and given that we owe it to the individuals who are directly affected to take responsibility for these problems, is it not wrong to try to shift that responsibility elsewhere, as if it is someone else's fault?

Johann Lamont: Clearly, there is a constitutional argument. However, I believe that the last answer that poor communities and people who are challenged with unmanageable debt require is a constitutional answer. What they need is practical action to deliver for them.

Education is important in preventing people from getting into debt problems; however, the reality is that the poor and the most vulnerable are the least likely to have access to that education. They are also less likely to have the confidence to go to organisations such as Money Advice Scotland and Citizens Advice Scotland, which would give them support. In my previous job, I met people who voluntarily helped people to enter debt arrangement schemes or to consolidate their debts. Ironically, those people would rather do that—or thought that they had to do that—through something that was advertised on the television, which they would have to pay for. That is a huge frustration.

The other side of the issue is about enforcement and the commitment of the police. We have a record number of police officers, and there is an important role for them; however, we must also understand how enforcement is experienced by individuals, as was mentioned earlier. It is not just

about policing; it is about challenging the police to work with local communities. It is about the way in which they police, the way in which they listen to people and the way in which they take evidence.

When we look at the differences in enforcement between Scotland and England, we must think hard about what it is in our legal system that makes enforcement and prosecution more difficult here. Perhaps we must move from a position of certainty and ask some hard questions about that. As Jeremy Purvis says, there is the opportunity for approaches such as the use of ASBOs to prevent behaviour and activities that blight our communities without making witnesses vulnerable. Perhaps we need to be more imaginative in that regard.

Colin Fox talked about community development finance initiatives. An approach is being taken in Glasgow that addresses that issue, giving loans in a more accessible way.

There is a huge argument about the tension between owner-occupiers and tenants in the Glasgow Housing Association, and there needs to be a creative solution to the problem. Indeed, constituents have raised that issue with me. Nevertheless, the idea that the GHA, as a social landlord, is the equivalent of an illegal moneylender is absolutely ludicrous. It diminishes the argument about illegal moneylending and it diminishes the argument that owner-occupiers are currently pursuing with the GHA.

We need a range of approaches. We have changed the debt arrangement scheme to make it more attractive. However, we recognise that people are not coming forward and that we do not have people training in the same way. There are a huge number of initiatives from a range of organisations—including some banks that take an ethical approach.

I urge members to support the motion and, critically, to support an approach to the Executive's priorities that is about supporting a strong economy and insisting that, side by side with that, that prosperity should be shared. For the most vulnerable communities, there has to be local activity and work that supports their particular needs and the organisations that work with them. That is why, later today, Des McNulty and I will chair a round-table discussion of people from a range of areas to talk about the hard bits of this, rather than the easy bits. There is no silver bullet on this. We must listen to local communities, support those who work closely with them and ensure that enforcement goes with that in order to expose those who know, in a calculated way, that they are preying on their neighbours for their own interests and enforcing that with violence. Such activity is intolerable and will be eradicated.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:41

Local Income Tax

1. John Home Robertson (East Lothian) (Lab): To ask the Scottish Executive how much it estimates would be payable in local income tax by a household with two people earning average wages and how that compares with the average band D council tax in Scotland. (S2O-12223)

The Minister for Finance and Public Service Reform (Mr Tom McCabe): The report of the Burt committee shows that a rate of 6.5p in every pound would be needed to match the income raised by council tax. On that basis, estimates show that a couple on average earnings would pay approximately £883 more in local income tax than the current band D average.

John Home Robertson: Sixpence ha'penny in the pound, to use the old terminology. Am I right in thinking that it would cost a fireman and a nurse who were living in a band D house in East Lothian a very nasty £934 extra in tax every year if the Liberals or the nationalists had their way? Will the minister comment on the Liberal view that a fireman and a nurse are a rich family that can afford to pay more, and on the irony of the Liberals' and nationalists' opposing identity cards on civil liberty grounds while at the same time planning to give local councils access to people's bank accounts and employment records in order to calculate local income tax bills?

Mr McCabe: In the interest of limiting the decibel level in the chamber, I had better leave it to those parties to try to justify some of the statements to which Mr Home Robertson refers. No one is sure about the exact nature of any local income tax system, but there are questions about how, if it did not have discrete knowledge of the earnings levels in its local community, a local council would know what rate to set to ensure that it pulled in the same yield as other councils.

The Executive has pursued an agenda of stability and fairness in local taxation. That is why last year we produced the lowest average council tax since devolution and why this year the average increase in council tax is 1.8 per cent. I assure the chamber that a Labour-led Executive will continue to pursue stability, fairness and proportionality in local taxation. In my view, that will not include a local income tax.

Alasdair Morgan (South of Scotland) (SNP):

The problem is that the stability that the Labour Party pursues has seen Scotland have one of the lowest growth rates in western Europe over the past decade. Have the minister's officials advised him that, under the SNP's proposals, a couple who are each on the median wage would save £119.52 a year compared with what they will pay in band D council tax?

Mr McCabe: Under the SNP's proposals, as announced in the chamber, there is a black hole of at least £1 billion in the funding of local services. If we add to that the SNP's pre-announced alleged two-year freeze, there is a shortfall of between £1 billion and £1.2 billion for local services.

Many people in Scotland will have seen the BBC programme on Monday night that discussed the impact of dementia on our communities, which will increase dramatically in the years to come. Those who are affected by that terrible condition should think long and hard about what the impact of a £1.2 billion gap in the funding of vital local services would be for them.

Fair Trade Nation Status

2. Karen Whitefield (Airdrie and Shotts)

(Lab): To ask the Scottish Executive what progress it is making in obtaining fair trade nation status for Scotland. (S2O-12243)

The Minister for Tourism, Culture and Sport

(Patricia Ferguson): We are making good progress. In January, Scotland's first ever conference of the fair trade movement took place in Perth. A smaller stakeholder working group, of which the Executive is a member, is taking forward the conference's recommendations, including that for the establishment of a Scottish fair trade forum to co-ordinate implementation of the fair trade nation criteria. We are working closely with stakeholders to maximise the awareness-raising opportunities presented by Fairtrade fortnight and are participating in a number of events around the country.

Karen Whitefield: I am pleased to learn that we are making good progress. Is the minister aware that North Lanarkshire has one of only two fair trade zones in Scotland and that the zone includes Cleland in my constituency? Will she join me in recognising the important role that is played by local schools and retailers such as the Co-op in delivering fair trade products to our communities? Will she also join me in congratulating North Lanarkshire Council on its decision to use only fair trade tea and coffee at all civic functions?

Patricia Ferguson: The decision that North Lanarkshire Council and other authorities and organisations around the country have taken is exactly the kind of action that will help us to

achieve fair trade nation status. More important, such actions raise awareness of the difference that fair trade organisations can make to those who produce the goods. It has been refreshing and interesting to watch the progress that is being made in Scotland's schools. Pupils, teachers and others in school communities are to be congratulated on the work that is being done around Scotland.

This morning I was privileged to welcome a fair trade procession at the Parliament and was pleased to greet two of the Malawi fair trade producers who formed part of the delegation. They explained the contact that they have had with retailers in this country, including the Co-op, which has been at the forefront of the campaign. I want their produce to filter through into many other retailers throughout the country.

Linda Fabiani (Central Scotland) (SNP): I am sure that the minister will agree that it is marvellous that towns, schools, councils, universities and zones have achieved fair trade status. However, if we are really to be a fair trade nation, a much more ambitious commitment is needed. If fair trade nation status is to be truly what it purports to be, it must involve not just retailers' providing fair trade tea, coffee and smaller consumer goods but an examination of the nation's procurement targets and practices. Will the remit of the working group allow that issue to be taken forward so that, for example, our public bodies will be able to procure fair trade goods for public services?

Patricia Ferguson: The criteria for fair trade nation status have now been agreed, and we are working to meet those criteria. Linda Fabiani is right to mention procurement practices, but the issue is fairly complex, not least because some of the regulations that we are required to follow are made at European level. The Scottish Executive's aim is to ensure that local authorities and other public bodies in Scotland, including the Executive, are able to maximise the opportunities to purchase fair trade produce, and to ensure that we do that within the law. We hope to issue guidance in the near future that will supplement the existing guidance that explains to local authorities how far they can go on the issue.

Phil Gallie (South of Scotland) (Con): I identify myself with the comments that the minister and Karen Whitefield have made, but I put it to the minister that it will be difficult for Scotland to attain fair trade nation status if we do not have fair trade at home. What pressure has she put on her Cabinet colleagues to ensure that our farmers are allowed fair trade, especially with the supermarkets?

Patricia Ferguson: We all want our farmers to be dealt with fairly, but I am not 100 per cent sure

that farmers in this country can be compared with those in countries such as Malawi, where the situation is very difficult as there are literally no outlets for the produce that farmers have to offer. We are setting an example by encouraging farmers in those countries, but I am sure that the Executive will be happy to do whatever it can to assist our farmers further. However, I am aware that not all the levers are in our hands. Obviously, the issue is important for farmers and producers in this country, too.

Mark Ballard (Lothians) (Green): I, too, welcome Scotland's progress towards becoming a fair trade nation. Further to the minister's remarks about schools, will she join me in congratulating the University of Edinburgh on its continuing progress since it became Scotland's first fair trade university, given that it now serves more than 1 million cups of fair trade tea and coffee every year? Will she encourage other colleges and universities in Scotland to take up fair trade status? Will she commend the work of the University of Edinburgh's People & Planet society, which recently produced a short film encouraging other student associations to ensure that their institutions become fair trade universities?

Patricia Ferguson: I am tempted just to say yes, but I think that Mr Ballard expects a bit more from me. I am delighted to be able formally in the Parliament to congratulate the University of Edinburgh on the work that it has done, not just in recent times, but over a long period. Along with other partners, the university has been at the forefront of driving the fair trade agenda. I am sure that its contribution will continue as we work towards fair trade nation status.

West Edinburgh Planning Framework

3. Margaret Smith (Edinburgh West) (LD): To ask the Scottish Executive whether there will be increased community involvement in the on-going work on the draft west Edinburgh planning framework. (S2O-12203)

The Deputy Minister for Communities (Des McNulty): The draft west Edinburgh planning framework was issued for public consultation on 29 November 2006. The consultation closed on 21 February 2007. In preparing the draft, a wide range of stakeholders, including community councils and residents associations, were involved. My officials will now assess the responses before bringing forward the final framework for ministers' approval later this year. Where points require clarification or options suggested in representations require further discussion, my officials will be prepared to meet community representatives.

Margaret Smith: The west Edinburgh planning framework acknowledges the important economic situation of west Edinburgh, but it is also important to note that a number of the developments, such as the airport's expansion, the shift of the Royal Highland showground and the new proposed business gateway, will have an impact on residents and schools in local villages. I hope that the west Edinburgh partnership, which it is proposed will take forward the work on the framework, will have an increased level of community engagement involving not just the community councils—although their involvement is helpful—but the new Newbridge regeneration working group, which is working to regenerate one of our local villages.

Des McNulty: The draft west Edinburgh planning framework states clearly that regeneration in Newbridge is outside the scope of the framework and is a matter for the City of Edinburgh Council in its development planning role. However, I can confirm that the final planning framework process will include opportunities for people to make representations and objections, which will be considered carefully. With the final framework, a report will be published that will set out how each representation or objection was treated. Throughout the process, we will attempt to ensure that every aspect of consultation is properly dealt with. I hope that that will be set out clearly when the draft is published.

Marine National Park (Objections)

4. Alex Fergusson (Galloway and Upper Nithsdale) (Con): To ask the Scottish Executive what weight will be given to local objections when determining the location of Scotland's first marine national park. (S2O-12165)

The Minister for Environment and Rural Development (Ross Finnie): I have published today the non-confidential responses and summary analysis following the Executive's consultation on Scotland's first coastal and marine national park. The report summarising the responses shows that 72 per cent of respondents to the consultation expressed support, in principle, for a coastal and marine national park to be progressed in Scotland. However, a significant number of respondents expressed detailed reservations both on specific sectoral concerns and on aspects of the proposed locations. We will now consider the next steps as we seek to address the issues that have been raised. I plan to make a further announcement on the way forward in March. No decisions have been taken.

Alex Fergusson: The minister will be aware that the Scottish National Party—whose acronym, in this instance, appears to stand for "Stop the National Park"—has frequently drawn attention to

the significant levels of local objections in most candidate areas along the west coast. In view of that opposition, which the minister has just mentioned, will the minister care to save himself a lot of time and trouble by simply announcing that the park will be located in Dumfries and Galloway, where there have been few significant objections and where those of us who have the real interests of the region at heart would thoroughly welcome it?

Ross Finnie: As I said in my initial reply, respondents to the consultation were very split. Even for those who indicated continuing support for—and, in some cases, a growing degree of acceptance of—a park in principle, a significant number of issues remain. It seems sensible for me to do what I said. I will consider further the detail of the responses and how best to progress the matter, and I will make an announcement to the Parliament in due course.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Will the minister publish, in the Executive's analysis of the responses, the analysis in respect of each proposed candidate and, in particular, the views of the people who live in the west Highlands on the notion that there should be a park in that area? Will he confirm that he will not seek to foist national park status on any community that does not want it? Does he agree with me and the Scottish National Party that the money that will be spent on setting up a new bureaucracy—perhaps £5 million a year—would be better spent on creating more affordable housing in rural Scotland?

Ross Finnie: It would be better for Fergus Ewing to direct the latter point to his colleagues. I do not see John Swinney in the chamber, but he is a strong advocate of national parks. Indeed, he advocated them in the chamber and said that we need to extend the existing national parks. Whether we should spend more or less money on national parks is a question that Fergus Ewing could properly raise in a debate with his colleagues. I suggest that he lodges a motion on the matter at the next Scottish National Party conference.

The substantive point was about what I propose to do with the responses to the consultation. I have already said that I am publishing today the non-confidential responses and a summary and analysis of them. I expect Fergus Ewing to pay close attention to them. If I intended to foist a national park on people, I would have stood up today and said, "I'm ignoring all the responses. I'm going to declare a park." I am not doing that, and the Executive would not behave in that fashion. We take seriously the detailed responses that we received. We will analyse them and I will make a statement to the Parliament in due course.

Schools (Western Isles)

5. Mr Alasdair Morrison (Western Isles) (Lab):

To ask the Scottish Executive whether it will give an update on the public-private partnership scheme for schools in the Western Isles. (S2O-12236)

The Minister for Education and Young People (Hugh Henry): Western Isles Council is responsible for taking the matter forward. I understand that it is in dialogue with bidders and that it aims to reach a decision on a delivery partner in the next month or so.

Mr Morrison: As everyone knows, our Administration is committed to building new schools. Our record of investment in the past decade speaks for itself and tens of millions of pounds have been invested appropriately. As the minister knows, the parents and pupils of the Western Isles are no different in their aspirations regarding new school facilities. Will the minister assure me that he and his officials will continue to liaise constructively with Western Isles Council? Will he also highlight the nonsense of the separatists' policy regarding Scotland's school building programme?

Hugh Henry: I will certainly keep a dialogue going with Western Isles Council. Indeed, I will be in the Western Isles shortly to meet not only council officials but teachers and pupils.

Alasdair Morrison mentioned the alternative to PPP. We should take the SNP at face value. It says that it will cancel the PPP projects if it forms an Administration—so the Western Isles project would be cancelled. It says that it will match the programme brick for brick and that it will pay for it through a Scottish futures trust that, as Alex Salmond said, would involve greater use of public bond issues. However, as the SNP acknowledges, the Scottish Executive does not have the ability to borrow or to issue bonds, so there would be no opportunity in the four years of an SNP Administration to borrow the money to pay for new schools. It would have to wait until independence.

The new schools in the Western Isles would be cancelled by the SNP, which would have to wait for the break-up of the United Kingdom before it could pay for new schools.

Fiona Hyslop (Lothians) (SNP): Is the minister aware that the extra costs of 2.5 per cent over the contract term, as projected by Audit Scotland, mean that the four new primary schools and the new Nicolson institute will cost £30 million more than the original £40 million capital contract costs under PPP? That is enough to build a new Nicolson institute twice over. Does the minister really think that PPP is value for money? Is it not about time that we had a Scottish futures trust to build schools for pupils in Scotland?

Hugh Henry: I do think that we are providing value for money. Fiona Hyslop's analysis of the figures is wrong. I invite her, yet again, to tell us very clearly how the SNP would find the money to pay for the PPP projects that it would cancel. It cannot afford it and it cannot borrow. We are very clear that the SNP would cancel those projects and that there would be no schools.

The Presiding Officer (Mr George Reid): Before we start questions to the First Minister, members will wish to welcome the ambassador of Germany, His Excellency Wolfgang Ischinger and the President of the Parliament of Flanders, Marleen Vanderpoorten. *[Applause.]*

First Minister's Question Time

12:00

Prime Minister (Meetings)

1. Nicola Sturgeon (Glasgow) (SNP): To ask the First Minister when he will next meet the Prime Minister and what issues they will discuss. (S2F-2749)

The First Minister (Mr Jack McConnell): I have no immediate plans to meet the Prime Minister.

Nicola Sturgeon: It is a fair bet that the First Minister and I will disagree about many things during the weeks leading up to the election. However, just for today, I wonder whether we can find some consensus on an important issue. Is the First Minister aware that it is exactly two years since toddler Andrew Morton was shot and killed by an air-gun? Andrew's mother is in Parliament today. After that tragedy, the First Minister said that if more action was needed, he would not hold back. Does he agree that much more action is still needed to tackle the scourge of air-guns in Scotland?

The First Minister: First, I thank Tommy Sheridan for giving me the opportunity to discuss this matter with him yesterday. Today, I am sure that we will all want to pass on our continuing condolences to the families who are represented in the gallery on the anniversary of a tragedy that still affects their lives every single day.

Of course much more remains to be done on the implementation and enforcement of the legislation on air-guns. The Minister for Justice, all the other ministers and I are committed to ensuring that more is done.

Nicola Sturgeon: I very much welcome that statement. Is the First Minister aware that even after the new legislation to which he referred comes into force, there will still be absolutely no restrictions on the owning of air-guns by people over the age of 18? Andrew Morton's murderer was over 18; the new law would have done nothing to stop him getting his hands on an air-gun. Does the First Minister agree with me that if we are to prevent such a tragedy from happening again, we must now put restrictions not just on who can sell air-guns but on who can own them?

The First Minister: There are two points to make. First, the new laws will have an impact on the ability of someone over the age of 18 to get hold of an air-gun, as Ms Sturgeon describes it. The new laws will ensure that only registered firearms dealers operating under very strict conditions can purchase and sell on air-guns.

It is also important that we take any action that is required in conjunction with, and with the advice and support of, the police forces of Scotland. Although the immediate reaction of many of us across all parties, not just to the incident two years ago but to other incidents, was that it would be sensible to move towards a ban or full-scale registration, the police gave us very strong advice that that would be an inappropriate response. The police advised us that what we had to do—indeed, it is what we have done—was to increase the minimum sentence for possession, introduce a system of properly registered dealers so that sales over the internet could be banned, and in that way tighten the regime and reduce the likelihood of future incidents.

I remain to be convinced that that will be sufficient in the longer term. However, I am willing to take the police at their word and insist that they have a go at implementing the legislation effectively. That is why the Minister for Justice and I will meet representatives of the Association of Chief Police Officers in Scotland this month to ensure that the police are targeting those areas in Scotland that we know are most affected in order to deal with those who are selling air-guns and those who already possess them and to take action to reduce the likelihood of any incidents that would have an impact on other individuals in the locality.

Nicola Sturgeon: Again, I thank the First Minister for his answer, but I point out to him that the president of ACPOS said that, in his opinion, air-guns should be subject to the same laws as all firearms. Clearly, there is a mood to make even more progress. I also point out to the First Minister that, under the new law, a registered firearms dealer will still be able to sell an air-gun to anyone over the age of 18, as long as they do it in person and take the name and address of the purchaser. Clearly, there is room to go much further.

I remind the First Minister that nearly two thirds of all gun crime in Scotland involves air-guns and that that figure is on the increase. Many members of his party—Frank McAveety, for example—support restrictions on the ownership of air-guns. As I said earlier, we will disagree on many issues in the next few weeks, but can we resolve today that this will not be one of them? I know that it is a reserved issue, but will the First Minister agree that whichever of our parties wins the election, we will immediately open with Westminster whatever negotiations are necessary to allow Scotland to move towards a ban on the general, unregulated ownership of air-guns?

The First Minister: I have tried to explain that the issue is not negotiations with Westminster. I hope that an effort is not being made to turn what

could be a consensual debate into one along constitutional lines.

The issue is the discussion between us and the police forces of Scotland about what is the best way to tackle incidents involving air-guns. Both at the time and since, the police have strongly advised us that a full-scale registration scheme or a ban would be inappropriate. I keep open those options in the longer term—I do not believe that we should count them out. However, I am willing to give the police the opportunity to prove that their view on the issue was right and that they can successfully implement and enforce the legislation that has been agreed.

Over recent years, the legislation has increased the minimum age for owning air weapons from 14 to 18. There is a new offence of possessing an air weapon in a public place without a reasonable excuse and a new minimum sentence of five years that goes alongside that. In addition, of course, there are bans on imports and on sales over the internet and there is a system of registered dealers. All those new laws have now been put in place with the consent of the police and I assume that the police are willing to enforce them effectively.

This month, the Minister for Justice and I will meet the police forces of Scotland to ensure that they move to implement those new laws immediately. We will monitor how they do that and, in the longer term, if that is not successful, we keep open the option of holding further discussions with them about moving towards registration or a ban.

Nicola Sturgeon: I suggest to the First Minister that if we think that even the new law is deficient, we have a duty to act now. I remind him of some incidents that have taken place just this year: in Glasgow, an 18-year-old was shot with an air-gun; a pensioner was shot on a train with an air-gun; and, in Dundee, two 11-year-olds were shot with an air-gun. Air-gun crime is a serious issue of public safety and it is on the increase. I make it clear that, in government, the Scottish National Party will make it a priority to move to restrict the ownership of air-guns and I hope that, when the time comes, we will have the support of all parties in the Parliament.

The First Minister: I reiterate the same points. In response not just to the tragic incident that took place two years ago today but to the pattern that existed across Scotland at the time, especially in Strathclyde, we took action, based on the advice of the police forces, to strengthen the law. That action has been taken and the new laws are now in place. The issue for us today is enforcement of those laws, which have raised the minimum age, restricted sales, made the registration of dealers a requirement and stopped people possessing air

weapons in any public place without a reasonable reason. I have no doubt that the enforcement of all those laws will have an impact on the number of incidents that still occur in Scotland today. Every such incident is an issue for us. The immediate challenge is for the police forces of Scotland to enforce those laws. We are willing to give them a chance to implement the laws that they requested. If those laws are proved not to be sufficient, we will of course be prepared to consider going further.

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-2750)

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

Miss Goldie: I hope that time will be found to talk about the implementation of the legislation that governs free personal care for the elderly. The First Minister will be aware that an independent report that was published yesterday shows that half of Scotland's councils still have queues for assessment for free personal care. He will also be aware that, in the past few months, the Scottish Conservatives have exposed the scandal that some pensioners have been charged wrongfully for meal preparation. Does the First Minister accept that the guidance that was issued to local authorities has been a farce? Can he tell me who is to blame for that?

The First Minister: The Conservatives may be interested in political blame, but people in Scotland are interested in the quality of this important service. People in Scotland are interested not only in the consistent implementation of the free personal care policy in relation to food preparation but in the quality of service provision for elderly people in Scotland who are, for example, in care homes. That is precisely why we have a policy of free personal care, which is fully costed and implemented, and why we insist on consistent implementation in relation to food preparation and the delivery of services—the report to which Miss Goldie referred that was published yesterday made it clear that everyone in Scotland who has been assessed as requiring a service is receiving it. That is also precisely why we insist on the quality of accommodation and facilities for older people who are, for example, in care homes being inspected properly, with any problems rectified, through the work of the Scottish Commission for the Regulation of Care.

That is a comprehensive approach to care provision and those are significant steps forward in

21st century Scotland. The Conservatives may wish to get involved in some kind of culture of political blame for what happened in the past but, frankly, if we get into that, they could have very red faces indeed.

Miss Goldie: It is all very well for the First Minister to tell us that bits of the free personal care policy are working well, but if a pilot told him that bits of a plane were working well, would he still go up in it? The First Minister attempts to ignore the bits that are not working well, which is entirely predictable. The bottom line is that, in 2001, the Parliament passed legislation that entitled our older people to free personal care but, six years later, hundreds of them are still waiting for assessment for care and thousands more have been robbed of an estimated £20 million, as a result of being charged for services that should have been free. How does the First Minister propose to ensure that those pensioners are reimbursed fully and swiftly?

The First Minister: Annabel Goldie misrepresents the situation. The reality is that free personal care for elderly people in Scotland is one of the successes of the Parliament and the devolved Government. Throughout Scotland, thousands of people benefit from the provision of free care, by which I mean not only the elderly people who have been assessed as needing care and who benefit immediately from the provision, but all their families, who benefit because that cost is no longer on them as it was during the many Conservative years. It is important that local authorities throughout Scotland implement consistently the policy of free personal care. However, at least under the devolved Government, they can afford to do so, because of the increases in public investment that the local authorities and the devolved Government have had as a result of a stable and strong economy, after the 20 years of boom and bust under the Tories. In effect, those years of boom and bust led to the cuts in elderly care and the charges that elderly people faced in the 1990s. The comparison between then and now shows that devolution is working for Scotland.

Miss Goldie: Nowhere in that was an answer to the question that I asked about the pensioners who have been robbed of resource to pay for care that should have been free but was not. How does the First Minister propose to ensure that those pensioners are reimbursed fully and swiftly?

The fact remains that the situation is symptomatic of the rule of the Liberal-Labour pact, which promises everything but does not deliver. Six years on from the introduction of the legislation on free personal care, there are deficiencies in the implementation. On such a simple issue, in which pensioners—who could be more vulnerable?—

were robbed of money to pay for services that they should have got free, we have no answer and no leadership from the First Minister as to what is to happen to them. He can blame whom he likes, but is it not the truth that the Lib-Lab pact wants to blur responsibility so that it can take the credit for everything and the blame for nothing?

The First Minister: The reality is that the free personal care policy and its implementation throughout Scotland have been a success for thousands of Scottish pensioners who have benefited from it. As a result of policies that the Parliament has agreed to and the way in which those policies have been implemented, those pensioners and their families have a quality of life that they could never have imagined under the Conservatives.

Scotland's pensioners have not been robbed of anything; rather, the free personal care policy has supported them. That support makes a difference to them day in, day out. We will continue to defend and promote the free personal care policy and ensure that the local authorities, which are responsible for implementing it, implement it more consistently in the years to come. They will do so with our full backing and the resources that they identified as being necessary when the policy was introduced.

The Presiding Officer (Mr George Reid): There is one constituency supplementary, from Marilyn Livingstone.

Marilyn Livingstone (Kirkcaldy) (Lab): Is the First Minister aware of the recent announcement by Inglis Allen, which is based in my constituency, that it was calling in the provisional liquidator? Some 43 jobs will be lost. The company has operated in my constituency for more than 100 years and the community will feel its loss keenly. The First Minister is aware that the printing industry in general is experiencing difficult market conditions. Will the relevant Executive departments work with key agencies in my constituency to help to secure a buyer for the company and ensure that every possible support is given to the workforce?

The First Minister: Obviously, we sympathise with those who are affected by such decisions. In such circumstances, we act quickly with the support of all local agencies to give people advice and assistance to get into new work or training. That policy, which has been successfully implemented elsewhere in Scotland, will be implemented in Marilyn Livingstone's Kirkcaldy constituency and the rest of Fife.

Last Friday, I participated in a meeting with Marilyn Livingstone and the local member of Parliament in which the prospect of an urban regeneration company in Kirkcaldy was discussed.

I thank her for that meeting and wish the local partners well. The local community in Kirkcaldy faces real economic challenges, and the local partners should move quickly to secure an arrangement that could ensure additional private and public sector investment in the area in the future.

International Development

3. Dennis Canavan (Falkirk West) (Ind): To ask the First Minister what recent representations the Scottish Executive has received about its contribution to international development. (S2F-2754)

The First Minister (Mr Jack McConnell): We regularly receive representations in respect of international development, the majority of which seek advice on how to become involved in our work with Malawi or ask for funding for project ideas.

Dennis Canavan: I urge the First Minister to expand and improve the Executive's programme for helping the people of Malawi. That said, will he respond to the recent BBC report that claimed that more than 30 per cent of the money for Malawi has gone on administration rather than on helping the poorest people in one of the poorest countries in the world?

The First Minister: Dennis Canavan will be aware that I remain committed to the idea that the Parliament's approach should be to support the United Kingdom Government's international aid and development efforts and ensure that Scotland makes a contribution to the lives of those with significant needs elsewhere in the world—in many cases, the needs of people elsewhere in the world are far more significant than ours. We have a duty and a responsibility to take such an approach, and the Parliament should be proud that it shows an interest in such matters. It should not flinch from continuing to be committed to supporting international development.

Dennis Canavan asked about a recent BBC report. Those who are responsible for that report should be ashamed of its scandalous misrepresentation of the facts about the work of the international development fund. I give members an absolute guarantee that what was said about funding for the administration of organisations in Scotland is untrue. The reality is that people in Scotland receive support for innovative projects that help people in Malawi to stand on their own two feet, develop education and training services, support Malawi's economy in a sustainable way and improve governance there, which will help it to attract more aid and develop the economy in the longer term. Those projects are the right projects for people in

Scotland to undertake and we will continue to help them to achieve their aims.

Dennis Canavan: Yes, but will the First Minister provide a detailed numerical critique of the 31 per cent figure that the BBC produced? Will he also respond to the claim that international development is not the responsibility of the Executive and the Scottish Parliament, and is therefore none of our business? Does he recall that Hilary Benn, the Secretary of State for International Development, said in this chamber that he welcomed the involvement of the Scottish Parliament and the Scottish Executive in adding value to his department's work? Does the First Minister agree that world poverty should be the business of every member of this Parliament and every person in Scotland? After all, as members of the human race, we all have a responsibility to our fellow human beings, whether they be in Scotland, Malawi or anywhere else in the world.

The First Minister: Absolutely. If it were possible to understand where misrepresentations come from, it would be easier to respond to them. If there were a detailed breakdown of this fanciful claim, we—and, I am sure, all the organisations involved—would happily respond to it. I understand that the claim might include the travel costs of people from local organisations in the health, education and other sectors in Scotland going to Malawi to deliver support or to learn more about the support that they can provide. That seems to me to be a funny description of administration. However, we would welcome more detailed information from those responsible for the programme to ensure that people in Scotland receive clarification that will reassure them.

On the member's second question, I make it very clear that the Scotland Act 1998 empowers the Scottish ministers to act in assistance to the responsibilities of ministers of the Crown in the United Kingdom. Although international aid and development are clearly a responsibility of the UK Government, we in Scotland have a clear legislative opportunity to support such actions. We do so in Malawi and elsewhere in a reasonable and considered way that is not out of proportion to the rest of our activities and responsibilities. Indeed, we do it because we believe in it, and because we believe that the Parliament has a bigger role to play than simply carrying out its immediate legislative responsibilities. That approach makes Scotland a better place and I am sure that the vast majority of people in Scotland are very proud of that action and that commitment.

Mike Pringle (Edinburgh South) (LD): I watched—and was horrified by—the programme in question. For example, it did not highlight a particular project in Malawi with which I have been involved, which has received Scottish Executive

funding and is doing extremely well in training people to be trainers.

Has the First Minister any idea of the percentage that is being spent on administration? Of course, any such activities undertaken in the Scottish Parliament are bound to incur more costs in the early stages. What checks and balances are being put in place to ensure that as much of the money as possible is going to the front line?

The First Minister: Ultimately, this issue comes down to people's commitment, will and desire to assist and to make the most of the investment. I suppose that many different definitions of administration exist. My best estimate is that those responsible for this particular misrepresentation took the widest possible definition, which is way beyond the expectations of any reasonable person. However, I would welcome clarification from them and will be happy to deal with that information if it comes forward.

The people to whom Mike Pringle has referred and the many such projects across Scotland will have had to meet set-up costs. In some cases, they will have raised money in previous years to help them in that respect; in other cases, they might have needed a bit of assistance to get going. However, in each and every case, the teachers, doctors and nurses, the people in businesses, churches, rotary clubs, sports clubs and other organisations and the other people all over Scotland who are helping with the efforts in Malawi, Uganda, Zambia, Rwanda and other countries do so because they believe in what they are doing. They get up in the morning, caring about what they are doing, not because they want to spend money on administration but because they want to change the world. That is the right attitude for Scots, and Scots everywhere should support those people in their efforts.

Rail Passenger Safety

4. Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): To ask the First Minister, in light of the Cumbria train crash, what action it will take within its responsibilities in the interests of passenger safety. (S2F-2760)

The First Minister (Mr Jack McConnell): I apologise for the length of this reply but, clearly, it is on an important and immediate issue on which I would like to give some information to the chamber. First, on behalf of all members, I express my condolences to the family of Margaret Masson, who lost her life so tragically at the weekend. Our thoughts are also with all those who were injured in the incident in Cumbria, particularly those who are still in hospital.

Railway safety is a reserved issue. However, Transport Scotland officials are actively engaged

with the Department for Transport in developing safety policy. They will work with the department and the Office of Rail Regulation in taking forward any specific recommendations that arise from the derailment investigation.

The Office of Rail Regulation supports the precautionary inspection by Network Rail of the 900 sets of points across the UK network that are similar to the ones that form part of the current investigation. I am informed that, by the evening of Tuesday 27 February, all of the 200 similar sets of points on the Scottish network had been checked by Network Rail engineers and no safety concerns had been found. Although all members will welcome that information, I am sure that we would also want to insist that Network Rail continues to be vigilant in the future about the safety of the track, which is its responsibility.

Fergus Ewing: I thank the First Minister for that detailed answer and echo the sentiments that he expressed in respect of the lady who lost her life and the people who were injured.

We have to await the outcome of the derailment investigation, but I want to look to the longer term. Seat belts have been mandatory for a long time in motor cars and aeroplanes. Surely a suggestion that is worthy of consideration is that three-point seat belts should be supplied on trains, particularly when new rolling stock is purchased.

The First Minister: I speak personally rather than necessarily on behalf of the whole Executive, although I understand that a number of ministers have strong views in support of having seat belts on trains. A very strong case can be made for the provision of seat belts on trains. I believe that any investigation into the derailment last weekend should look again at the issue, which has been looked at before, and do so positively. Even if the issue of train safety is reserved, we have responsibilities for train services and for the track in Scotland, so we will consider contributing to any debate on the issue over the months to come. In any debate on how to move forward on the issue, seat belts will have to be part of the consideration.

Air-gun Sales

5. Tommy Sheridan (Glasgow) (Sol): To ask the First Minister, on the eve of the second anniversary of the fatal shooting of toddler Andrew Morton, whether the Scottish Executive considers that general air-gun sales should be banned. (S2F-2752)

The First Minister (Mr Jack McConnell): Obviously, we have already discussed the issue, Presiding Officer. I reiterate the sense of shock that all of us felt at the tragic shooting of Andrew Morton. We continue to sympathise with the

parents, who are with us again in the Parliament. We welcome them today.

Changes in the law will end anonymous internet and mail order sales of air-guns by outlawing any sales that are not conducted on a face-to-face basis; increase the age limit for the ownership of air weapons, yet again, to 18; and tighten the law on the indiscriminate and reckless firing of air-guns from private property. Those changes come on top of the previous change in the law that ensures that people cannot have unreasonable possession of an air-gun outwith their own private property. We welcome all those new laws. We wish to ensure that they are enforced properly by police forces across Scotland. We will also monitor the effectiveness of those new laws. As we do so, we will, of course, consider whether further measures are necessary.

Tommy Sheridan: I thank the First Minister for making the time yesterday to discuss the matter with me. I ask him to join me in paying tribute to the campaigning activities of Sharon McMillan and Andy Morton, the parents of Andrew Morton, and to those of Jacqueline Jack, the sister of Graeme Baxter, who was killed last April in an air-gun shooting.

Given that there have been three fatalities from air-guns in Scotland in the past three years, given that a System 3 opinion poll showed that 82 per cent of people in Scotland support a ban on air-guns, and given that statistics published last week by the Scottish Executive Justice Department show that air-gun-related crimes are at a seven-year high, will the First Minister please give hope to the families who are campaigning for a ban on air-guns by repeating the statement that he made to the Labour Party conference two years ago, when he said that it would be wrong to rule out a total ban on air-guns?

The First Minister: I am happy to repeat that statement. I believe that it would be wrong to rule out a total ban on air-guns. I also believe that the challenge for Scottish police forces in the immediate future is to implement and enforce the laws that were discussed and agreed with them and which have been enacted. It is time for that enforcement to happen.

The Minister for Justice and I will meet the Association of Chief Police Officers in Scotland this month, to ensure that police forces initially target the areas of Scotland in which there have been the most incidents. We know which parts of the country are most affected by the curse of air-guns and we will ensure that the police forces of Scotland initially target those areas, to minimise the potential for incidents caused by people who mishandle air-guns. If enforcement proves ineffective or is not as effective as we want it to be, of course I do not rule out a total ban in future.

The Presiding Officer: First Minister's question time started late, so I use my discretion to take question 6.

Child Poverty

6. Jackie Baillie (Dumbarton) (Lab): To ask the First Minister, in light of recent statistics, what steps are being considered to help raise children out of poverty. (S2F-2751)

The First Minister (Mr Jack McConnell): We are committed to tackling child poverty. Since 1998, 100,000 Scottish children have been lifted from relative poverty, so the target to reduce child poverty by a quarter by 2005 has been exceeded. Investment in education, skills and employment will make the most significant difference in the long term. We regularly discuss with relevant United Kingdom Government departments the next steps that we can take together to help people who are still living in poverty in Scotland.

Jackie Baillie: It cannot be denied that in Scotland we are on course to achieve Labour's commitment to end child poverty in a generation. However, the next stage is potentially the most difficult one: tackling the circumstances of children and families who are still in absolute poverty will be challenging. As work remains the best way of lifting whole families out of poverty, what additional measures will the First Minister take to target children in communities such as Dumbarton and the Vale of Leven, so that they can have the best possible start in life?

The First Minister: There has been considerable improvement in the position, partly as a result of investment in the sure start programme and partly as a result of investment in our working for families fund, which Jackie Baillie was involved in establishing. Throughout the country, the biggest change in relation to child poverty comes through having a stronger economy, investment that leads to the creation of good jobs, and investment in education and skills, to give young people a better opportunity in life. Such investment should remain our absolute priority in this Parliament through devolution. The best way of tackling poverty in Scotland in the long term is through education, skills and employment opportunities, so that families are able to stand on their own two feet, make their contribution and ensure that the next generation can go even further. That remains an absolute priority commitment for the Executive and I am certain that it will do after 3 May.

12:33

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Justice and Law Officers

Tobacco (Under-age Purchasers)

1. Mr Jim Wallace (Orkney) (LD): To ask the Scottish Executive how many prosecutions have been brought in respect of selling tobacco to under-age purchasers in each of the last three years. (S2O-12199)

The Lord Advocate (Elish Angiolini): In 2003-04, procurators fiscal initiated court proceedings in two cases involving the sale of tobacco to under-age purchasers. The equivalent figures for 2004-05 and 2005-06 were four and three respectively.

During those three years, procurators fiscal dealt with a total of 42 cases involving under-age tobacco sales. In addition to the nine cases in which court proceedings were initiated, warnings were issued in 25 cases.

Mr Wallace: It certainly does not seem that the courts are overflowing with prosecutions of this nature. Is that because the current law is being obeyed meticulously the length and breadth of Scotland or, as we suspect, because people are not being caught? Would it not be better to try to enforce the current law before embarking on raising the age for buying tobacco?

The Lord Advocate: Raising the age for buying tobacco is a matter for the Parliament and the Executive more generally, rather than for me as the Lord Advocate. I hope that Mr Wallace agrees that it is not only the prospect of prosecution but the existence of prohibition itself that makes most citizens of this country obey the law.

The approach in the past has been one of education, training and monitoring by the trading standards departments of the various local authorities, combined thereafter with the threat of prosecution by the procurator fiscal. A review of tobacco sales to children is under way, which will be available for the new Administration to consider. In light of that, and of any legislative changes that may come about, we will reconsider prosecution policy.

The Deputy Presiding Officer (Trish Godman): Question 2 has been withdrawn.

Custodial Sentences and Weapons (Scotland) Bill

3. Mr David Davidson (North East Scotland)

(Con): To ask the Scottish Executive when it anticipates that local authorities will be in a position to implement the provisions of the Custodial Sentences and Weapons (Scotland) Bill. (S2O-12193)

The Minister for Justice (Cathy Jamieson): The custodial sentences element of the bill delivers our commitment to end automatic, unconditional early release. The new regime will introduce end-to-end sentence management that will help to tackle reoffending and enhance public protection. The weapons element of the bill permits ministers to introduce a licensing scheme for knife dealers. Both those much-needed elements will come into force as soon as is practicable.

Mr Davidson: I regret that the minister made no attempt to answer the question other than to describe what the bill is about, and we are all well aware of that.

The bill will put tremendous strains on local authorities to find, provide, train and pay for extra criminal justice workers within council budgets. Representatives of many councils to whom I have spoken say that they do not have the resources and do not know where the people are going to come from. I repeat the question: when does the minister think that local authorities will be in a position to deal with the bill?

Cathy Jamieson: I hear what Mr Davidson is saying about members understanding the elements of the bill. However, I hope that he also understands the range of reforms that have been introduced in the criminal justice system, including the new community justice authorities, which will take on their full responsibilities from 1 April this year and which are absolutely critical to ensuring the success of the management of offenders both in the prison system and in the community.

I made it clear in the financial memorandum that accompanied the bill that the measures do not come without a cost. We have provided figures for that and have said that we will ensure that the resources are in place.

I suggest—as I have done before—that people have to think more creatively. Rather than thinking simply that the bill is about providing more criminal justice social workers in local authorities, people should acknowledge that the bill is about a fundamental change in the way in which we manage offenders. If we simply think about such things in the way in which we have thought about them in the past, we will miss an opportunity for the future.

Community Police Officers

4. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): To ask the Scottish Executive how many community police officers there are in Scotland. (S2O-12202)

The Minister for Justice (Cathy Jamieson): The number of police officers involved in community policing duties varies on a daily basis depending on the demands faced by individual forces. As a result of Executive investment, the total number of police officers available to be deployed by chief constables has increased by around 1,500 since 1999.

Jeremy Purvis: I thank the minister for her response and also for putting on the record the record numbers of police in Scotland under the Executive.

In the minister's answer, she indicated that there is uncertainty about how many police officers work as community police officers on a daily basis. That reflects some of the concerns of my constituents in Penicuik where, on a shift-by-shift basis, dedicated community officers are pulled away from the area. Does she recognise that, as happened following the antisocial behaviour legislation, there is now a need for community policing plans, which police boards could contribute to, put together and report on to the Executive? The Executive would then be able to release funds for, potentially, 1,000 more community police officers in Scotland. That approach would be remarkably similar to Liberal Democrat policy.

Cathy Jamieson: Of course, I cannot comment on Liberal Democrat policy, which is a matter for that political party. However, I am well aware that many people in local neighbourhoods want more visible policing. They want the police to be there to tackle crime and antisocial behaviour hot spots. That is why we have increased not only the overall number of police officers, but the number of back-room and support staff. We have also introduced community wardens, a measure that some parties do not appear to support—even now, when communities support them.

It is important to recognise that the deployment of individual officers is a matter for the chief constable. It is of course right and proper that local police boards reflect the needs and wishes of local communities, and there is rightly a role for local elected members in that. I hope that governance at that level will be improved in future, and that the needs of local communities will be met, whether by an increase in officer numbers or by a combination of police officers working with community wardens.

Mr Kenny MacAskill (Lothians) (SNP): Obviously, the minister is correct that the deployment of officers is a matter for chief

constables, but they can allocate only the officers they have available to them.

Following on from Mr Purvis's point, is the minister aware that, in Lothian and Borders, community officers are routinely pulled into the city centre for events at, or relating to, the Parliament? Although the city centre police unit, located in the Parliament, is welcome, there is clearly still a gap in the provision of officers to work on related matters. The Metropolitan police in London have capital city status and, although some genuflection has been made towards the city of Edinburgh and Lothian and Borders police by the creation of the city centre police unit, we still do not have adequate capital city status. Will the minister address that issue to ensure that community officers can be community officers and do not have to be brought in routinely for parliamentary and other matters?

Cathy Jamieson: As Mr MacAskill rightly says, we increased the funding for Lothian and Borders police to deal with some of the pressures in and around the city centre. However, it would be wrong of me as a minister—and as a politician—to interfere in the day-to-day operational duties of the police and in the work of the chief constable. In some forces, chief constables have taken the decision to ensure that community officers are not routinely taken from their community duties. However, it is important that chief constables have the flexibility to be able to deal with the issues that face them.

HM Prison Low Moss (Replacement)

5. Mr Stewart Maxwell (West of Scotland) (SNP): To ask the Scottish Executive what the estimated cost is for the public sector to bid for the right to build and operate the replacement HM Prison Low Moss and whether it will list what that money would be spent on. (S2O-12169)

The Minister for Justice (Cathy Jamieson): In 2005, the chief executive of the Scottish Prison Service advised the Justice 2 Committee that the budget allocated was £2 million. It is not possible to say what the final costs will be because the competition has not yet commenced. The money allocated will be spent on meeting the full bid costs: salaries, specialist advice, accommodation and other costs as required.

Mr Maxwell: Is it not the case that the only reason why £2 million is being wasted on bureaucracy is that the Lib-Lab pact is wedded to the discredited Tory private finance initiative policy? Does the minister agree that the Prison Service would be much better using that £2 million to help prisoners get off drugs and to provide basic literacy, numeracy and anger management programmes, educational opportunities and new skills and other training courses so that they can

gain employment after their sentences end? Would not all those help to direct people away from crime and reoffending? That would be a much better use of £2 million instead of throwing the money down the PFI money pit.

Cathy Jamieson: The bridging the gap project is about examining in detail whether the Scottish Prison Service, which is in the public sector, can put together a bid that would mean value for money for the taxpayer.

I welcome the Scottish National Party's conversion to the notion that going straight to PFI in the prison sector would be worth doing and would save money but, frankly, I am astonished that it seems to be abandoning the public sector in that context. Of course we want to ensure that the right programmes are in place in our prisons. As well as building new prisons, we are spending a significant amount of money on redesigning, rebuilding and refurbishing our existing prison estate. That is the right approach to take and I think that the SNP is letting down Scottish Prison Service staff and public sector workers by proposing that they should not be allowed at least to try to compete on a level playing field.

Environmental Crime

6. Patrick Harvie (Glasgow) (Green): To ask the Scottish Executive what steps it is taking to improve the prosecution and detection of environmental crime. (S2O-12188)

The Solicitor General for Scotland (John Beckett): Procurators fiscal are provided with appropriate training, development opportunities and guidance material to enable them to carry out their varied duties. That includes specific guidance and training on environmental crime.

A national network of prosecutors who specialise in environmental cases has been in place since 2004. They work closely with professionals from the Scottish Environment Protection Agency, the police and other specialist agencies, and provide advice to prosecution colleagues as appropriate.

Patrick Harvie: I recognise that the Executive has undertaken some work on the area, but its figures show that since 1999 there has been very little change in the number of prosecutions brought by SEPA that have led to conviction.

The report of the Scottish Labour Party's policy forum states:

"We will close some remaining loopholes in the prosecution of wildlife crime."

What loopholes remain in that area? Is it not just as important to give resources both to fiscals and to the enforcement agencies to allow them to carry out their existing work more rigorously?

The Solicitor General for Scotland: The member might be aware that in November of last year, the Executive issued to a wide range of organisations the consultation document, "Strengthening and Streamlining: The Way Forward for the Enforcement of Environmental Law in Scotland", which seeks to provide an overview of the key issues relating to the enforcement of environmental law in Scotland, to consider the action that ought to be taken to strengthen the enforcement of such law in Scotland and to invite views on those matters. The closing date for responses was 22 February, although extensions have been granted until the end of this week. More than 40 responses have been received, so there is the prospect of a consensus being reached on how to improve the detection and prosecution process. The sharing of knowledge, together with the development of a risk management-based approach to enforcement, has and will provide the desired improvement.

In addition, I can inform the member that in the four years to March 2006, 82 per cent of all charges reported by SEPA resulted in prosecution. That compares favourably with a general prosecution rate of 60 per cent for all offences across the board, although one explanation for that is that non-court disposals are more common for run-of-the-mill offences.

Tayside Police

7. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Executive when it last met the chief constable of Tayside police and what issues were discussed. (S2O-12178)

The Minister for Justice (Cathy Jamieson): Scottish Executive ministers and officials meet all chief constables regularly to discuss a wide range of policing issues.

Murdo Fraser: When the minister next meets the chief constable of Tayside police, she might like to ask him why only two out of 32 police stations in Tayside are open to the public 24 hours a day. Does she accept that in some of our smaller communities having a police station open 24 hours a day not only acts as a deterrent to crime, but provides reassurance to a public who are increasingly concerned about rising levels of crime and offences?

Cathy Jamieson: I appreciate that the public are concerned about having police available to deal with incidents, to prevent and detect crime and to bring offenders to justice, but I suspect that in any discussions that I had with the chief constable of Tayside police, he would express the view that rather than having his officers in police offices away from, and inaccessible to, the public, he would prefer them to be out on patrol and able to respond to incidents, particularly during the

night-time hours. As a result of all the investment that we have made in improving technology—through the airwave radio system, for example—methods of policing have changed, as has the way in which people contact the police. Although I cannot speak for the chief constable, I am sure that that would be the flavour of some of what he would say.

Mr John Swinney (North Tayside) (SNP): When the minister next meets the chief constable of Tayside police, will she discuss with him his innovative approach to the co-location of police officers in public offices of other agencies, which is extremely welcome in some isolated areas of my constituency? It guarantees a level of police presence in rural communities and improves people's confidence in the police force. If that service is working in one area, would the minister contemplate encouraging the chief constable of Tayside police and other chief constables to roll it out into other rural areas where it would be appreciated?

Cathy Jamieson: A number of innovative projects are working in the Tayside area and in other areas. As we move ahead with changes to public services in response to what the public want, it is important to look for instances where we can co-locate people, so that we do not have additional costs to the taxpayer at the local and national level. In addition to the project mentioned by Mr Swinney, I am aware of—and, indeed, have visited, along with Scott Barrie MSP—innovative projects in the Fife area in which the local post office is a contact point for the police, allowing the public to pass on information at a very local level.

Central Intelligence Agency (Rendition Flights)

8. Mark Ballard (Lothians) (Green): To ask the Scottish Executive whether it will carry out an investigation into CIA rendition flights, in light of the recent report of the European Parliament. (S2O-12186)

The Minister for Justice (Cathy Jamieson): Aviation and foreign affairs are both areas that are the reserved responsibility of the United Kingdom Government. The investigation of crime, including the collection of evidence, is a matter for the police. If there is specific, credible information that a crime has been committed in Scotland, it is for the police to investigate. If they secure sufficient evidence for criminal proceedings to be considered, the police will report the result of their investigation to the procurator fiscal.

Mark Ballard: I thank the minister for that answer, although her response reinforces the part of the report that accuses member states of turning a blind eye.

In light of the report, will the minister advise police forces to take a more proactive approach to ensure that our airports are not being used to facilitate rendition flights? In short, will police forces take active steps to deter and prevent crime, instead of refusing to investigate possible crimes after the event?

Cathy Jamieson: Again, I stress that it is not for ministers to be involved in the investigation of crime. That is, rightly and properly, a matter for the police. Similarly, the issues around prosecution are, rightly and properly, a matter for our independent prosecution service. In a sense, I commend the tenacity with which Mark Ballard and his colleagues continue to ask the same question on the issue but, because things have not changed, I must give them broadly the same answer. If he and his colleagues have specific and credible information, they should take it to the police, who are the right and proper people to investigate.

Mr Jim Wallace (Orkney) (LD): In December 2005, the Parliament agreed to a motion on the issue, which I think the minister supported and which I seem to recall encouraged more of a joint approach between Scottish ministers and the UK Government. Will the minister give us a flavour of those discussions, and tell us when they last took place?

Cathy Jamieson: I remember those discussions in the Parliament. The issue has not been discussed directly by me and current Home Office ministers—in recent times.

Members: Ah!

Cathy Jamieson: I make that important point before people misinterpret what I am about to say.

I can assure Mr Wallace that I take the issue seriously. I understand public concern about it, which is why it is important that we continue to work with our UK colleagues not only to ensure that if a crime is being committed on Scottish soil, it is appropriately dealt with, but to send a clear message that it is not something that in any circumstances we would condone.

Loan Sharks

9. Cathie Craigie (Cumbernauld and Kilsyth) (Lab): To ask the Scottish Executive what action is being taken through the criminal justice system to tackle loan sharks. (S2O-12217)

The Deputy Minister for Justice (Johann Lamont): We deplore the activities of illegal moneylenders. Trading standards officers and the police have been working together in the Scottish illegal moneylending unit since 2004 to detect and enforce relevant offences. The unit has brought two cases to justice, while six more are pending.

An evaluation by the Department of Trade and Industry has identified ways in which enforcement could be further improved. In addition, conventional policing over the two years 2005-06 and 2006-07 has resulted in 28 reports to the procurator fiscal, of which 18 have so far resulted in prosecution.

Cathie Craigie: I appreciate that the subject was debated at some length this morning.

Does the minister agree with me and my constituents, who believe that loan sharks are the curse of communities and that credit unions should be supported as much as possible? Will she agree to continue to fund the illegal moneylending unit and to support it to ensure that the full force of the law can be thrown at illegal moneylenders?

Johann Lamont: I agree with Cathie Craigie's description of illegal moneylenders. There is clear evidence that there are people who are waiting to prey on the most vulnerable people and who understand how to do so in a way that makes those vulnerable people feel that they are somehow responsible for the situation and cannot go to the police or anyone else for support. It is important that we recognise how unacceptable that conduct is. We know that those activities happen inside communities and that the solutions are inside communities, which is why we have given significant support to credit unions to do more than their core business of saving and lending and to be imaginative in the way in which they reach out to people. That is why money advice exists.

We must do more to find ways to educate people and help them move away from moneylenders, but we must also do a great deal more to understand the intricacies and challenges of prosecution and to give people confidence to come forward and talk about what those moneylenders do.

At lunch time, we had a positive round-table discussion at which groups from the prosecution and justice side and from communities talked together. We are committed to doing what we can to support such work, not only through policy but, crucially, to ensure that policy is followed by resources.

Enterprise, Lifelong Learning and Transport

Crichton University Campus

1. Alasdair Morgan (South of Scotland) (SNP): To ask the Scottish Executive when it will meet the Scottish funding council and the University of Glasgow to discuss the latter's

presence at the Crichton campus in Dumfries. (S2O-12159)

The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Nicol Stephen): The Deputy Minister for Enterprise and Lifelong Learning had a discussion with the chair of the Scottish Further and Higher Education Funding Council last week and met the principal of the University of Glasgow on 23 February 2007.

Alasdair Morgan: I thank the minister for that answer, but it is a pity that he could not tell us what conclusions were reached at the meetings. Does he share the view of the overwhelming majority of people in Dumfries and Galloway that the presence of the University of Glasgow at the Crichton has been an essential part of the campus's success thus far and should be a vital part of its future success? If so, what steps will he take to ensure that that presence continues?

Nicol Stephen: I understand the strength of feeling on the issue. Allan Wilson and I met a cross-party delegation from Dumfries and Galloway Council and representatives of the Crichton campus. The decision by the court of the University of Glasgow to withdraw its main liberal arts degrees from the Crichton campus is clearly an issue of great concern. I am pleased that the university, along with the other Crichton campus partners and the Scottish funding council, is to be involved in the development of an academic strategy. It is an encouraging sign that the University of Glasgow will continue to offer initial teacher education and social work at Crichton, but that still leaves a significant gap. I gave a clear undertaking to the cross-party delegation that Allan Wilson and I would be involved in discussions with the Scottish funding council, the University of Glasgow and the partners at Crichton to try to arrive at a more satisfactory solution.

Dr Elaine Murray (Dumfries) (Lab): I hope that the Deputy Minister for Enterprise and Lifelong Learning used his private meeting with Sir Muir Russell to emphasise the views of all interested parties on the importance of the University of Glasgow's continued presence at the Crichton. I seek an assurance from the minister that the round-table meetings between the Executive, the Scottish funding council and the University of Glasgow will be progressed as soon as possible, as promised during the members' business debate on the subject, and that stakeholders will be kept informed of progress, especially any reversal of the decision by the University of Glasgow to suspend student recruitment this year. Staff and prospective students will need to be apprised as soon as possible of any changes of policy by the university.

Nicol Stephen: I realise the urgency of the situation and agree with Elaine Murray that it is

vital for us to move quickly on the issue. I am aware that the approach that we have taken to higher education funding in Scotland over the past few years, which led to the establishment of the single Scottish Further and Higher Education Funding Council and a change in the relationship between the funding council and ministers, means that ministers do not have powers to intervene directly either with the funding council or with the University of Glasgow, but I hope that we can be influential in the matter. In any case, we should be involved. Along with Dumfries and Galloway Council and other elected representatives, we are determined to act urgently. We can all play a role in finding a satisfactory solution to a very difficult problem. Today I make a commitment to do so.

Alex Fergusson (Galloway and Upper Nithsdale) (Con): The minister mentioned the academic strategy. Does he agree that, unless the University of Glasgow can be persuaded, cajoled or influenced to reverse its decision not to have an intake of students from the Crichton campus in September, such a strategy will barely be worth the paper that it is written on?

Nicol Stephen: I agree that that is one of the key issues that must be discussed as soon as possible. The fact that the University of Glasgow wishes to be involved in the development of the academic strategy is a good sign; I hope that we can build on that.

Chris Ballance (South of Scotland) (Green): Given that the minister understands the issues, appreciates the strength of feeling and has undertaken to discuss and to attempt to resolve the situation, will he tell us whether, following his meetings with the funding council and the University of Glasgow, he expects success or failure? If he expects success, when should we expect an announcement?

Nicol Stephen: I always go into discussions with a positive attitude and determined to achieve a positive outcome.

Enterprise Education

2. Susan Deacon (Edinburgh East and Musselburgh) (Lab): To ask the Scottish Executive what steps it is taking to increase the involvement of business people, both at a local and national level, in the development and delivery of enterprise education in schools in line with the determined to succeed strategy. (S2O-12218)

The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Nicol Stephen): Since launching determined to succeed in March 2003, we have worked with Scotland's employers both locally and nationally. The outcome is that, according to local authorities, there are now at least 7,000 school-business

partnerships in Scotland, which is well in excess of the target of 2,000 that we set back in 2003.

Susan Deacon: I thank the minister for his answer and welcome the progress that has been made on this important programme. However, as I am sure he is aware, local and national evaluations of the determined to succeed programme show that the direct involvement of business people in the design and delivery of schools-based programmes is patchy and that a lot more can and must be done in the area. In evidence to committees of the Parliament, business organisations have indicated that they are willing to support the greater involvement of business in the roll-out of the programme. What more can the minister do to increase that type of engagement? Does he agree that there is particular value in young people having direct meetings with entrepreneurs who have set up businesses? Will he take forward such an approach to ensure not only that we teach enterprise skills in schools but that we build a true enterprise culture in Scotland?

Nicol Stephen: I agree with everything that Susan Deacon has said. A key decision that had to be made in the delivery of the original determined to succeed strategy was whether funding should go to education authorities or should be channelled through private sector organisations such as the Confederation of British Industry and the chambers of commerce. On balance, we decided—rightly, in my view—to fund local authorities. Since then, the scale of co-operation and involvement by local authorities and schools throughout Scotland has been considerable. I am not convinced that that would have been achieved if we had decided to channel funding through the chambers of commerce.

One really important point that Susan Deacon made well is that we must strike a balance between the role of teachers and schools, and the role of the private sector. I always want to encourage greater involvement by the private sector and business leaders; the 7,000 school-business partnerships to which I referred are really important to me. I thought that the initial target of 2,000 was ambitious, so to reach 7,000 is a fantastic achievement. Of course, not all the partnerships are of the high quality that we seek. That means that we must maintain and develop our close relationship with the chambers of commerce, the CBI and businesses to ensure that we get the sort of outcome that Susan Deacon and I wish to achieve.

Jim Mather (Highlands and Islands) (SNP): What impact does the Executive expect determined to succeed to have on the business birth rate in Scotland? How will it measure the initiative's impact? What steps have been taken

with Scottish Enterprise, Highlands and Islands Enterprise and the Prince's Scottish Youth Business Trust to facilitate a higher business birth rate of companies that are established by young people?

Nicol Stephen: As Jim Mather knows, we are giving specific support to young people who wish to start businesses. We also give strong support to the Prince's Scottish Youth Business Trust. Scottish Enterprise and Highlands and Islands Enterprise take the lead in the area, but I believe that the determined to succeed programme will cause more young people to take an interest in establishing businesses. Determined to succeed is not all about new business start-ups; it is about a change of attitude and spirit among young people in Scotland. That change in attitude will be very valuable to the Scottish economy, whatever job or career route young people take. I agree with Jim Mather that it is vital that we continue to lift our business birth rate in Scotland. We still face a significant challenge in that area.

A96 (Dualling)

3. Richard Lochhead (Moray) (SNP): To ask the Scottish Executive what progress has been made on the dualling of the A96. (S2O-12180)

The Minister for Transport (Tavish Scott): Transport Scotland, in close partnership with the Highlands and Islands strategic transport partnership and the north-east Scotland transport partnership, is working on a jointly funded multimodal study to examine the needs of the transport corridor between Aberdeen and Inverness. The study will identify a range of options for consideration in the strategic transport projects review, which will report next year.

Richard Lochhead: Does the minister recognise that people in Moray and elsewhere in the Highlands think that the area's economic prosperity depends on the upgrading of its transport infrastructure, particularly the dualling of the A96? If so, he will appreciate their concern about the letter that John Ewing, the head of the transport group, sent last month to Howard Brindley of HITRANS. John Ewing indicated that money may not be available for major projects in the region, including the A96. With reference to the A96 he said:

"we anticipate that partial dual carriageway is the most appropriate intervention".

Does the minister understand that that will be viewed as a big blow to Moray and its local economy, as well as to the economy of the rest of the Highlands? Was the civil servant speaking for the minister? Does the minister agree that that should not be the position, given the need for

much more ambitious proposals that will take the area forward in the 21st century?

Tavish Scott: I absolutely agree that we need ambitious proposals for the transport infrastructure for all modes of transport in the Highlands and Islands, but I do not accept the premise of the question—that there will be no investment. One of Mr Lochhead's colleagues, who is sitting behind him, has been saying in the local papers that there will be and has been no investment in roads in the Highlands and Islands. That is not the case; what the member said is an absolute misrepresentation of the facts. Mr Lochhead may shake his head, but £40 million is currently programmed to be spent on the A96. That shows the beginnings of a real programme to improve a road that needs to be improved.

I absolutely recognise the wider point of the importance of the link between Aberdeen and Inverness, and I hope that the SNP recognises the importance of doing a proper study on the matter. That work is being done by NESTRANS and HITRANS and is the right way forward.

As I have said repeatedly in the chamber to Mr Lochhead and other members, the strategic transport projects review is the right way in which to make the final decisions. Any Government, even one that Mr Lochhead would aspire to be part of, would have to carry out such a review. What a Government cannot do is promise £4.5 billion of commitments—that is the SNP's current total—and go on to say, "This is what will happen." Let us be real about spending on public priorities.

Dave Petrie (Highlands and Islands) (Con): Although the Conservatives support the upgrading of the A96 and the A9, does the minister agree that the current apology for a trunk road—the A82 Tarbert to Crianlarich route to the Highlands and Islands—must be upgraded well ahead of the proposed programme? If not, it is in grave danger of disappearing—

The Deputy Presiding Officer: We are talking about the A96, Mr Petrie. My geography is not all that good, but my guess is that you are on the wrong road.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): The minister continues to reject the case for a Nairn bypass, about which the Liberal Democrats locally are very enthusiastic. If we see a greater growth in population in the A96 corridor between Inverness and Nairn than in any other part of Scotland, should not that, of itself, dictate that the A96 be upgraded in the long term to proper dual carriageway status?

Tavish Scott: I have never rejected the case for a Nairn bypass. I hope that Mr Ewing will not misrepresent my position on that issue, as he always misrepresents my position on roads policy

in the Highlands and Islands. I will read the *Inverness Courier* this weekend, and I will ensure that it adequately reflects my position—if Mr Ewing misrepresents my position, he should be in no doubt that I will correct him, and that I will do so every week between now and 3 May.

Mr Petrie made a legitimate point about the A82. The trouble is that ultimately choices must be made about the trunk road network in the Highlands and Islands and throughout Scotland. SNP members want it all. If Mr Petrie is saying that the A82 is the Conservatives' priority, I accept that at least there is a fair degree of prioritisation in Conservative policy.

Construction and Engineering (Apprenticeships)

4. Mr Charlie Gordon (Glasgow Cathcart) (Lab): To ask the Scottish Executive whether it promotes entry to apprenticeships in the construction and engineering industries by women and ethnic minority people and whether it will provide figures for those categories in those industries, as a proportion of total apprenticeships available. (S2O-12222)

The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Nicol Stephen): The modern apprenticeship programme is open to all people over 16 who are employed. Employers are encouraged to recruit from as wide a base as possible. Along with the enterprise networks, Careers Scotland and the sector skills councils, we actively promote apprenticeships for women and ethnic minority groups.

Although the Executive does not keep the information requested, the most recent published information on the enterprise networks website shows that 1 per cent of people who have entered into construction modern apprenticeships are female and that 1.5 per cent of people who have entered into engineering modern apprenticeships are female. The enterprise networks do not break the figures down by ethnic group.

Mr Gordon: Does the minister agree that those figures are nothing to write home about? Will he therefore discuss with the sector skills councils and other stakeholders how the proportions can be improved?

Nicol Stephen: We acknowledge that the proportions are lower than any members want them to be. Therefore, we have put in place a range of initiatives that will attempt to change attitudes to career choices, including the career box programme, which helps to challenge young people's attitudes towards and perceptions of particular occupations, and the step into construction programme, which runs throughout the United Kingdom and helps to recruit adult

ethnic minorities and women into the workforce. In the past 12 months, the step into construction programme has trebled the number of women and people from an ethnic minority background who have entered into a modern apprenticeship in Scotland.

Health Facilities (Public Transport Links)

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

To ask the Scottish Executive what steps are being taken to improve public transport links to health facilities. (S2O-12229)

The Minister for Transport (Tavish Scott): We are pushing health boards and regional transport partnerships to work together, involving local authorities, on improvements to public transport links to health facilities.

Paul Martin: Is the minister concerned, as I am, about the gross inadequacy of transport links to acute hospitals throughout the NHS Greater Glasgow and Clyde area? Does he accept that if good public transport links cannot be provided, patients and staff should not be charged for car parking at those facilities?

Tavish Scott: I agree with Paul Martin's central point about the need for transport links to be available, accessible and affordable to the people who need to travel to attend the health facilities to which he referred. National health service boards are required to work in partnership with our new regional partnerships and to ensure that transport needs assessments are carried out.

If Mr Martin has a particular concern, I will be happy to consider it and to speak to the Minister for Health and Community Care about it. I am aware that NHS Greater Glasgow and Clyde, in conjunction with the local authority and the Strathclyde Partnership for Transport, has developed an evening visitor bus service to the main Glasgow hospitals, which I hope will go some way to assist Mr Martin's constituents.

Elaine Smith (Coatbridge and Chryston) (Lab): Is the minister aware that some of my constituents, particularly those with mobility problems, rely on the ambulance service, which is under pressure, to transport them to routine medical appointments, many of which are missed when ambulances are diverted to attend emergencies? In light of the unacceptable proposal to downgrade Monklands hospital, which can only place the ambulance service under further strain, can the minister update me on what is being done to improve transport infrastructure in the NHS Lanarkshire area?

Tavish Scott: I am sorry, but I cannot give Elaine Smith a precise answer to her question today. I will be happy to write to her with details from my department, and I will of course check

what is happening in other portfolios in relation to the points that she raises. I will do that as quickly as I possibly can.

The Deputy Presiding Officer: I call Alex Neil. Extremely briefly, please.

Alex Neil (Central Scotland) (SNP): As always, Presiding Officer. Following on—[*Laughter.*] I will have to wait for the laughter to die down.

Following on from Elaine Smith's point, I ask the minister to speed up the publication of the transport strategy for the health service in Lanarkshire. When the daft and dangerous decision was taken to downgrade the accident and emergency unit at Monklands hospital, we were promised a new transport strategy that would link health facilities. We have not yet seen that strategy. Will the minister tell us when it will be published?

Tavish Scott: I cannot tell Alex Neil today when it will be published. As I said to Elaine Smith, I am not aware of the particular circumstances. I will write to Mr Neil as best I can with the information he requires.

Parliamentary Bureau Motion

14:55

The Deputy Presiding Officer (Murray Tosh):

The next item of business is consideration of business motion S2M-5666, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Aquaculture and Fisheries (Scotland) Bill. I invite any member who wishes to speak against the motion to press their request-to-speak button now.

Motion moved,

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

Groups 1 and 2: 35 minutes

Groups 3 and 4: 1 hour 5 minutes

Groups 5, 6 and 7: 1 hour 20 minutes.—[*Ms Margaret Curran.*]

The Deputy Presiding Officer: Two members wish to speak against the motion. Do they really mean to do so?

Roseanna Cunningham (Perth) (SNP): No, Presiding Officer. I pressed my request-to-speak button earlier, when trying to get in during question time.

The Deputy Presiding Officer: I understand. In fact, no members now wish to speak against the motion.

Motion agreed to.

Aquaculture and Fisheries (Scotland) Bill: Stage 3

14:56

The Deputy Presiding Officer (Murray Tosh):

The next item of business is stage 3 proceedings on the Aquaculture and Fisheries (Scotland) Bill. Members will be aware that they require the bill as amended at stage 2—SP Bill 67A—the marshalled list containing all the amendments that have been selected for debate and the groupings that have been agreed. Members will be familiar by now with the division bells. There will be a five-minute suspension for the first division, with any other divisions being either of 30 seconds or 60 seconds.

Section 7—Code of practice

The Deputy Presiding Officer: The first group of amendments is on the code of practice: unused fish farm sites. Amendment 14, in the name of Rob Gibson, is the only amendment in the group.

Rob Gibson (Highlands and Islands) (SNP):

During stage 2, I raised the question of the way in which the approved code of conduct would act in terms of fish farms. That is a core element of part 1 of the bill. There is a need for clarity about the tenure of fish farm leases and about fish farm planning permissions that will follow.

Through a freedom of information request, I found out that, of the 252 salmon leases that were established by the Crown Estate, in 2004 121 reported nil production, in 2005 the figure was 126 and in 2006 it was 140. Indeed, 67 leases reported nil production for the period 2004-06.

The Crown Estate does not seem to have the mechanisms to ensure that sites, once leased, are actually used. Because many of the sites are owned by large organisations, such as Pan Fish, which has a huge range of locations and leases, amendment 14 would not be a form of overregulation or micromanagement. The bill should take account of the need to underpin access for small companies and new players in the business.

Yesterday, we debated organic food. We know that demand exists for organic salmon and that we could do with more of it. Small firms in that market are very different from the near-monopoly, mass-market producers such as Pan Fish. I contend that amendment 14 would make it possible for more small firms to get involved.

The only way to ensure that Crown Estate leases are subject to effective planning permissions under the Planning etc (Scotland) Act 2006 is to impose time limits on the use of sites in

the planning permissions. It should not just be that people have to start using sites within five years; there should be a more detailed time imposition. That would have to be underpinned by the code of practice, which the bill will allow the Executive to alter. The issue that I have outlined is major.

15:00

The minister might have discussed with Alasdair Morrison the mechanisms for individuals to challenge competition breaches through the Competition Commission, but I do not recall viewing the timetable for taking big companies to task or the bureaucracy that is involved in that. I cannot fail to note that such companies keep applying for more sites. In the debate about the Clyde fishery, the planning application that has been mentioned most recently is the one from Marine Harvest for a site off South Corriegills in Arran, which has the potential to interfere with an agreement between the Community of Arran Seabed Trust and the Clyde Fishermen's Association to create a scallop seeding area there.

If large firms such as Marine Harvest are not using all their sites—and there is lots of evidence that they have plenty to choose from—controlling whether they could get more sites would not be micromanagement by the Executive; it would be proper management. Given the ministerial commitment to a statutory underpinning for the historic agreement between Clyde Fishermen's Association and COAST, it is surely obvious that the Executive should augment the approved code of practice with amendment 14, which would limit the length of time that a fish farm operator could have a site if it was not in use.

I move amendment 14.

The Deputy Minister for Environment and Rural Development (Sarah Boyack): Amendment 14 is the same as a probing amendment that Rob Gibson lodged at stage 2. I said then that the Executive's intention was to strike a balance in the bill between regulation and not undermining investor confidence in the industry. The bill is appropriate regulation and retains the commercial freedom that our aquaculture industry requires to remain competitive. That approach has been welcomed by the Environment and Rural Development Committee and it would be disrupted if the Parliament were to accept amendment 14.

Rob Gibson mentioned the Planning etc (Scotland) Act 2006. The five-year time limit on undertaking development has been reduced to three years under that act, so there has been a reduction in the timescales. At stage 2, I gave the committee a number of examples of the legitimate commercial reasons that might prevent the

development of particular fish farm sites at any given time. I also explained at stage 2—and subsequently in correspondence to Alasdair Morrison, which I copied to the convener of the Environment and Rural Development Committee—that any companies that believe themselves to be subject to unfair competition may take that up with the Office of Fair Trading.

Given the probing nature of Rob Gibson's stage 2 amendment and the fact that he withdrew it, I was not required to consider its legal effect in detail. However, the proposal is now before the Parliament in amendment 14, and I must consider its effect. Amendment 14 seeks to include a time limit within the code of conduct that the Scottish ministers may approve under section 7. Section 8 requires the Scottish ministers to monitor compliance with any such code and gives them the power to issue notices that require the taking of such steps as they consider necessary to secure compliance with the code. Contravention of such a notice without reasonable excuse would be an offence.

The legal effect of amendment 14 would not be to force companies to free up undeveloped sites, nor even to encourage them to do so, but to give an unreasonable degree of power to the Scottish ministers. I doubt that Rob Gibson really intends that the Scottish ministers should be able to force the occupiers of fish farm sites to operate a business on those sites on pain of criminal sanction, but that would be the effect of his amendment 14 were it to become law.

I fully understand the concern that lies behind amendment 14, which is that companies may be stifling competition by hanging on to potential fish farm sites and thereby limiting the opportunities for other companies and the potential growth of the aquaculture industry. As I said at stage 2, the issue is important, and the Executive takes an active interest in the work that Fisheries Research Services, the Crown Estate, the Scottish Environment Protection Agency and the Scottish Salmon Producers Organisation are doing on site use and availability and the efficiency of site sharing among key players. Rob Gibson's amendment 14 would not be effective in preventing abuse that involved anti-competitive practices or agreements or abuse of a dominant position. That would be a matter for the competition authorities.

I urge Rob Gibson to withdraw amendment 14 for the reasons that I have outlined.

Rob Gibson: As the Environment and Rural Development Committee's stage 1 report suggested,

"the long-term retention of sites which are left inactive is unacceptable."

I have listened to the minister saying that she does not want to criminalise such a situation, but my amendment 14 would allow the Executive to make the point that, as such a large number of sites—more than half the sites in existence—are not being used, something extra special must be done to bring them into production.

In our party, we believe that the difficulties that small companies face in using the OFT mechanism make its use more wishful thinking than a real opportunity. The time and the cost that would be involved in small companies trying to get a decision shift the balance very much in favour of the largest firms and against potential smaller incomers into the business. We want more entrepreneurs. We want young people to come into the business. How are people going to be able to start using any of the sites? That is the question.

Amendment 14 would open up potential for unused sites. I do not see how there can be an objection to it, because it depends on actions being taken by the Executive, which could go down the criminal route or could allow for a tougher approach to be taken with planning applications and advice. People should not just be advised to start development within three years; sites must be used each year, with their use being surveyed. The practical interpretation of amendment 14 would come in secondary legislation. The principle is one of opening up sites.

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

Members: No.

The Deputy Presiding Officer: There will be a division. I suspend the meeting for five minutes.

15:07

Meeting suspended.

15:12

On resuming—

The Deputy Presiding Officer: We will proceed with the 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) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 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)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 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, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (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)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

The Deputy Presiding Officer: The result of the division is: For 32, Against 70, Abstentions 0.

Amendment 14 disagreed to.

After section 17

The Deputy Presiding Officer: Group 2 is on the prevention of entry into Scotland of *Gyrodactylus salaris*. Amendment 1, in the name of Ted Brocklebank, is grouped with amendments 1A and 15.

Mr Jamie McGrigor (Highlands and Islands) (Con): This Parliament passes laws on all sorts of things, but only rarely can we honestly say that it is faced with an issue as important as that of *Gyrodactylus salaris*, the infamous salmon parasite that has devastated fish stocks and river systems on the continent. Although GS has not yet appeared in Scotland, it might be only a matter of time until it does unless we take action to combat the threat. At present, if anglers take a fishing trip to Norway, there is nothing to stop them, upon their return to Scotland, continuing to fish with equipment that might be contaminated. The threat is obvious, but what should we do about it?

15:15

Let me quote directly from the Executive's document on GS, which was produced for ministers by experts at the institute of aquaculture at the University of Stirling and Glasgow Caledonian University business school. According to that document, which I have with me, the cost to the economy if GS became widespread would be £34.5 million per year in lost household income, £44.8 million in lost expenditure, and a staggering £633 million in net economic value lost. The document also estimates that almost 2,000 full-time equivalent jobs would be lost annually.

What does the excellent document suggest that we should do to prevent such an economic and ecological catastrophe? I quote:

"The probability of GS entering the UK could be reduced considerably by the provision of disinfection stations at ports".

It also says:

"The total estimated cost of these measures ... is £6m".

That cost is small in comparison with the net economic value of £633 million.

Furthermore, the measures that are outlined in amendment 1 were enthusiastically endorsed by every member of the Environment and Rural Development Committee in its stage 1 report. At that time, the deputy minister was convener of the committee. Paragraph 99 of the report states:

"The Committee does not see why more robust measures should not also be developed at ports of entry—such as a requirement to make a declaration at customs points if carrying fishing gear or other water-sports equipment".

We know who the convener of the committee was, so why, when Ted Brocklebank heeded the committee's recommendation and duly lodged an amendment at stage 2, did the deputy minister reject it and her Labour and Liberal Democrat colleagues on the committee vote it down?

The measures that are outlined in amendment 1 may not be enough to stop GS, not least because it could arrive via England or Wales, but they would send a signal to the United Kingdom Government that we are deadly serious in combating that parasite and that similar measures must be implemented across the country.

Alasdair Morgan (South of Scotland) (SNP): Will the member give way?

Mr McGrigor: Presiding Officer, may I give way?

The Deputy Presiding Officer: That is entirely at your discretion.

Mr McGrigor: I will happily give way.

Alasdair Morgan: For the sake of other members, will Mr McGrigor explain precisely how proposed new section 5DA(1) of the Diseases of Fish Act 1937 is intended to work? How would persons entering Scotland from outwith Great Britain declare the items in question on entry into Scotland?

Mr McGrigor: Presumably, if someone came to a Scottish airport, they would declare the items there. We would not have the power to make them declare the items at a UK airport, but the same measures could be introduced at Westminster by a Sewel motion or some such method.

Members will agree that £6 million is a small price to pay to ensure that we do all that we can to prevent the awful GS parasite from getting here. We may not succeed, but surely we have a moral obligation in Scotland to give it our best shot.

I move amendment 1.

Richard Lochhead (Moray) (SNP): I will speak to amendments 1A and 15. I agree with Jamie McGrigor, not only with regard to the fact that the Parliament makes lots of laws but on some of his other points.

I lodged amendment 1A because, if the Parliament chooses to support Jamie McGrigor's amendment 1, the SNP's amendment will strengthen it by ensuring that the minister reports back to the Parliament within a year of the act coming into force on exactly what measures have been taken in conjunction with other UK authorities to stop GS coming into the country. I lodged the same amendment as stand-alone amendment 15, so that it can be voted on separately if the Parliament does not support amendment 1.

We can all agree that, if GS arrives in Scotland, it will be utterly devastating first and foremost for our rural economy, particularly for our freshwater fisheries, related tourism and jobs, and for the other industries that use our rivers, particularly the whisky industry and, increasingly, the renewable energy industry. It will also damage Scotland's image, which will be done no good whatever if we have rivers in which all the wildlife has been killed.

I, too, will quote from the Environment and Rural Development Committee's report on the bill, which says that the Association of Electricity Producers said in relation to the River Tay:

"If such an incident were to happen, we would have an on-going containment problem for evermore. Instead of thinking of ways of treating or containing it, we should be putting our minds to preventing it from entering our water system in the first place."—[*Official Report, Environment and Rural Development Committee*, 24 October 2006; c 3576.]

That shows that prevention is better than cure. I was going to quote the committee's recommendation in paragraph 99, with which we agree, but Jamie McGrigor did that.

On the damage that would be done to the whisky industry—as the representative of Moray, it is close to my heart—I have an e-mail that the whisky industry sent following the recent GS contingency planning exercise. The industry says:

"the exercise made it clear that if GS comes to Scotland then eradication will not be quick even if chemicals are employed ... Repeat dosing of watercourses would mean repeated disruption to distilling activities and a higher likelihood of a negative impact on international consumer confidence. This has re-inforced our view on the importance of focusing on preventative measures."

It also says that the Government's assessment of the economic damage that would result from an outbreak of GS

"makes no mention of the broader impact ... on the Scotch Whisky brand reputation internationally and consumer confidence."

I highlight that e-mail to the Parliament to reinforce the fact that the issue affects not just freshwater fisheries and anglers, although they are extremely valuable economically and for jobs, but other industries that use our river systems for their own ends, such as the renewable energy and whisky industries. It is imperative that we support the taking of steps at ports of entry, which the committee and the wider sectors that the debate affects support. It is also imperative to ask ministers to report to Parliament within one year of the act coming into force, to ensure that the issue is a priority for the Government.

I move amendment 1A.

The Minister for Environment and Rural Development (Ross Finnie): I do not disagree with Jamie McGrigor's point that *Gyrodactylus salaris* is an extremely important disease to deal with, and the Executive has no difficulty in agreeing that its potential impact is serious. Therefore, I do not necessarily disagree with Richard Lochhead, either. However, my concern is that although Jamie McGrigor and Richard Lochhead highlighted the disease's importance and the need to be alert to it, neither of them established whether the risk is high or how the disease is most likely to be transmitted.

The expert reports to which Jamie McGrigor was keen to refer in relation to the disease's importance make it clear that experts and scientists have assessed as "extremely low" the risk of *Gyrodactylus salaris* entering the United Kingdom via fishing and boating equipment. Of relevance to that assessment is the knowledge that where the disease has occurred in Norway, equipment has never been implicated in the parasite's transmission between rivers. I and the Executive take seriously this extremely important matter, but transmission has not occurred by the means that amendment 1 or amendment 1A suggests. We must ensure that people who engage in fishing are as aware as everybody else is of the high risk.

Amendment 1 is not particularly workable. Often, points of entry from infected areas are not staffed by customs officials and, when they are, it is impractical to check every passenger. More important, the veracity of any declaration—if one were given—could not be established. That view is shared by HM Revenue and Customs, which was approached about the matter, and by the salmon angling representatives on the *Gyrodactylus*

salaris task force that we established to develop our contingency plan.

Our preferred approach is to raise the ante by making all those who engage in relevant activity far more aware of the potential risks that are attached to the disease and of the considerable impact that any outbreak would have on Scotland's economy. Therefore, we have arranged a campaign, to which we are devoting additional resources. We are engaging with all people who come to Scotland and who book holidays here to advise and inform them of the danger that is associated with their bringing in the disease.

Richard Lochhead: I appreciate the fact that the minister has strong views on Ted Brocklebank's amendment. However, the SNP's amendment 1A simply asks ministers to report back to Parliament within one year. Surely he has no objection to that.

Ross Finnie: I am addressing the amendments in the order in which they were spoken to. I know that Richard Lochhead is anxious for me to respond to his amendments, but he must not get excited. I am dealing with the substance of Mr McGrigor's point. Public information is the important thing; therefore, I hope that Mr McGrigor will withdraw amendment 1.

I turn to amendments 1A and 15—I hope that this will calm the SNP front bench. It is entirely reasonable to expect that Parliament will be informed at any time of steps that are being taken to resist the importation of serious diseases such as gyrodactylosis. However, that is something that people would expect at any time. They would expect developments to be reported and they would expect ministers to report the fact should incidences of the disease arise in mainland Europe. The public should be informed of that—indeed, there may have to be a reassessment of the risk that has already been identified. Therefore, although that is perfectly plausible and, as a minister, I have no difficulty in undertaking to provide that information to Parliament, I do not think that that is a matter to be enshrined in statute. I do not believe that the matter requires statutory underpinning within the bill; therefore, I invite Mr Lochhead to withdraw amendment 1A and not to move amendment 15.

The Deputy Presiding Officer: Because the lead amendment is subject to amendment, we will have two winding-up speeches. Mr McGrigor will wind up the debate on amendment 1 and Mr Lochhead will wind up the debate on amendment 1A.

Mr McGrigor: I listened closely to what Mr Finnie said, but I still think that we should take further measures to strengthen prevention of the parasite ever reaching Scottish rivers. For years,

the Atlantic Salmon Trust and others have issued leaflets about *Gyrodactylus salaris*, and I feel that the Parliament should be strengthening their arm. I re-emphasise to members the fact that amendment 1 would merely insert into the bill the cross-party recommendation of the Environment and Rural Development Committee—a recommendation that was also cited in the expert report that was commissioned by ministers last year.

Gyrodactylus salaris has destroyed river systems in Norway. If it ever came here, it would not only destroy our rivers, but could badly damage the whisky industry, fish farming, the recreational angling sector and associated tourism all over Scotland. We simply cannot allow that to happen. That is a nightmare scenario, and we should do our best to prevent it from happening. I therefore urge members, despite the assurances from the Executive, to back amendment 1, in the name of Ted Brocklebank, and amendments 1A and 15, in the name of Richard Lochhead.

Richard Lochhead: I, too, will press my amendments. It would be good to place in the bill an obligation on the ministers to report back within one year of the act coming into force. That is not a huge demand, and the minister has already said that he would be prepared to report back at some stage. Let us ensure that that happens, given that the issue is crucial for the industries involved.

The Deputy Presiding Officer: The question is, that amendment 1A be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Lochhead, Richard (Moray) (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)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 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, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (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)
 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)
 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)

The Deputy Presiding Officer: The result of the division is: For 43, Against 59, Abstentions 0.

Amendment 1A disagreed to.

15:30

The Deputy Presiding Officer: The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Lochhead, Richard (Moray) (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)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 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, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (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)

The Deputy Presiding Officer: The result of the division is: For 43, Against 57, Abstentions 0.

Amendment 1 disagreed to.

Amendment 15 moved—[Richard Lochhead].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Lochhead, Richard (Moray) (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)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

Against

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
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 Eadie, Helen (Dunfermline East) (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)
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 Jamieson, Margaret (Kilmarnock and Loudoun) (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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
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 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
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 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)
 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)

The Deputy Presiding Officer: The result of the division is: For 43, Against 59, Abstentions 0.

Amendment 15 disagreed to.

Section 21—Rod and line

The Deputy Presiding Officer: Group 3 is on prohibition on the use of certain baits and lures. Amendment 2, in the name of Ted Brocklebank, is grouped with amendments 12, 10 and 11. In the event that amendment 2 is agreed to, amendment 12 will be pre-empted.

Mr McGrigor: Amendment 2 seeks to remove the paragraph—section 21(2)(aa)—that was inserted by an amendment in the name of the minister at stage 2. Section 21(2)(aa) implements the Executive's intention to ban the use of live fish as bait.

I totally understand that the minister's primary concern in introducing the provision in section 21(2)(aa) is to prevent the contamination of waters with alien species that are used as live bait, but I am far from convinced that such practices are responsible for any more than a small percentage of the alien species that appear in our lochs and rivers. I would support the minister if she were to

introduce a Danish-style ban on live bait by banning the use of live bait that had not been caught on the same day and in the same waterway that is being fished. However, I worry that, in outlawing completely the use of live bait, we may be using a sledgehammer to crack a nut.

The fact remains that the use of live bait is a thoroughly well-established practice among pike fishermen, who travel from far and wide to Scotland's lochs to enjoy some of the best pike fishing anywhere in the British isles or the world. In my view, the Parliament should do all that it can to further the growth of coarse angling generally and pike fishing specifically. Therefore, I worry that including the provision on the face of the bill will send out all the wrong signals to the coarse fishermen who currently come to Scotland and to those who are considering coming here in the future.

I fully understand the minister's concerns, but I ask her with all sincerity to consider whether there might be a better way forward to deal with all our concerns about alien species without implementing a total ban on the practice of using live bait. As well as supporting amendment 2, in the name of Ted Brocklebank, I will support amendments 12, 10 and 11, in the names of Richard Lochhead and Dennis Canavan.

I move amendment 2.

Richard Lochhead: If members listened closely to Jamie McGrigor's speech, it will have been obvious that he was speaking more in favour of amendment 12, in my name, than amendment 2. Amendment 2 would mean that there would be no ban on the use of live vertebrates, whereas amendment 12 accepts that there should be a ban in the bill but that, at a future date, the minister should have the power to introduce exemptions.

The reason why we cannot lift a ban completely is that it is imperative that we take a belt-and-braces approach to preventing alien species from going into our rivers—in the past, that has caused much damage to indigenous species—to protect biodiversity in Scotland's rivers. We need a ban of some kind to ensure that that does not happen.

On the correspondence between the Scottish Federation for Coarse Angling and the minister's office in recent months, there is perhaps a case for making exemptions in the future. I know that the federation and the minister have been batting correspondence back and forth. It has been claimed that if we take live vertebrates from the river and use them as bait in the same river, that would not pose a threat to biodiversity and would certainly not introduce alien species to the river.

My amendment 12 would leave it open to the minister to bring back exemptions in the future, but it would ensure that there were no unintended

consequences of that. It is a sensible amendment, because all it would do is give the minister the option to bring back an exemption at some future date after further discussions with the fisheries sector and with the coarse anglers in particular. It is as simple as that. I urge members to support the SNP's amendment 12, because Jamie McGrigor's amendment 10, which he did not speak to, does not make sense and would pose a threat to biodiversity in Scotland's rivers.

Dennis Canavan (Falkirk West) (Ind): Amendments 10 and 11 would mean that ministers could not introduce a complete ban on fishing with live invertebrates as bait or a complete ban on lures. Many children and young people's introduction to angling is fishing with a worm, maggot or spinning rod and reel with a small metal lure. It can be difficult for young children to learn fly fishing, although they might graduate to that skill. The use of a worm, maggot or small lure is much easier and potentially more successful. That is how many children get their first catch, which they will probably remember for the rest of their lives. I do not think that we should deprive children and young people of that exciting experience. It would be wrong for ministers to introduce a complete ban on the use of all live invertebrates as bait or a complete ban on all lures. I ask the deputy minister for appropriate assurances.

Eleanor Scott (Highlands and Islands) (Green): This issue was discussed extensively at stage 2. The Environment and Rural Development Committee recommended in its stage 1 report that the Executive introduce a ban on live vertebrate baits, which it said that it was minded to do.

For me, two issues are involved. The first, which motivated the Executive, is biodiversity and the risk of fish used as bait becoming established in an area where they did not belong and posing a threat to the native species. The second issue is fish welfare. It is acknowledged that fish are sentient beings and I do not think that it is right that live vertebrates be used as bait.

I have no problems with what Dennis Canavan said about the importance of being able to fish with lures and invertebrates. I am very supportive of angling and I would never want to stop people using invertebrates, which come into quite a different category.

However, I do not believe that using live fish as bait is acceptable nowadays. I accept that that puts me at odds with the Pike Anglers Club of Great Britain, with which I have corresponded. The first thing that one sees on its website is instructions for fishing for pike with dead bait, so it is not inevitable that one must fish for pike with live bait—although I accept that the club says that using live bait provides better sport at a certain time of year. In this day and age, we should not be using live fish as bait.

I accept the points about biodiversity that have been made. I have no problems with the point that Dennis Canavan made, but the bill as it stands—as amended at stage 2—takes the right approach.

Sarah Boyack: The bill already includes an enabling provision, which was introduced in section 25, to allow for a prohibition of the use of live vertebrates as bait to be made through subordinate legislation. That would allow for the use of specific baits and lures, such as live vertebrates, to be prohibited in fishing for freshwater fish.

Following concerns that were raised by many stakeholders about the risk of adverse effects on biodiversity in our inland waters from the use of unused live bait, we decided that putting the provision on the face of the bill would make the policy absolutely clear. The Environment and Rural Development Committee endorsed that position in its stage 1 report and the bill was amended at stage 2 to include such a provision. Ted Brocklebank's amendment 2 would remove that provision.

I want to refute some of the myths that have been flying around about this issue during the past few weeks. First, it has been suggested that the provision that was inserted at stage 2 was some kind of late amendment aimed at getting through a new policy at the end of the process. It was not. The prohibition on the use of live vertebrates was first proposed in the Executive's green paper "Scotland's freshwater fish and fisheries: Securing their future", which was published in August 2001. It was subsequently debated thoroughly in the freshwater fisheries forum and included in the consultation document that was issued in December 2005. The response to the question in that consultation was four to one in favour of a ban.

I acknowledge that the strongly held views for and against the use of live vertebrates as bait tend to split along the lines that are associated with different branches of the sport. Those who wish to fish for predatory fish such as pike want no ban, whereas those who fish for other fish want a ban. It has been argued that introducing the ban simply supports the views of the latter group, but those on both sides of the argument share the same environment, and the fact remains that the use of live vertebrates by one group could compromise the environment and the fishing of another group.

The second point has been raised by several people; Eleanor Scott mentioned it today. The ban is not about welfare, and the Executive's next step will not be to prohibit the use of worms and maggots, if not fishing itself. I emphasise that the Executive has been consistent on that issue from day one. The issue is one of biodiversity, and I welcome Richard Lochhead's acknowledgement that biodiversity must be the central issue.

There is also a myth that live vertebrates are not a problem. That is not so. The use of live vertebrates as bait has resulted in the translocation of live fish from one body of water to another. We need only look at Loch Lomond to see what has happened. The loch now supports a number of fish species that are new to the loch. One of those species, the ruffe, is now the most numerous fish in the loch and it is thought to pose a major threat to the loch's indigenous powan, which is an internationally important species of freshwater fish found in Loch Lomond and Lock Eck and which is listed in the habitats directive.

The use of lures and dead fish—often marine species such as sprat or mackerel—gives anglers an ample range of methods and there is no need to put biodiversity at risk. We do not want to suggest that pike anglers should not come to Scotland; they will still be very welcome.

Although the use of live vertebrates is supported by a minority, support for a ban was, and remains, widespread. The case for prohibition is compelling. That was also the view of the majority of members on the Environment and Rural Development Committee.

I ask Jamie McGrigor to consider withdrawing amendment 2 for the reasons that I have outlined. I listened carefully to Richard Lochhead's arguments in favour of amendment 12. We have to focus on the issue of our native biodiversity. The fact that it has been compromised in some places does not mean that we should allow that to continue in others. The Executive's view is that the risk is just too great. I ask Richard Lochhead not to press his amendment. The Executive's position is clear and is supported by the majority: the provision should stay in the bill.

Taken together, the effect of Dennis Canavan's amendments 10 and 11 would be that Scottish ministers would not be able to make conservation regulations that would completely prohibit the use of lures or live invertebrates as bait either directly or as a result of the cumulative effects of sets of regulations. Some stakeholders are concerned that banning the use of live vertebrates as bait will also mean a ban on the use of live invertebrates, or that it would be followed by such a ban. That is not the case, and I am happy to repeat the commitment that I gave at stage 2: the Executive supports angling and does not intend to ban the use of live invertebrates as bait.

I met Dennis Canavan and I fully understand that the use of worms and maggots as bait and certain spinners as lures is central to the introduction of many young people to the sport of angling. I assure him that it is certainly not our intention to put any obstacles in the way of potential new entrants to the sport; quite the contrary.

By introducing new section 51A into the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003, section 25 of the bill addresses the need that was identified by stakeholders for a set of appropriate tools that may be used when there are conservation concerns about freshwater fish. If the appropriate response to an identified problem includes prohibiting specified lures or baits, the appropriate regulation can be made.

Scottish ministers can make regulations only if they are satisfied that it is necessary or expedient to do so for the conservation of freshwater fish. That power is not available to be used for any other reason. For example, it could not be used to ban the use of live invertebrates as bait solely on supposed welfare grounds.

Before any regulations are made, a system of checks and balances will apply. There is a requirement that ministers must consult and take advice from a range of bodies, including the Fisheries Research Services, SEPA and environmental non-governmental organisations; the views of anglers must be sought, too, of course. Ministers must always be proportionate and reasonable in the action that they take. The final check and balance is that they will have to persuade the Parliament of what they want to do.

As I have explained, the Executive has no intention to ban completely the use of any lure or of live invertebrates as bait, and we can see no circumstances in which section 25 would be used to introduce such a complete ban. Dennis Canavan's amendments 10 and 11 are unnecessary and, on the basis of the reassurance that I have provided, I ask him not to move them.

Mr McGrigor: I hear what the minister says and I certainly agree that the movement of fish from one catchment area to another in which they are an alien species should be avoided. However, I do not see why that means that a method that has been used by pike fishermen since time immemorial should have to be banned. Surely the ban should be on bringing fish from one catchment area to another water. As I do not agree with what the minister has said, I intend to press amendment 2.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
Brownlee, Derek (South of Scotland) (Con)
Davidson, Mr David (North East Scotland) (Con)
Douglas-Hamilton, Lord James (Lothians) (Con)
Fergusson, Alex (Galloway and Upper Nithsdale) (Con)

Gallie, Phil (South of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Petrie, Dave (Highlands and Islands) (Con)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 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)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (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)

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)
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 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 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)

The Deputy Presiding Officer: The result of the division is: For 11, Against 80, Abstentions 0.

Amendment disagreed to.

Amendment 12 moved—[Richard Lochhead].

15:45

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
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 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Lochhead, Richard (Moray) (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)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Petrie, Dave (Highlands and Islands) (Con)
 Robison, Shona (Dundee East) (SNP)
 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

Alexander, Ms Wendy (Paisley North) (Lab)
Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
Baillie, Jackie (Dumbarton) (Lab)
Baird, Shiona (North East Scotland) (Green)
Baker, Richard (North East Scotland) (Lab)
Ballance, Chris (South of Scotland) (Green)
Ballard, Mark (Lothians) (Green)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
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)
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)
Harper, Robin (Lothians) (Green)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
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)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (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)
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)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Iain (North East Fife) (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)

The Deputy Presiding Officer: The result of the division is: For 36, Against 65, Abstentions 0.

Amendment 12 disagreed to.

Section 23—Close times for freshwater fish

The Deputy Presiding Officer: Group 4 is on management of freshwater fisheries. Amendment 4, in the name of Dennis Canavan, is grouped with amendments 5 to 7 and 9.

Dennis Canavan: The broad aim of the amendments is to improve fishing opportunities for ordinary anglers. For many working people, the only opportunities they have to fish are at weekends. Those opportunities would be destroyed if fishing were to be prohibited on Saturdays and Sundays. Amendment 4 or amendment 5 would ensure that people had the opportunity to fish on at least one day at the weekend.

Amendments 6, 7 and 9 would repeal the provisions that were introduced by the Freshwater and Salmon Fisheries (Scotland) Act 1976 and would establish a Scottish anglers trust. About 30 years ago, I voted in the House of Commons against the 1976 act, which introduced protection orders. The Government at the time claimed that protection orders would be granted only in return for increased access. In fact, the opposite has happened. Instead of increased access, there has been decreased access in many areas and in some areas there is no access at all. I have been campaigning for more than 30 years for repeal of the 1976 act. After the Scottish Parliament was set up, I welcomed the repeated firm commitments that were given to Parliament that the Executive would repeal the 1976 act.

On 28 March 2002, the Deputy Minister for Environment and Rural Development, Allan Wilson, told Parliament:

“We aim to repeal the Freshwater and Salmon Fisheries (Scotland) Act 1976 and replace protection orders with a new system”.—[*Official Report*, 28 March 2002; c 10780.]

On 25 April 2002, the Minister for Environment and Rural Development, Ross Finnie, told Parliament:

“The 1976 act will be reformed and repealed. It will have to be replaced.”—[*Official Report*, 25 April 2002; c 11360.]

However, instead of the 1976 act being repealed, it has been consolidated in the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003, and there is no mention of repealing protection orders in the bill that is before us today. On 1 July 2004, Allan Wilson told Parliament:

“there is a provisional slot for a fisheries bill this session. That will provide the means for repealing the Freshwater and Salmon Fisheries (Scotland) Act 1976 ... We are in the

process of consulting on what we would wish to put in its place.”—[*Official Report*, 1 July 2004; c 9780.]

For years, I have been suggesting what should be put in its place, namely a democratically constituted Scottish anglers trust to administer freshwater fishing throughout Scotland. Indeed, Allan Wilson apparently expressed support for that idea when, on 1 July 2004, he said:

“we intend to repeal the Freshwater and Salmon Fisheries (Scotland) Act 1976 and replace it with more modern mechanisms, which will include the trusts to which the member”—

me—

“refers.”—[*Official Report*, 1 July 2004; c 9781.]

So—where is the Scottish anglers trust? There is no mention of any trust in the bill. The bill completely fails to honour the repeated commitments that have been given to Parliament. The only excuse from the Executive so far has been that more time is required for consultation. I submit that an additional two years is time enough. Amendments 6, 7 and 9 would ensure that within two years of the legislation reaching the statute book, the Executive would be obliged to bring an order before Parliament to repeal the 1976 act and to introduce proposals to set up a democratically constituted Scottish anglers trust.

I have said it before in Parliament and I will say it again: the mountains, hills and glens of Scotland do not belong just to the landed gentry: they are part of our national heritage. That is true also of Scotland's rivers, lochs and burns. Parliament took radical legislative action in the Land Reform (Scotland) Act 2003 to ensure fair access to the countryside. It is time for Parliament to ensure fair access to freshwater fishing so that ordinary working-class anglers can enjoy one of Scotland's most popular sports.

I move amendment 4.

The Deputy Presiding Officer: I am afraid that Mr Canavan has lured in too many members so I am going to have to impose a two-minute restriction on speeches. I call John Home Robertson.

John Home Robertson (East Lothian) (Lab): Two minutes is impossible. Sorry.

The Deputy Presiding Officer: Okay. Mr Gibson?

Rob Gibson: It is essential that ordinary anglers be able to access our river systems to fish. Since most of those people are working folk, they have to fish at weekends. Amendments 4 and 5, which suggest that there should be no weekly closures on Saturdays or Sundays, make a lot of sense. Parliament has talked about total catchment area management; fishing and angling could also be dealt with under that process, but unfortunately the bill does not even begin to tackle it.

Dennis Canavan has addressed a long-standing grievance. The Scottish National Party believes that people should be consulted specifically on what should replace the 1976 act and we think that the act could be replaced within two years. It is important that Parliament send a message to the Executive that there is a good deal of urgency on the matter.

Euan Robson (Roxburgh and Berwickshire) (LD): I refer to my entry in the register of members' interests. I give Dennis Canavan credit for pursuing the matter over a number of years, but what I find difficult in what he is saying is that he suggests that the protection order system has reduced access throughout Scotland. That is simply not the case. The protection order system has, in fact, increased angling on a number of rivers in Scotland. Therefore, the fundamental basis of his argument is suspect. If there has been a reduction in access in a number of places, that is fundamentally against the spirit of the 1976 act and the protection order system.

I turn briefly to the concept of a Scottish anglers trust. It would cut across the dozens, if not hundreds, of local angling associations and clubs that manage rivers, often voluntarily. To remove the local effort that goes into providing fishing throughout Scotland and replace it with a centralised quango of some description would run counter to Dennis Canavan's arguments.

Richard Lochhead: I commend Dennis Canavan for putting his arguments so eloquently and for having done so in Parliament for the past eight years. His amendments are on a theme that he has pursued consistently in Parliament and the SNP agrees with much of what he said.

However, unfortunately the SNP will today be unable to support amendment 7 on the anglers trust. The reasons why are simple. We have to ask ourselves some questions. First, is freshwater fisheries management in Scotland archaic? Yes, it is—in some cases it could not be more archaic if it tried. Is it in desperate need of modernisation? Yes, it is—modernisation of freshwater fisheries management in Scotland is long overdue. Is it appalling that although we have been waiting for eight years, the current Administration has in the bill put forward nothing that would address the situation? Yes—of course that is an appalling situation, especially when so many promises have been made by successive ministers over the past eight years. However, we are where we are. The freshwater fisheries forum has been meeting over the past few years and is considering a new, modern way in which to govern our freshwater fisheries. As Rob Gibson rightly said, it should be governed on a river catchment area basis.

A key point to make is that the Environment and Rural Development Committee did not consider

freshwater fisheries management because it is not included in the bill. There has been no scrutiny of Dennis Canavan's proposal or of any others. I say to Dennis Canavan that that is an important point, which Parliament must take into account. After all, today we will be asked to pass primary legislation, so it should be scrutinised properly. I am afraid that the proposal in Dennis Canavan's amendment 7 was not included in the bill or in amendments at stage 2, so it has not been scrutinised. Parliament should have to take that fact into account.

Ross Finnie: As Dennis Canavan said, his amendments 4 and 5 seek to ensure that weekend fishing would still be available to anglers if weekly close times for freshwater fishing had to be established. I understand his fundamental point, which is that he wishes to ensure that people who work during the week should be able to fish at the weekend. As a general rule, I can do nothing but support that aspiration, but there are no plans to introduce weekly close times for freshwater fishing. If the fisheries are managed sustainably, such a need would not arise.

However, freshwater fishing is likely to be one of the fastest-growing sectors in the sport of angling in Scotland. Our watchword has to be sustainability. If—it is a big “if”—it becomes clear that any fisheries suffer from overexploitation, appropriate measures will, after consultation, have to be taken. In addition, if a fishery deteriorates as a result of other factors, such as habitat degradation or pollution, it may be necessary to introduce short-term effort-reduction measures to allow stock recovery.

If the greatest fishing effort occurs during weekends, closing the fishery on other days of the week may have little or no effect on the difficulty that has been identified and may, indeed, prolong the recovery period.

16:00

We do not really want to close fisheries at weekends, but to completely rule out such a move would not be in the best interests of fish conservation. Moreover, it is difficult to imagine a situation in which a weekly close time would be introduced across Scotland. The proposals in section 23 allow for highly targeted time-limited measures to be taken to address particular problems that might become apparent. It is essential that Scottish ministers have the necessary tools to do the job in the best interests of fish and fishermen.

As Mr Canavan said, amendment 6 seeks the repeal of the 1976 act's protection order provisions. Like other members, I acknowledge Mr Canavan's long-standing and passionately held opposition to the protection order system. Indeed,

he repeated his views on the matter during the stage 1 debate.

However, it has been made very clear to the Executive that the overwhelming majority view of the freshwater angling sector in Scotland is that the current provisions must be retained until new management structures are in place. The new management bodies will require new primary legislation, which we propose to introduce as soon as the proposals are formulated.

John Home Robertson: That comment goes to the heart of this issue. How much longer are we going to have to wait for accountable management of fisheries? Is not it absurd that some landlords get the benefit of statutory protection without maintaining reasonable access for local angling clubs and visitors with appropriate permits?

Ross Finnie: I agree, but as John Home Robertson is aware, we have established a number of forums to address the matter. If we are to have a more inclusive process, we must use the steering groups that have been established with the widest possible involvement of stakeholders to develop proposals from the bottom up. We cannot impose a structure from the top down.

As Dennis Canavan made clear in his remarks, the steering group is currently developing a strategic framework. One of its major aims is to put together proposals for the new management bodies, which will develop fish and fisheries management plans that will do away with the need for protection orders. As a result, the days of the protection order system are very clearly numbered. However, we have not yet reached that point and we cannot simply throw the system away in the next two years. The problems with the protection order system that most exercise stakeholders have been drawn to our attention and are addressed in paragraph 5(4) of the schedule to the bill.

Amendment 7 calls for Scottish ministers to lay before Parliament proposals that would establish a Scottish anglers trust and that trust's constitution. I am aware that, as long ago as 1965, the committee that was chaired by Lord Hunter and which reviewed the law on salmon and freshwater fisheries proposed the establishment of such a trust to address issues in relation to brown trout and sea trout fishing.

As I said earlier, the Scottish freshwater fisheries forum and its steering group are now addressing the matter in the current context and have acknowledged the importance not only of managing fisheries but of ensuring that there is close co-operation with organisations that protect and restore Scotland's aquatic environment, in order to provide an integrated and holistic approach to fisheries management. I hope that

that addresses Richard Lochhead's point about river basin management.

The formation of the new bodies that will deliver the management will require primary legislation which, as I said earlier, we are keen to introduce. They will have a wider remit than that which was proposed for the Scottish anglers trust, but I hope that they will also embody the thrust of the proposals that Dennis Canavan has promoted for many years.

Amendment 9 will be necessary only if amendment 6 is accepted. It is clear from the extensive consultation that has been undertaken that there is no appetite to repeal the protection order provisions. I hope that, with those assurances, Mr Canavan will seek to withdraw amendment 4 and not move his other amendments.

The Deputy Presiding Officer: I am exercising my power under rule 9.8.4A(c) to extend the time limit for the debate on this group of amendments in order to allow Mr Canavan to wind up. I would be grateful if he did so as briefly as possible.

Dennis Canavan: Ross Finnie has performed yet another Liberal Democrat volte-face. On 25 April 2002, he gave an unequivocal commitment to Parliament:

"The 1976 act will be reformed and repealed."—[*Official Report*, 25 April 2002; c 11360.]

By coming out with the codswallop that he has just given us, without any reference to that commitment, he belittles Parliament and brings it into disrepute.

All I am saying with amendment 6 is that the Freshwater and Salmon Fisheries (Scotland) Act 1976 should be repealed within two years. In other words, after a maximum of two years' consultation, the Executive should stand by its commitment.

I turn to Euan Robson's point on protection orders increasing access. There are 14 protection orders across Scotland. I have had many complaints from anglers throughout Scotland, including anglers who have complained about a drop in access because of the Tay protection order and the Assynt-Coigach protection order. Ross Finnie has the documentation in his notes. I know that because I have taken people into his department to complain about the matter.

I turn to the contribution from the SNP. Richard Lochhead made a fair point when he said that the SNP would repeal the 1976 act, which can be done by means of a simple order. The question is this: what will we replace it with? I accept that primary legislation is preferable to secondary legislation, but if he were to look again at the wording of amendment 7, he would see that it simply says that Scottish ministers should bring

forward "proposals". That includes the possibility of primary legislation, rather than just doing it by secondary legislation.

I do not view the Scottish anglers trust as an overcentralised body. I believe that it should have a decentralised structure, one that takes into account local situations. That said, we need a national strategy for freshwater fishing in Scotland. My proposal in amendment 7 is flexible enough to allow for a Scottish anglers trust with a constitution that takes account of local circumstances. I will therefore press my amendments, including amendment 4, to a vote.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
Byrne, Ms Rosemary (South of Scotland) (Sol)
Canavan, Dennis (Falkirk West) (Ind)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Gibson, Rob (Highlands and Islands) (SNP)
Grahame, Christine (South of Scotland) (SNP)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Mr Adam (South of Scotland) (SNP)
Lochhead, Richard (Moray) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Mather, Jim (Highlands and Islands) (SNP)
Matheson, Michael (Central Scotland) (SNP)
Maxwell, Mr Stewart (West of Scotland) (SNP)
McFee, Mr Bruce (West of Scotland) (SNP)
Morgan, Alasdair (South of Scotland) (SNP)
Neil, Alex (Central Scotland) (SNP)
Robison, Shona (Dundee East) (SNP)
Stevenson, Stewart (Banff and Buchan) (SNP)
Swinburne, John (Central Scotland) (SSCUP)
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)
Alexander, Ms Wendy (Paisley North) (Lab)
Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
Baillie, Jackie (Dumbarton) (Lab)
Baird, Shiona (North East Scotland) (Green)
Baker, Richard (North East Scotland) (Lab)
Ballance, Chris (South of Scotland) (Green)
Ballard, Mark (Lothians) (Green)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Brownlee, Derek (South of Scotland) (Con)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Douglas-Hamilton, Lord James (Lothians) (Con)

Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gallie, Phil (South of Scotland) (Con)
 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)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 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)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (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)
 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)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

The Deputy Presiding Officer: The result of the division is: For 26, Against 73, Abstentions 0.

Amendment 4 disagreed to.

Amendment 5 moved—[Dennis Canavan].

The Deputy Presiding Officer: The question is, that amendment 5 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 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)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gallie, Phil (South of Scotland) (Con)
 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)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (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)
 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)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

The Deputy Presiding Officer: The result of the division is: For 26, Against 74, Abstentions 0.

Amendment 5 disagreed to.

After section 24

Amendment 6 moved—[Dennis Canavan].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)

Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 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)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gallie, Phil (South of Scotland) (Con)
 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, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (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)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

The Deputy Presiding Officer: The result of the division is: For 33, Against 68, Abstentions 0.

Amendment 6 disagreed to.

Amendment 7 moved—[Dennis Canavan].

The Deputy Presiding Officer: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Swinburne, John (Central Scotland) (SSCUP)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 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)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)

Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 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, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 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)
 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)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (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)
 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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinney, Mr John (North Tayside) (SNP)
 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)

The Deputy Presiding Officer: The result of the division is: For 10, Against 91, Abstentions 0.

Amendment 7 disagreed to.

Section 25—Freshwater fish conservation regulations

Amendments 10 and 11 not moved.

Section 25C—Amount and payment of fixed penalty

The Deputy Presiding Officer: Group 5 is on sea fisheries—maximum penalty for fixed-penalty notices. Amendment 13, in the name of the deputy minister, is the only amendment in the group.

Sarah Boyack: Amendment 13 is a technical amendment to the power that will be conferred on the Scottish ministers by section 25C(1) to prescribe by order a scale of fixed penalties for sea fisheries offences. Amendment 13 will set a maximum limit for fixed penalties of 80 per cent of level 4 on the standard scale—currently £2,000. The amendment addresses concerns that the Subordinate Legislation Committee expressed last month when it considered the Executive amendments that were agreed to at stage 2.

I move amendment 13.

Amendment 13 agreed to.

Section 28—Unauthorised introduction of fish into inland waters

The Deputy Presiding Officer: Group 6 is on offences of intentionally introducing live fish or spawn into inland waters—evidence of a single witness. Amendment 8 is the only amendment in the group.

Dennis Canavan: Amendment 8 would remove the provision that a person who commits an offence under section 28

“may be convicted on the evidence of one witness.”

That provision will undermine the principle of corroboration, which is enshrined in Scots law. Two witnesses are not necessarily required for corroboration, but two or more separate sources of evidence are required. If that approach is considered sufficient to convict a thief, a rapist or a murderer, why should the law be different for alleged offences in fishing?

I accept that there are provisions on fishing that are similar to the provision in section 28. Ministers have tried to justify the approach by saying that a gamekeeper or water bailiff is often the only witness to an alleged offence. However, why should the word of a gamekeeper or water bailiff automatically be considered superior to the word of anyone else?

There is an anomaly in the bill, in that section 28 provides that a person may be convicted on the evidence of one witness for an offence of introducing fish into freshwater, whereas I see no similar stipulation in section 27, which refers to the

introduction of fish into seawater—there is one rule for fish in freshwater and another for fish in seawater. In the interests of consistency and natural justice, the Scottish Executive should remove the provision in section 28, so that the normal principles of corroboration and justice will apply to offences under section 28.

I move amendment 8.

Ross Finnie: Dennis Canavan is right to talk about principles that are enshrined in Scots law, because the principle of using a single witness in relation to offences such as we are considering is well established in Scots law. Indeed, provisions in the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 can be traced back to provisions in the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 and—just as important—the Salmon Fisheries (Scotland) Act 1868. Therefore the provision in section 28(6) is not new and I understand that the approach to the new offence that will be created by the bill is entirely consistent with the approach that has been taken in the past. The approach removes the need for a second witness as the sole test of corroboration, in recognition of the fact that water bailiffs are often obliged to work alone, given the nature of their work. The standard of proof is not affected; any offence under section 28 will have to be proved beyond reasonable doubt.

I ask Parliament to reject amendment 8.

16:15

Dennis Canavan: Ross Finnie has given no justification for the provision except that similar provisions are contained in other acts of Parliament that date back to the 19th century. In the 19th century, water bailiffs and gamekeepers probably had more power than we would want them to have today. The minister should tell Parliament why what was right in the 19th century should be repeated, reinforced or consolidated in the 21st century. I see no justification for the provision either in the bill or in any other legislation.

Even if there is only one witness—a gamekeeper, a policeman, a water bailiff or just an ordinary person who goes out for a walk and sees an illegal act being committed—it is still possible to convict a person with the evidence of the witness plus evidence from some other source. I do not agree that, if amendment 8 were agreed to, it would somehow be impossible to convict real felons, so I will press the amendment to a vote.

The Deputy Presiding Officer (Trish Godman): The question is, that amendment 8 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Swinburne, John (Central Scotland) (SSCUP)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 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)
 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)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 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)
 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)
 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)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (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)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (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)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (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)
 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)

The Deputy Presiding Officer: The result of the division is: For 4, Against 95, Abstentions 0.

Amendment 8 disagreed to.

Section 29—Payments in respect of fish destroyed

The Deputy Presiding Officer: As we have reached the final time limit, I exercise my power under rule 9.8.4A(a) to extend the time limit to allow Jamie McGrigor and the deputy minister to speak briefly to group 7.

Group 7 is on payments in respect of fish that are destroyed. Amendment 3, in the name of Ted Brocklebank, is the only amendment in the group.

Mr McGrigor: Amendment 3 is the same as an amendment that Ted Brocklebank lodged but did not move at stage 2. Having considered the remarks that the minister made at that stage, Ted Brocklebank decided to lodge the amendment again at stage 3, and I am glad to speak to it.

Section 29 merely allows for compensation to be paid to fish farmers who lose their stock as a result of a ministerial action—in the event of slaughter, for example. In such circumstances, fish farmers should, however, be entitled to compensation. Amendment 3 would make compensation compulsory rather than its being at the whim of the minister. After all, fish farming is every bit as much

farming as terrestrial farming and some 10,000 jobs in Scotland depend on it. Some people do not like fish farming, but it is only right that it be on a level playing field with terrestrial farming. Amendment 3 would help to ensure that that was the case.

In the interests of fairness and equity, I move amendment 3.

Sarah Boyack: Ted Brocklebank's amendment 3 would convert a discretionary power into a mandatory power. We do not believe that that would be appropriate, and I note that only 17 per cent of the aquaculture companies that responded to our consultation stated a preference for mandatory, rather than discretionary, payments.

At present, the fish farming industry is free of any disease that would require the destruction of stock—long may that continue—so there is no pressure to introduce a scheme in the short term. The power is discretionary for the good reason that no provision for a scheme exists in current spending plans and because the Scottish ministers would have to consider whether and to what extent the Executive could afford such costs.

Mr McGrigor: Does the minister acknowledge that, although there are no diseases at this moment, there have been diseases that required slaughter in recent years, such as infectious salmon anaemia? Does she also agree that they brought havoc to the fish farming industry, particularly to producers of eggs and small fish?

Sarah Boyack: Yes, but we are now introducing a discretionary power in the bill. We expected some acknowledgment of the fact that that is a big step forward. It will give the Scottish ministers powers to set up a scheme for such payments if they feel that there is a need for one. We have kept our options open. Should there be a need to take powers for a payment scheme for aquaculture under the bill, we will be able to do that. Such a scheme would, of course, be designed in consultation with the aquaculture industry and would be set up by order under the affirmative procedure, which means that Parliament would have the chance to scrutinise the order in detail.

That is a step forward. The Executive responded positively to calls for payments for the destruction of fish for disease control purposes. The proposed discretionary provision is unprecedented in aquaculture—I would have thought that members would acknowledge that a discretionary provision is far better than none at all. However, I sense that Mr McGrigor is not prepared to withdraw amendment 3, so I ask members to vote it down.

Mr McGrigor: I listened to what the minister had to say. Although a discretionary power is better than nothing at all, it would be better to have

provisions that were good for the industry and which put it in line with ordinary terrestrial farming. Therefore, I will press amendment 3.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
Brownlee, Derek (South of Scotland) (Con)
Davidson, Mr David (North East Scotland) (Con)
Douglas-Hamilton, Lord James (Lothians) (Con)
Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
Gallie, Phil (South of Scotland) (Con)
Johnstone, Alex (North East Scotland) (Con)
McGrigor, Mr Jamie (Highlands and Islands) (Con)
McLetchie, David (Edinburgh Pentlands) (Con)
Milne, Mrs Nanette (North East Scotland) (Con)
Petrie, Dave (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Tosh, Murray (West of Scotland) (Con)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
Alexander, Ms Wendy (Paisley North) (Lab)
Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
Baillie, Jackie (Dumbarton) (Lab)
Baird, Shiona (North East Scotland) (Green)
Baker, Richard (North East Scotland) (Lab)
Ballance, Chris (South of Scotland) (Green)
Ballard, Mark (Lothians) (Green)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Canavan, Dennis (Falkirk West) (Ind)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Finnie, Ross (West of Scotland) (LD)
Gibson, Rob (Highlands and Islands) (SNP)
Gillon, Karen (Clydesdale) (Lab)
Glen, Marlyn (North East Scotland) (Lab)
Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grahame, Christine (South of Scotland) (SNP)
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, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lochhead, Richard (Moray) (SNP)

Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
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 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (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)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (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)
 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)

ABSTENTIONS

Byrne, Ms Rosemary (South of Scotland) (Sol)

The Deputy Presiding Officer: The result of the division is: For 13, Against 87, Abstentions 1.

Amendment 3 disagreed to.

Amendment 9 not moved.

The Deputy Presiding Officer: That ends consideration of amendments.

Aquaculture and Fisheries (Scotland) Bill

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S2M-5630, in the name of Ross Finnie, that the Parliament agrees that the Aquaculture and Fisheries (Scotland) Bill be passed.

16:24

The Minister for Environment and Rural Development (Ross Finnie): In accordance with rule 9.11 of the standing orders, I advise the Parliament that Her Majesty, having been informed of the purport of the Aquaculture and Fisheries (Scotland) Bill, has consented to place her prerogative and interests, so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

The sustainable development of aquaculture and freshwater fisheries in Scotland was the principal reason for introducing the bill, which provides new powers to help to realise the vision of the strategic framework for Scottish aquaculture and lays the foundations for the forthcoming strategic framework for freshwater fisheries.

This has been a collaborative bill, drawn up with the close and active involvement and participation of stakeholders. The welcoming reaction to the bill as it progressed through its parliamentary stages is testament to the open and inclusive approach that we adopted.

On aquaculture, the bill provides powers to tackle two important and long-standing problems of public and international concern: sea lice and escapes of fish from fish farms. The bill takes a pragmatic approach, acting as a backstop to the fish farming industry's code of good practice. It strikes the right balance on the degree of regulation. I believe that that legislative underpinning will increase public confidence in the industry's code by ensuring that all fish farm operators have to meet certain agreed standards.

On freshwater fisheries, the bill puts in place measures to deal with the parasite *Gyrodactylus salaris*, should it ever come to Scotland. We all of course agree that it would be infinitely preferable to keep the parasite out, as we have discussed. I reassure Parliament that we will be putting every effort into our preferred approach of a high-profile, focused education and awareness campaign. The new phase begins on Monday.

The bill introduces important reforms for freshwater fisheries, which will help to ensure a balance between the conservation of freshwater fisheries and responsible access to fishing. Not all the measures have been universally welcomed, as

the reaction to the prohibition on the use of live vertebrates as bait illustrates. However, I am heartened that Parliament has recognised the importance of the precautionary principle in this case.

The bill makes important improvements in the regulation of sea fisheries, including the introduction of administrative penalties for certain sea fisheries offences. Although the concept of fixed penalties as a voluntary alternative to court proceedings is not new, it is an innovative development in sea fisheries, where legislation can be highly complex and very technical in nature. Stakeholders welcome the fact that the Executive is bringing in those measures.

For the first time ever, we are introducing a discretionary power to make payments for fish that have been destroyed by measures taken to control fish diseases. That explicit reassurance on the issue of fish disease underlines the Executive's commitment to supporting the aquaculture sector in Scotland.

The bill is widely recognised to have cross-party and wide stakeholder support and I believe that it will make a real difference.

I move,

That the Parliament agrees that the Aquaculture and Fisheries (Scotland) Bill be passed.

16:27

Richard Lochhead (Moray) (SNP): I note that the minister took only three of his six minutes to make that speech; I expect that I will be equally brief. Speeches in debates such as this tend to repeat many of the points that were made during consideration of amendments.

I pay tribute to the Environment and Rural Development Committee. That of course includes paying tribute to myself as a member of that committee.

Ross Finnie: Such modesty.

Richard Lochhead: I also pay tribute to the clerks, and to all the stakeholders who gave such good submissions in response to the consultation on the bill and to the committee. The Deputy Minister for Environment and Rural Development will today find herself in the strange position of summing up in support of the motion to pass the bill, having been convener of the committee that scrutinised it.

Scotland's natural environment is very precious. The bill is about protecting it and promoting and protecting two vital sectors in Scotland. On aquaculture, the Scottish National Party welcomes the steps to prevent escapes, to control parasites and to put in place the new inspection regime. We

have tried to emphasise to the minister the importance of cutting down on red tape in that sector. That is an on-going theme, to which we urge ministers to pay close attention, so that the industry is not held back because of even more red tape.

On the freshwater fisheries element of the bill, speaking as the member for Moray, which contains the Findhorn, the Lossie and, of course, the Spey, I know only too well the value of the freshwater fisheries sector to Scotland. Anglers, managers and others who are associated with the sector bend over backwards to conserve fish stocks in those rivers; they do what is best for biodiversity and the environment. I believe that elements of the bill will help them to achieve that and to develop that valuable sector.

It is vital that we do all that we can to prevent GS from arriving in Scotland. If there were an outbreak and we had to kill all life in our rivers to contain it, that would be devastating. The SNP has used the debates on the bill to convey to ministers the fact that it is about the future not just of anglers but of tourism and renewable energy, including hydroelectricity and other renewable technologies that make use of our rivers. It is also about the future of the whisky-distilling sector, to which I referred during consideration of amendments.

There would be enormous ramifications across many sectors in Scotland if there were an outbreak of GS. That is why there has been such an emphasis on trying to prevent it from coming to Scotland in the first place and on ensuring that we take appropriate measures at our ports of entry. Future ministers will be held to account in relation to the measures that they take and the negotiations that they hold with the United Kingdom authorities in that regard.

The minister mentioned that the information campaign will begin on Monday. I recall that the minister's study found that it would cost £6 million to run the campaign. It would be good if the Deputy Minister for Environment and Rural Development, when she winds up, could detail how that will be funded. Will £6 million be made available? If so, over what timescale? If not, how much will be made available?

During the stage 3 proceedings, Dennis Canavan raised the important issue of freshwater fisheries management. We are 60 days away from the third election to the Parliament. After each of the previous elections, ministers have made commitments to address the issue. Our current system is archaic. As other members have said, we have to replace it with a modern, up-to-date system. We have to keep in place what is good about the existing system but fix what can be improved. We have to think about having a catchment area basis for managing our freshwater

fisheries. It does not make sense to have one set of management structures for salmon and sea trout and others for other fish in our rivers. It makes sense to consider the issues holistically.

We welcome the bill and will support it at decision time.

16:31

Mr Jamie McGrigor (Highlands and Islands)

(Con): The Scottish Conservatives are pleased to be supporting the bill today, primarily because of the package of measures relating to fish farming in part 1.

Aquaculture is an extremely important industry in the Highlands and Islands, which is the part of Scotland that I represent. Across Scotland, salmon farming supports some 10,000 jobs, chiefly in the rural areas, and is estimated to be worth around £300 million a year. That is why I pressed my amendment for mandatory compensation for fish farmers, which would simply have brought the rights of fish farmers into line with those of terrestrial farmers in cases of slaughter by Government.

I would like to pay tribute to the excellent code of good practice that regulates about 97 per cent of the industry in Scotland. That is a welcome alternative to the myriad statutory regulations that govern other sectors. Although I support the Executive's intention to provide a legislative backdrop to the code, ministers must ensure that the provisions of the bill are used to reinforce and encourage the voluntary approach rather than to usurp it.

Nonetheless, the legislative powers in the bill are important and necessary, not least because we have an obligation to protect an equally important industry: recreational angling. It is vital that aquaculture and wild fisheries can live together. Sometimes, that requires compromise on both sides. Scotland is famous for having some of the best salmon and trout angling anywhere in Europe. Although views about the extent to which escaped farmed fish are harming native stocks vary enormously, we must ensure that all reasonable steps are taken to protect the reputation of Scotland as a first-class destination for game angling. Therefore, I have no hesitation in welcoming the tougher measures on fish farm escapees that the bill puts in place. I trust that ministers will ensure that those measures are rigorously enforced and, possibly, tightened at a later date, if that is deemed to be necessary. I also hope that they will watch over the times when smolt, when migrating out of rivers and into the sea, have to go past fish cages that are home to sea lice that can kill them. That is another big issue that the bill addresses.

I have spoken about my strongly held belief that we have to put in place the toughest possible measures to prevent GS parasites from entering Scotland. As the Executive's summary report from October last year says, the prevalence of GS in this country would "destroy" salmon angling. The economic impact of that in terms of lost revenue and jobs would be devastating. It is truly a nightmare scenario and we pray that it never happens.

Scotland's rivers and their diverse ecosystems are the envy of the world and the industries that depend on them—notably angling, tourism, whisky and, of course, hydro—are among our most precious commodities. GS could destroy all that and rip the heart out of rural Scotland. I therefore plead with the Executive to ensure that the measures contained in both the Environment and Rural Development Committee's report and the Executive's own expert report on GS are implemented without delay.

The other undoubtedly controversial aspect of the bill is the use of live fish as bait, on which I have already outlined my party's position. I simply add that there is much potential in marketing Scotland not only as the top salmon and trout fishing destination, which it is, but as a leading coarse fishing destination. I hope that ministers will ensure that the powers in the bill relating to coarse angling will be used to promote and grow, rather than discourage or undermine, coarse angling.

In conclusion, I welcome the balance in part 1 of the bill in seeking to protect two of our most important industries—aquaculture and angling. I simply hope that our efforts are not nullified by the sudden appearance of the GS parasite in Scottish waters. Once again, I plead with ministers to ensure that steps are taken to prevent that from happening.

16:36

Maureen Macmillan (Highlands and Islands)

(Lab): The bill has been a long haul, not just from when it was first introduced in Parliament or even from when the first consultation began, but from when the Parliament, in the shape of the former Transport and the Environment Committee, and the Executive began to interrogate and bring together fish farmers, river proprietors, local communities, non-governmental organisations and others with a view to finding the sustainable development balancing point for the aquaculture industry, which is so important to the Highlands and Islands.

At that point, there was a stand-off between salmon farmers on one hand and wild salmon interests on the other. Environmental groups were

lobbying against aquaculture, sometimes blaming it for conditions that it was certainly not responsible for, such as amnesic shellfish poisoning. The local enterprise companies were backing the industry as it supported about 5,000 jobs, mainly in the west Highlands and on the islands. Communities were caught in the middle of that, worried both about losing fishing tourism and aquaculture jobs and about the environment.

The industry had to face real issues, particularly the proliferation of sea lice and the impact of that on migrating wild salmon, and the genetic impact of escaped farmed salmon on the wild stock. However, the environmental groups and the wild salmon advocates would not always admit the social and economic rationale for aquaculture or be realistic about what was possible for the industry to deliver and still remain viable.

The industry has matured considerably over the years. Its efforts to address concerns such as fish lice and salmon escapes and sustainable feed, and the efforts of other stakeholders to meet it halfway, have made the bill possible. It is finely balanced, and all parties know that. It is based on codes of practice that are now underpinned by law—the iron hand in the velvet glove. Enforcement by the industry must be rigorous, or enforcement by the law will be.

The bill is not just about aquaculture; it embraces freshwater fishing too. I commend Dennis Canavan for his unwavering devotion to the rights of the common fisherman or woman. Protection orders have been misused in the past in some areas and they must be properly policed. However, in evidence to the committee, the representatives of the Tay liaison committee said that not all the available permits on the Tay were being taken up. I am afraid that the legislation that Dennis Canavan hoped for will not come until the next session.

We have all learned to pronounce *Gyrodactylus salaris*, and some of us have even learned how to spell it. It is a fearsome parasitic predator. Its very name tells us that it leaps and birls, and it would devastate the fish in our rivers if it were introduced by fish or fish egg imports from areas of Europe where it is rife or by careless fishermen tourists. The chemicals that are needed to treat it would devastate the biodiversity of our rivers and our river networks would not make treatment easy. I welcome the amendment at stage 2 that would allow the creation of barriers in rivers to prevent its spread.

It is no wonder that members are anxious to do all that is practicable to keep GS at bay—I emphasise “practicable”. The risk is small, so we should not overreact but should keep vigilant. The bill strikes the right balance.

I end by thanking committee members, our hard-working clerks and those who gave evidence to us, both oral and written. I was there at the beginning when Dennis Overton of Aquascot first lobbied me about support for aquaculture eight years ago, and Andrew Walker and Hugh Raven lobbied me about the environmental impact of fish farming on wild salmon. I visited fish farms in the northern isles and the Western Isles, and I was driven like a mad thing around the west Highlands by Graeme Dear of Marine Harvest. I visited harvest stations and fish processors, I consulted the Scottish Association for Marine Science at Dunstaffnage and Fisheries Research Services at Aberdeen. I reported to what were then the European Committee and the Transport and the Environment Committee, and I sat on the ministerial working group.

Aquaculture has truly been part of my political life; I am glad to have seen the bill to its conclusion.

16:40

Eleanor Scott (Highlands and Islands (Green)): I add my thanks to everybody who was involved in producing the bill, to people who gave evidence to the committee and to people who lobbied us—even those with whom I did not end up agreeing.

The bill was not generally controversial and it attracted an awful lot of agreement. Much of the bill was welcome and most of the haggling concerned fairly detailed and small parts. The provisions that relate to the aquaculture industry were very much welcomed, as was the code of good practice on sea lice and escapes.

Some of us felt slightly disappointed that strict liability for escapes from fish farms was not pursued. I know that strict liability has a clear meaning in law and that it was felt that that would go too far and would be unreasonable and unenforceable. Escapes could occur because severe weather events damaged fish cages, for example, which would not be the aquaculture enterprise's fault. I want the Executive to keep an eye on that, because the number of severe weather events will undoubtedly increase with climate change and I do not want them to be used as an excuse for repeated large-scale escapes.

If large-scale escapes happen repeatedly after severe weather events, the industry will have the responsibility to examine the design of fish farm cages, which must be fit for the purpose of containing fish in the waters around the west coast. I was a bit disappointed that the bill was not slightly stronger on that but, apart from that, I am happy with the aquaculture provisions.

As for freshwater fisheries, I will not revisit the debates about live bait, other than to say that I was slightly startled to read in a tabloid newspaper even before stage 2 that I was the author of a possible amendment to ban live vertebrate bait. I hope that everybody now realises that I was not the author; I support the measure, but I did not think of it. As a Green, I support angling and I value local relationships with anglers, who often alert environmentalists to problems in the ecosystem of their local body of water. I put on record again my support for angling and the fact that there was no nasty Green plot to stop angling. The amendment had nothing to do with the Greens and was not nasty or a plot. In any case, Greens are not nasty and never plot.

We always learn something new in scrutinising a bill; in this case, the committee learned about *Gyrodactylus salaris*. I might have the honour of being the first person to write about it. Having learned to spell the term, as Maureen Macmillan said, I put it in a column in the *Ross-shire Journal*, which some people must have read with slight astonishment if, like me previously, they had never heard of the parasite. It was surprising to be made aware of a parasite of which one had never heard but which could have a devastating effect on our salmon rivers.

Many unanswered questions about the parasite remain. Could we treat an infestation, should it come to Scotland? Are our river systems comparable to those in other places where treatment attempts have been made? Would the chemicals that would have to be used to treat the parasite be so devastating that we could not even attempt treatment? We know that the risk of recreational water users transmitting the parasite from countries where it is endemic is very small, but I am glad that awareness has been raised. During the bill process, awareness among interest groups has been raised, and I hope that the publicity campaign will raise awareness further.

I have quite enjoyed the bill. We enjoy most pieces of legislation, but the bill has been interesting. It was not hugely controversial or headline grabbing, but scrutinising it has been worth while and I am glad to have been part of that.

16:44

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I have been sent a note that tells me that I have less time than I thought I had, so I shall go a little faster.

As the minister said, the debate has been worth while. I like his description of the bill as a strategic framework for Scottish aquaculture. In my constituency and that of Rob Gibson and Eleanor

Scott, there is no doubt that fish farming is hugely important. A company such as Loch Duart, which is based at Scourie, relies on its reputation for producing first-class salmon without any troubles. However, sea lice and escapees have been a background worry for us all, so the bill is most welcome.

Although I am not a member of the Environment and Rural Development Committee, I serve a constituency that is connected with fish farming and I am aware of what has been done. I pay tribute to the inclusive approach of the Executive. I have seen with my own eyes that it has talked directly with the industry and the rod-and-line interests. That has been a template of how to do things in the future, as is recognised by members of other parties.

The debate has covered many different aspects, but of particular interest was the issue to which Eleanor Scott referred—the parasite *Gyrodactylus salaris*. As Ross Finnie said, there is a low risk of the parasite coming into the country, and I understand that the use of fishing equipment has never been implicated in that. Nevertheless, I am assured that the Executive remains ready and poised, should the dreadful parasite appear. I accept the minister's point that the legislation should not be prescriptive.

Mr McGrigor: I appreciate what the member says, but does he not agree that action that is taken once the parasite appears will be too late?

Mr Stone: So, what do we do? The world could fall on our head. I believe that, if GS appears, the Executive will be prepared to take it on. The evidence is that the use of fishing equipment has not been implicated in the spread of GS—it is worth remembering that.

Notwithstanding the passion with which Dennis Canavan spoke, I cannot agree with what he said.

I see that I am in my last minute.

The miracle of the debate is the fact that Mr John Farquhar Munro has not spoken, although he has huge fisheries interests ranging far across Scotland.

The bill is a useful, workmanlike piece of legislation that underpins an industry that is crucial to all of us in the Highlands, including Jamie McGrigor. It will strengthen that industry and will, I believe, serve the best interests of the rod-and-line interests. As Mr McGrigor has said, that is crucial to the economy of the Highlands and of Scotland in general.

16:47

Alex Johnstone (North East Scotland) (Con): No one who has been a member of the Parliament

over the past eight years can be other than convinced that, in relation to aquaculture, two key issues will be raised repeatedly: there are doubts about its environmental soundness and its presence in certain areas of Scotland; and it is essential to the economic development of some of the most fragile areas in Scotland. It has always been a difficult balancing act for us. I am glad that the process that we have gone through with the bill has allowed us to continue that balancing act. The Scottish Conservatives remain very supportive of the aquaculture industry and willing to participate in any measure that will allow it to become more secure in the environmental sense as well as in the economic sense.

The parasite *Gyrodactylus salaris*—I pronounce its name publicly for the first time—is one of the biggest threats that could conceivably enter our rivers. I was especially impressed with the way in which Richard Lochhead made that point. Not only would GS be a great threat to our wild salmon populations and the economic development associated with them, the process of flushing out some of our rivers with dangerous chemicals could be a massive threat to our whisky industry. Considering the exports that our whisky industry achieves, we cannot afford to take risks.

I wonder whether, when we discuss biosecurity and GS—and, perhaps, bird flu and foot-and-mouth disease, which we have often discussed in the same context—it is sometimes difficult to assess how dangerous the situation would be and what reaction would be appropriate. I worry that we may be observing complacency, to some extent, in relation to GS. Time will tell. If GS does appear, perhaps complacency is what we will have seen.

The use of live bait was passed over quickly in the debate, but I am glad that we had the opportunity to debate it. I am not convinced that we have made the right decision, but I have been given cause to reflect on how the Executive used the same biosecurity arguments against the use of live bait.

We must concern ourselves with how new people—especially those who can least afford to become involved in the sport of angling—can be given access to fishing. Various organisations in Scotland are working hard, in conjunction with our angling clubs, to achieve that. I am glad that we will preserve our angling clubs and not undermine their authority through decisions that we have made today.

It was interesting that a Conservative amendment provided the opportunity to test the concept of compulsory compensation when fish are compulsorily destroyed by the Executive. The fact that the Executive has taken a discretionary power to compensate for destroyed fish is a major

step forward. I am glad that we have tested the water on compulsory compensation, but I am disappointed that we did not take that opportunity.

16:50

Rob Gibson (Highlands and Islands) (SNP):

Although I generally support the slightly better set of arrangements for the management of aquaculture and fisheries that the bill provides, I look forward to the potential that will be available when we reconsider these matters in a few years' time.

In our consideration of the aquaculture measures in the bill, we had to think about how salmon farmers behave and the effect that their farms have on the environment, but we should not forget that the large and diverse shellfish farming sector is much more organically based. Although the approved code of practice applies to both types of farm, we will need to keep under scrutiny the potential that exists for people to get involved in the fish-farming industry. It is still my view that, when people get a licence, they should use it or lose it. That issue will continue to be tested if more than half the sites for fish farms continue to be unused. That is a glaring issue. Although the Parliament has today rejected any tightening up of the licensing arrangements, I think that the matter will be kept under scrutiny.

Mr McGrigor: Does the member agree that a great many of those so-called unused sites are in fact used—or could be used in future—by the fish-farming industry for fallowing, which is a way of improving the environmental impact of the aquaculture industry?

Rob Gibson: I happen to know that very few of those 140 sites are being used for fallowing. They are maintained by the companies concerned for their own purposes—to restrain competition.

We need to recognise that the spread of GS requires a wider view to be taken that involves the European Union. The affected areas need to be identified and a plan among the different countries needs to be worked out. We should expect the Scottish Executive to move in that direction because we know that GS is endemic not only in parts of Norway but in other EU countries, including France. We have a major job to do to ensure that we are able to stop the parasite spreading to Scotland. Of course, the major element of such efforts must involve controlling the importation of fish and smolts, given that that is easier to control than the behaviour of anglers.

Regarding how we control and develop the management of fisheries, we look forward to the next stage, when the freshwater fisheries forum reports and we can move on to total catchment management. These interim measures are all very

well, but they do not really address the full problem, which will need to be taken care of in future.

It was interesting that, with amendment 7, Dennis Canavan wanted to hold out for what he regarded as the best solution. I had a great deal of sympathy with his proposal. The aim was not to take powers away from local angling clubs but to ensure that anglers can be organised at a national level so that common standards can be brought into play. However, when he questioned why people should be able to be convicted on the evidence of only one witness, I was sorry that the minister did not refer him to the Nature Conservation (Scotland) Act 2004, under which people can be so convicted of taking birds' eggs. That provision is a good way of dealing with the issue because of the difficulty involved in getting witnesses.

For some of us—if not for the minister—the reference to the ways in which salmon fishery boards and bailiffs acted in the 19th century did not bring back happy memories. In those days, I think they still used mantraps. The minister should have pointed out that convicting on the evidence of one witness is a modern way of dealing with such matters. As Stewart Stevenson said, when he was a water bailiff, he had more powers than a constable. I will not list any of Stewart Stevenson's other jobs just now.

We agree that the modernisation of the powers of control over our inland waters is welcome. We can handle the measures for aquaculture. We are happy to support the bill in general.

16:55

The Deputy Minister for Environment and Rural Development (Sarah Boyack): I am conscious that this has been neither the longest nor the most contentious or fractious debate that we have ever had in the Parliament, so I hope that I can follow the example of previous deputy ministers in speaking until 5 o'clock—I cannot guarantee it.

As many members have said, the bill is absolutely not an end to the Parliament's interest in aquaculture and fisheries. There will be monitoring of the implementation of the bill. We have been supported ably by the freshwater fisheries forum. The speeches that have been made reflect the fact that there has been a lot of participation and that a lot of work has been done by different sectors of the fishing industry. Right from the start, a range of stakeholders have been involved in producing the bill that the Executive has taken through the Parliament. I know that there is enthusiasm throughout the Parliament for further work to be done on the issue.

Dennis Canavan was right to point out that there has been a long-standing commitment to do further work. In the next session, the Parliament will need to address aquaculture in the forthcoming strategic framework on freshwater fisheries. I reassure Dennis Canavan and John Home Robertson—who also has a long-standing interest in the issue—that we want stakeholders to be fully involved in designing the future management structures. I got the sense from this afternoon's debate that there will be a lot of interest in this work throughout the country. We need to ensure that the different perspectives are brought around the table to design the next legislation that is required.

It was said that Dennis Canavan has shown consistent interest in aquaculture in this Parliament. Officials tell me that his interest goes way back beyond this Parliament, as he was active in representing the views of anglers at the United Kingdom Parliament throughout his time as an MP.

I thank the many individuals and organisations who helped shape the bill. Without their input, we would not have had a short and uncontentious debate this afternoon. They have helped demonstrate that the best solutions come from working through proposals with practitioners who have to live and work with the issues every day.

I also thank my officials and the legal team and the drafters who worked on the bill. I thank the Parliament, particularly the committee members and their clerks who helped in the process of consideration and scrutiny of the bill. A lot of technical issues had to be addressed. I thank Maureen Macmillan for her work in the Parliament and for taking over seamlessly as convener of the Environment and Rural Development Committee when I moved to the other end of the table.

Mr Stone: When the salmon farming industry was consulted on the bill, it suggested that, in view of the code of practice that it had recently adopted, the bill was unnecessary in some respects. I did not agree with that view. What is the understanding between the Executive and the industry on that point?

Sarah Boyack: The Executive's view is that the code is extremely useful and the vast majority of aquaculture companies are fully signed up to it. However, not absolutely everybody is and we want to ensure that there is pressure to do so and to push up standards throughout the industry.

Eleanor Scott mentioned escapes. The bill is absolutely clear that fish farms must have satisfactory measures in place for the containment of fish—an enforcement notice can be served if they do not. It is an offence if a fish farmer does not take the necessary steps set out in the notice.

There has to be a tough back-stop when there is not effective management.

A range of other issues have been raised, such as GS. The contingency plan was tested last month, in which all relevant stakeholders were involved. The process requires to be fine tuned. Although no major flaws were identified, we all agree that the last thing any of us wants is GS to move into Scotland. The precautionary measures, the publicity, posters and leaflets are crucial in getting across to people the message that we cannot afford to let GS enter Scotland.

Richard Lochhead asked a specific question about the available money. He referred to the sum of £6 million. That would be the cost of putting in disinfectant points at all ports, not the publicity that we are putting in place. I hope that colleagues will be happy to support and disseminate that in their constituencies.

This has been a good debate. I reiterate that we recognise the importance of aquaculture and freshwater fisheries in Scotland. They are incredibly important economically. They support many jobs in rural communities throughout Scotland, and they support our tourism industry by attracting people to Scotland to enjoy our wonderful natural environment. Continued strong commitment from the Scottish Executive and the public sector, working with the aquaculture and freshwater fisheries industries, is the way forward.

I welcome the consensus that has grown around the bill. All that remains is for the Parliament to formally support the motion.

Decision Time

17:00

The Presiding Officer (Mr George Reid): There are four questions to be put as a result of today's business.

The first question is, that amendment S2M-5669.1, in the name of Kenny MacAskill, which seeks to amend motion S2M-5669, in the name of Des McNulty, on dealing with illegal moneylenders, 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) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 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)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 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)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)

Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 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)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 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, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 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)
 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)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

The Presiding Officer: The result of the division is: For 36, Against 76, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The second question is, that amendment S2M-5669.2, in the name of Margaret Mitchell, which seeks to amend motion S2M-5669, in the name of Des McNulty, on dealing with illegal moneylenders, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Petrie, Dave (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 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, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley)

(Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 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) (Sol)
 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)
 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)

ABSTENTIONS

Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Presiding Officer: The result of the division is: For 15, Against 96, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The third question is, that motion S2M-5669, in the name of Des McNulty, on dealing with illegal moneylenders, be agreed to.

Motion agreed to.

That the Parliament condemns the activities of illegal money lenders who prey on and exploit vulnerable individuals and communities; welcomes the Scottish Executive's determination to work in partnership with the UK Government to tackle illegal lending through enforcement and by developing new approaches, such as the successful illegal money lending task force pilots, and supports the Executive's activity to help affected individuals by increasing affordable credit from credit unions, by improving the availability of money advice, through citizens' advice, local authority trading standards departments and other organisations which provide invaluable help to those with unmanageable debt, and by extending financial education in schools and in other settings such as the workplace and the community.

The Presiding Officer: The fourth and final question is, that motion S2M-5630, in the name of Ross Finnie, on the Aquaculture and Fisheries (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament agrees that the Aquaculture and Fisheries (Scotland) Bill be passed.

Multiple Sclerosis (Tysabri)

The Deputy Presiding Officer (Murray Tosh):

The final item of business today is a members' business debate on motion S2M-5305, in the name of Tricia Marwick, on Tysabri for people with multiple sclerosis. The debate will be concluded without any question being put.

Motion debated,

That the Parliament deplores the decision by the Scottish Medicines Consortium not to recommend that Tysabri be prescribed to people with multiple sclerosis (MS); notes that, for a small number of those with the most aggressive form of relapsing-remitting MS for whom existing treatments do not work, Tysabri represents the only treatment available; believes that Tysabri has the potential to alleviate suffering for MS patients in Fife and across Scotland; notes that Tysabri is prescribed in Germany, Ireland and the United States of America but not in Scotland, which has the highest rate of MS in the world, and considers that NHS boards in Scotland should prescribe Tysabri which had been described by Dr Gavin Giovannoni, of the National Hospital for Neurology and Neurosurgery in London, as the most significant advance in MS treatment for nearly a decade.

17:05

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

I thank those members from all parties who signed the motion in my name and the two motions that were lodged by other members.

MS affects almost 10,000 people in Scotland; we have the highest rate of MS per capita anywhere in the world. In the past, I have argued that that statistic should spur us on to ensure that Scotland becomes a centre of excellence for the treatment of MS. It is appropriate to record that, since the Scottish Parliament was opened in 1999, services for MS patients have improved. Most health board areas now have MS nurses, and beta interferon is widely prescribed rather than being available only on a postcode basis. Some of the credit for that goes to the Scottish Executive, but much more of it goes to the MS Society Scotland, its director Mark Hazelwood and its patron J K Rowling. Many of the improvements have come about only because of the financial support of the MS Society.

I cannot begin to express the anger and frustration that were felt following the Scottish medicines consortium's decision in December not to recommend that Tysabri be made available on the national health service to people with MS in Scotland. A number of issues need to be put on the record. The drug has been licensed for use, so it is an approved product. It is being prescribed in the United States, Germany and Ireland. In total, 10,000 people worldwide are using Tysabri.

Why is Tysabri important? For a very small number of people with aggressive and rapidly

progressing MS, who have recurring attacks, existing drugs are not working. Tysabri reduces the number of attacks. Every attack causes more damage, with the result that the patient gets progressively and rapidly worse. Given that many people in that category are young and economically active, it is vital that we use everything at our disposal to ensure that they have a better quality of life for longer. Tysabri is not a miracle drug or a cure for MS—there is none—but, as clinical trials have shown, it is twice as effective as any other licensed drug on the market in reducing recurring attacks.

Brian Adam (Aberdeen North) (SNP): Does the member agree that there is no doubt whatever about the drug's efficacy, but that there seems to be some doubt about the cost benefit analysis? Does she share my concern that the use of QALYs—quality-adjusted life years—to measure the cost benefit analysis does not seem to be an adequate way of assessing a drug that is vital to a significant group of patients with a significant disease that is more prevalent in Scotland—especially in the north-east—than elsewhere?

Tricia Marwick: I could not agree more. I will address later in my speech some of the points Brian Adam makes.

From discussions with neurologists and the MS Society, I have learned that they estimate that between 40 and 50 people in Scotland will be prescribed Tysabri in any one year. It is not a drug for everyone. We are not talking about thousands of people beating a path to their general practitioner's surgery to demand the latest wonder drug; Tysabri is not another Viagra. It will be prescribed only to the very few people who, in the clinical judgment of neurologists, will benefit from it.

The decision to deny the provision of Tysabri on the NHS to such a small group of people is mean spirited. The option exists for neurologists to make a case to health boards for the provision of Tysabri to named patients, but that will create unnecessary delay and lead to postcode prescribing, which I am sure we all wish to avoid.

The SMC's decision is based on cost, not on whether the drug will bring benefits, although its acknowledgement of those benefits is grudging and flies in the face of the evidence that it has been shown. The MS Society is of the view that the SMC's decision was based on flawed evidence. It and the neurologists believe that the cost of prescribing Tysabri will be less than half what the SMC says it will be. The SMC's economic case for not prescribing is therefore quite different from the economic case that is claimed by the neurologists and the MS Society.

The difficulty is that there is no mechanism to appeal an SMC decision. As far as I am aware, it is not an organisation set up by statute; rather, it is a forum of representatives of health boards. The MS Society has asked ministers to intervene and to ask the SMC to revisit the estimates on which it based its decision. Ministers have said that it would be inappropriate for them to do so, but I do not agree. If there is no appeals mechanism, will the minister advise us how decisions can be revisited? Why cannot ministers write to the SMC to say that they have additional information and to invite the SMC to reconsider? No one is arguing that ministers should direct the SMC, but when there is a dispute about the evidence, it is not unreasonable for ministers to ask the SMC to look again at the evidence that is available.

Dr Gavin Giovannoni of the National hospital for neurology and neurosurgery in London described Tysabri as the most significant advance in MS treatment in a decade. It is, but for it to be effective in Scotland it must be prescribed on the national health service. I urge ministers at least to write to the SMC to ask for the decision to be revisited.

17:11

Mrs Nanette Milne (North East Scotland) (Con): I congratulate Tricia Marwick on securing this debate on a matter that affects only a relatively small group of people but is nonetheless of major importance to their quality of life and to those who care for or depend on them.

I well remember that way back in the mists of time, when I was a medical student in Aberdeen, I saw a number of patients with quite advanced MS. I learned that there was a higher incidence of the condition in the north of Scotland—particularly in Shetland, if I remember rightly—than in the rest of the country, and that the prevalence in Scotland was the highest in the world. The cause of the condition, although essentially unknown, was thought to be some sort of trigger event—perhaps environmental or viral—in a genetically predisposed individual. There was no cure. Forty years on, that remains the case, but in the past few years there have been significant advances in treatments that can delay the progress of MS and relieve its symptoms.

Early diagnosis before damage becomes irreversible, followed swiftly by the administration of beta interferon, has been of enormous benefit to many patients who could not previously be helped. The recent SMC decision not to approve beta interferon for patients with a single demyelinating event is disappointing. By reducing the incidence of relapse, beta interferon and glatiramer acetate can avoid the necessity to prescribe high doses of corticosteroids, with their consequent side-effects. For people with severe relapsing-remitting MS

who do not respond to those drugs or whose disease is rapidly progressive, there was no effective licensed treatment until Tysabri became available.

The SMC's decision not to recommend Tysabri for use in the NHS has come as a bitter blow to patients with the most aggressive form of the disease, who had looked forward to the possibility of slowing down the progression of their disability. Those patients are usually in the prime years of their lives, with young families and financial commitments. A drug such as Tysabri, which could allow them to continue to work or to live without the need for a wheelchair, would make a huge difference not only to their lives, but to the lives of their friends and families. To be denied the drug, which is the product of groundbreaking biotechnology, is even more upsetting when patients know that it is being prescribed in the United States, Ireland and Germany.

Tysabri's clinical efficacy is not in doubt, but it has clearly failed to meet the economic criteria that the SMC has to take into consideration when making a judgment. I would like to know more about those criteria. Do they take into account the cost of the consequences of appropriate patients not getting the drug, including loss of income, the need for state benefits, the effect on relatives—who may have to give up work to become carers—and the cost to the NHS and social services of supporting a person with increasing disability? Are those factors taken into consideration by the SMC when it makes its judgment? In the case of Tysabri, with its proven clinical efficacy, did the SMC consider a worst-case scenario as a basis for its recommendation?

At a cost of nearly £15,000 a year, no one denies that it is an expensive treatment, but—as Tricia Marwick said—the number of people who would benefit is not large, and the cost would not be an enormous burden on the NHS, although obviously it would impact more on health boards where the incidence of MS is highest.

Tricia Marwick: Does the member acknowledge that the cost that she cited includes the cost of existing drugs? If the patient is not on existing drugs, the cost of Tysabri comes down to about £7,000 a year.

Mrs Milne: I accept what Tricia Marwick says.

I know that it is difficult for the minister to go against the advice of an expert body such as the SMC, but I hope that he will look at the threshold criteria that have to be met before drugs are approved, because they appear to be particularly stringent.

Tysabri is not the only product that has been rejected recently that could delay the progress of incurable disability. It is not long since we had a

similar discussion about Alzheimer's disease, and it is only a few years since the battle for beta interferon was won, to the enormous benefit of many MS sufferers. We still await the National Institute for Health and Clinical Excellence's decision on Tysabri, which I believe is due in a few months' time. If NICE approves the drug for national health service use in England, will the minister put pressure on NHS Quality Improvement Scotland and on the SMC to reverse its decision? In the meantime, will he encourage health boards to fund Tysabri in cases where a neurologist wants to prescribe it? Without the drug, the most severely affected MS sufferers face a bleak future; with it, they could significantly extend their productive lives. Surely that benefit must outweigh a judgment based on cost alone.

In the absence of detailed knowledge of what the SMC considered, I am not at this stage prepared to deplore its decision, because it is tasked with making a very difficult judgment, but in all other respects I am more than happy to support the motion.

17:16

Eleanor Scott (Highlands and Islands) (Green): I thank Tricia Marwick for bringing forward the motion for debate. I also thank those from the MS Society who briefed us yesterday and the consultant neurologist who came along and told us about treating patients with severe and aggressive multiple sclerosis.

As we have heard, MS is a disease whose cause is unknown, for which there is no cure and which is commonest in northern Europe, especially in Scotland and particularly in the north of Scotland. Therefore, as a north of Scotland MSP I am very interested in the issue.

There is no cure for MS, but there are treatments. Tysabri is used for the small group that has very aggressive attacks. The nature of MS, which is perhaps the issue that gives the Scottish medicines consortium some problems, is that it is a disease that remits and relapses. The experience of patients with MS can vary hugely. Some people live their lives with MS with quite minimal disability, but for others the disease takes a rapid course with increasing disability. It is a very distressing disease in those cases. That is where Tysabri comes in, because it is used for the treatment of acute episodes. Beta interferon has also been used in the treatment of those episodes. It stops roughly one in three relapses; Tysabri does so in two thirds—67 per cent—of cases. As the neurologist put it, it is important to stop relapses because that stops the chance of accumulating disability. That is how she put it, and that comment is very telling. We have to be able to treat the acute, aggressive episodes in the small

group of patients who have such aggressive episodes.

As far as we can see, the SMC's decision seems to be based only on cost. As Nanette Milne said, NICE has not yet made a decision. The SMC is usually slightly more humane than NICE, which is described by many professionals as the national institute of cost-effectiveness—it seems to look not so much at the patient as at the cost.

We have heard that Tysabri is a licensed drug, which is allowed in Ireland, Germany and the USA. The neurologist whom we spoke to yesterday feels that the SMC struggles to deal with long-term fluctuating conditions and to model the costs. I can understand that that must be difficult. It is perhaps not a coincidence that we are talking about another MS drug. The situation is hauntingly familiar after what we went through with beta interferon. Perhaps the SMC struggles to model costs for a disease that fluctuates in the way that MS does, because there are costs of not treating that are difficult to quantify and factor in. There are social, personal and economic costs of the increasing disability in people who suffer from MS. Preventing disability is always better.

Is it the case that people can never get this treatment? It is not quite the case, because we heard from the neurologist that if a consultant who is treating a patient feels that Tysabri is the only treatment that will be effective for his or her patient, they can plead the case with their health board and perhaps get it on a named-patient basis. We have heard how, in some areas, such requests have been accepted by the health board and, in others, refused. That brings us right back to postcode prescribing.

Compared with any other drug that prevents relapses in this aggressive condition, Tysabri is doubly effective. I do not doubt the Executive's publicly stated commitment to dealing with long-term conditions; however, MS is a particular long-term condition in Scotland, and this treatment can prevent patients from accumulating disability. The SMC's decision not to make Tysabri available should be reversed.

17:20

Ms Maureen Watt (North East Scotland) (SNP): I, too, thank my colleague Tricia Marwick for securing the debate and for highlighting the anomalies in the treatment of MS. MS is a hugely debilitating condition for which there is, as yet, no cure. However, I hope that, with the cracking of MS's genetic code and with medical advances taking place at a significant pace, a cure will be found soon. In the meantime, the pharmaceutical industry continues to make significant advances in the treatment of debilitating illnesses and

conditions such as MS, and Tysabri is a real addition in that respect.

As Tricia Marwick pointed out, almost 10,000 people in Scotland have MS. The UK Multiple Sclerosis Society estimates that if the Association of British Neurologists' criteria for receiving treatment were properly implemented, somewhere between 28,000 and 40,000 people with MS—or 32 to 47 per cent of the UK's MS population—would be eligible for disease-modifying therapies. However, in the UK, only 9,000 to 10,000—or 11 per cent—of people with MS are on DMTs. That figure compares poorly with other countries in Europe and beyond. In the Netherlands, 24.7 per cent of the MS population is on DMTs; in France, 30.4 per cent; in Italy, 32.9 per cent; in Ireland, 36.1 per cent; in Germany, 37.1 per cent; in Spain, 40.6 per cent; in the United States, 47.1 per cent; and in Portugal, a massive 61 per cent.

As Eleanor Scott indicated, one important factor is the cost-effectiveness of MS treatments, and the figure for the relapses avoided by treatment is much better for Tysabri than for any of the other drugs that are available. Obviously, the number of relapses in a non-treated population will be much higher than that in a treated population; however, under a model developed in the US, the cost per relapse per year avoided was between \$12,000 and \$23,000 lower for Tysabri than for the other DMTs. As Nanette Milne made clear, Tysabri helps people to avoid relapses, which means that they avoid having to take days off work; it helps them to avoid treatments that worsen the condition and debilitate them further; and it helps them to avoid having to employ carers.

Surely, in deciding whether Tysabri should be available to MS sufferers, the Minister for Health and Community Care should weigh all those factors and costs against the cost of prescribing Tysabri. I look forward to hearing the deputy minister's views on the matter.

17:24

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): As Eleanor Scott pointed out, the prevalence of MS is highest in the Shetland islands, the Orkney islands and parts of Caithness. As a result, statistically, my constituency contains a very high number of sufferers. In that regard, I recently spoke to the Caithness branch of the MS Society, which has, quite understandably, asked me to support Tricia Marwick's motion. I have no hesitation whatever in doing so.

The speeches made by members who have already spoken are more far reaching and knowledgeable about the situation than anything that I can say. However, it is true that, with the

introduction of MS nurses in most parts of Scotland and the availability of beta interferon, advances have been made in the treatment of the condition. I accept the intelligent arguments that have been made for the use of this drug.

I crave the indulgence of colleagues in the chamber while I broaden the issue slightly to a matter that is of pressing constituency interest. MS Caithness is lobbying for all the things that Tricia Marwick and other members have spoken about. It does a good job in representing people who suffer from this dreadful disease. However, MS Caithness faces difficulties, one of which I want to highlight in the debate. I refer to the simple issue of water rates relief for charities.

Charities can gain exemption if they satisfy the six criteria that the Scottish Executive established in 2002. The criteria are:

"The premises concerned must have been occupied by the charity at both 31 March 1996 and 31 March 1999 ... They must be being used for the same purposes now as they were on 31 March 1999 ... They are not retail outlets ... They do not have a permanent liquor licence ... They are neither owned nor occupied by a council".

As members will know, if a charity moves from one premises to another between certain cut-off dates, the relief goes. MS Caithness has lost any exemption that it had for water rates. Its properties in Wick and Thurso are used for two hours a week for physiotherapy for sufferers; each property is used on average for 40 weeks a year. It is having to pay approximately £10 an hour for its water rates. We are talking about a charity that raises money from ordinary money to try to push issues such as the one that Tricia Marwick rightly brought before the chamber, yet it is having to fund £10 an hour out of money that could be used to highlight the sort of issue that Tricia Marwick has raised or to give people physiotherapy that they cannot get through the national health service.

The prevailing regime of water rates relief is inconsistent and arbitrary. It is thoroughly unhelpful for a small, hard-working charity that fully backs Tricia Marwick in what she is saying. I say that on the record because it is a disgrace. Something should be done to sort it out.

17:27

Dr Jean Turner (Strathkelvin and Bearsden) (Ind): I congratulate Tricia Marwick on bringing an important subject to the chamber. I also congratulate the members who have spoken before me. They are certainly well versed in the subject. I am not an expert on MS. I treated people with MS, or tried to diagnose them. I want to give the chamber some idea of why I think that we are talking about a small number of people—indeed, a very small number of those with MS.

I was 35 years in the NHS. In my 25 years in general practice, I met one lady who came into this category. As Nanette Milne said is often the case, the person was young. She was in her mid-20s and had two children under five. In medicine, one knows that someone can have an acute onset, but it is impossible to imagine what that is like. I had to go to the neurological unit of the Southern general hospital to visit this lady, to see for myself what it was like. I could not believe how quickly the onset of cerebral demyelination could occur. She was unable to feed herself or to do anything for herself. She had tubes in and out and about her body.

That lady was in bed for three weeks and it was a further three or four weeks before she was able to return to her home and look after her children. Her husband was a young man and he was devastated by what had happened, as were her children. She had to go to her parents' house. Her mother had MS of a different nature—as we know, MS affects people in different ways.

I plead with the minister—with anybody—to reconsider the prescribing of Tysabri in cases where the neurologist thinks that the drug will help. Neurologists will not prescribe a drug again and again if it does not help. If we weigh up the costs of preventing such devastation from happening in anybody's life, and in the lives of those who live round about them, against the costs of keeping that girl in a hospital bed for weeks, unable to do anything for herself—including the costs of the nursing and care she received and of dealing with subsequent problems in the community, before she returned to full health—the cost of prescribing a licensed drug to people in similar situations is worth it.

Scotland is almost the MS capital of the world. I have never forgotten meeting about 200 MS sufferers two or three years ago, up the road in the Hub. I met people whose condition was not as bad as that of the girl I mentioned, and it was devastating to hear them describe their difficulties in getting physiotherapy and the other services that they needed if they were to live normal lives. The money that we put into looking after such people well is well spent and represents a saving in the long run, so I plead with the minister to consider the matter.

17:30

John Scott (Ayr) (Con): I, too, congratulate Tricia Marwick on securing the debate on the need for Tysabri to be prescribed to MS sufferers. I declare an interest: I am a supporter of MS Ayrshire. This is perhaps immodest of me, but I also draw members' attention to motion S2M-5307, in my name, which calls for Tysabri to be prescribed, and I take this opportunity to thank the

members who supported it. I pay tribute to the many volunteers throughout Scotland who support MS sufferers, particularly in Ayrshire. I have an enormous regard for the tremendous work they do.

The decision by the Scottish medicines consortium not to recommend the use of Tysabri in the NHS in Scotland is, quite simply, a huge disappointment for people who have relapsing forms of MS. It is all the more disappointing that the decision has been taken on cost grounds alone, because no one doubts that the clinical case for Tysabri's use has been made and is widely acknowledged. The fact that Tysabri is available to MS sufferers in England and Wales is particularly upsetting for sufferers in Scotland. A more obvious example of postcode prescribing will be hard to find if the situation is allowed to persist.

The director of the MS Society Scotland said:

"No other drug has shown this potential to reduce disability, and any short-term savings are likely to be outpaced by the devastating financial costs of living with severe, progressive disability—not to mention the emotional costs to people with MS and their friends and families."

That says it all.

It is particularly hard for sufferers to understand the position, given that Tysabri is available and afforded not just in other parts of the UK but elsewhere in the world, such as in the United States and Germany. At a cost of £15,000 per patient per year, Tysabri is not an inexpensive drug. However, in areas such as Ayrshire, which has an inexplicably high incidence of MS—the incidence of the condition appears to be different in different parts of Scotland—the money would be well spent. The cost of the drug must be compared with the current cost of treatment, which is £7,000 per patient, as Tricia Marwick said.

Some 10,000 patients worldwide use Tysabri. On behalf of MS sufferers in Ayrshire, I ask the minister to ignore the SMC's decision and to support those people throughout Scotland who desperately need access to the drug, to treat that most dreadful of illnesses.

17:33

Christine Grahame (South of Scotland) (SNP): I will try not to repeat what members have said and to provide additional data.

There is no national register of people with MS in the UK or in Scotland, so the figures that are quoted are an estimate and are based on local studies. Work in that regard should be progressed. Similarly, there is no accurate record of the number of new cases of MS that are diagnosed each year. The nationwide application of the results of local studies suggests that about 2,500

people in the UK and perhaps some 250 in Scotland are diagnosed with MS each year. We need to start gathering information on the condition.

I applaud Tricia Marwick's dedication to the cause of MS since she entered the Parliament in 1999. I also applaud the hard work of the MS Society Scotland, which has lobbied hard and successfully on various occasions in the Parliament and has made progress for sufferers of the disease.

In the most recent parliamentary answer on the matter, in response to a question from Irene Oldfather, Andy Kerr said:

"As at 30 September 2005, NHSScotland employed 10 Multiple Sclerosis Nurse Specialists".—[*Official Report, Written Answers*, 19 December 2006; S2W-30479.]

If I have got my figures right, that is about one specialist nurse per 1,000 people with MS, but the distribution will not be as neat as that and some areas will have none. I draw the minister's attention to the fact that those nurses, like other specialist nurses, are usually funded partly or wholly by charities. That is inappropriate, because they are highly skilled staff who provide a lot of information and support to sufferers in places such as the Borders.

Members said a lot about Tysabri. I challenge the idea that it is expensive. The MS Society states:

"No other drug has shown this potential to reduce disability, and any short-term savings are likely to be outpaced by the devastating financial costs of living with severe, progressive disability—not to mention the emotional costs to people with MS and their friends and families."

My colleague Maureen Watt and others described the broader picture. Tysabri costs £14,740 per patient per year. I do not think that that is dear. I would not argue about spending that sum, which is less than £15,000. As Tricia Marwick said, if we subtract the cost of other drugs, the cost is reduced to about £7,000. The cost is small, especially given the small number of people that the drug will help—40 to 50, as I understand it.

What will happen next? People will be rejected by NHS boards—Eleanor Scott alluded to that. People with money will buy the drug and will be treated, but people who do not have the money will not be treated. We will have not just a postcode lottery, but an economic divide between those who can pay and those who cannot.

The SMC has no appeals process. I do not want to give ideas on the hoof, but it seems to me that there is scope for a procedure to review the SMC's decisions. The Government should not have its fingers in the pie. Instead, an independent board should consider the decisions. Individuals or

organisations that can demonstrate an interest—such as the MS Society—should have the right to have decisions reviewed. They should not find that a decision has been taken and that that is the end of the process.

17:37

The Deputy Minister for Health and Community Care (Lewis Macdonald): I acknowledge the importance of the issue that has been brought for debate by Tricia Marwick and I acknowledge the interest in the issue of many people who live with multiple sclerosis. Like many people in Scotland, I have a number of friends and acquaintances who live with MS. I take the opportunity to underline the Executive's commitment to people who have MS—as part of our work on long-term conditions—and to those who provide care, either professionally or as friends and family.

As has been said, there is a high incidence of multiple sclerosis in Scotland. We do not know the reason for that, but research continues into its causes as well as into treatments. MS is a complicated condition that can have devastating consequences. It affects people in complex ways and its effects need to be considered in the context of the particular circumstances of each individual who has the condition. Accordingly, management of individual patients requires a tailored package of care. Professionals and carers work with people who have the condition to ensure that they can, as far as possible, live the lives they want to live. One part of that care package is the provision of drug treatments, which is the subject of this evening's debate.

The taking of decisions on new drugs is a demanding and painstaking process in which many factors have to be taken into account, including the benefits that a medicine will provide, its side effects, the alternative treatments that are available and the relationship between benefits and costs. The key questions are whether a drug will offer worthwhile benefits to patients and whether those benefits can be achieved effectively and at proportionate cost. Decisions have to be made on the basis of the best available evidence, but the evidence that is available might be limited in the early stages of the development of a new drug.

Mr Jim Wallace (Orkney) (LD): Does the minister agree that the United States Food and Drug Administration sets some of the highest tests for drugs to get through? It has unanimously supported the prescription of Tysabri. Does not that add weight to the call for it to be allowed in Scotland?

Lewis Macdonald: The point that Jim Wallace makes is correct. However, he will be aware that the FDA did not take that view at first because of some of the drug's serious side effects, and that it came to that judgment only at a later stage.

It is also important to bear it in mind that the drug is licensed for use in the United Kingdom and that the decision that the SMC has to take is different from the one that the FDA had to take because there is no national health service as such in the United States. That lack may be a matter for regret, but it is not one over which we have any say. The SMC considers not whether the drug should be licensed: it considers only whether it is appropriate for use in the national health service, which is a different question.

The SMC provides a tried and tested method of assessing drugs, which we consider to be robust for Scotland. It is intentionally separate from the Scottish ministers and the Health Department and provides an informed and expert scientific assessment of the available evidence that manufacturers present on new drugs for use in the NHS. It is worth recording that, in its recent report "The Pharmaceutical Price Regulation Scheme: An OFT market study", which was published in February this year, the Office of Fair Trading commented:

"the bodies that carry out health technology assessments in the UK, particularly NICE and SMC, are among the most respected in the world."

We share that view and believe that it is entirely appropriate that such decisions are made by those who have professional and clinical expertise, not by ministers.

A number of members have asked about the process that the SMC follows. It is important to state that, once a recommendation has been made, a manufacturer can make a complaint, request an independent review panel or resubmit if new evidence is available. If a company feels that there has been significant deviation from due process, it can express that concern and a process would then be followed. In the rare event of a disagreement on the science, a request for review should be submitted to the chairman of the SMC, who will discuss it and take it forward if it is appropriate. If it is agreed that there is a substantial change in the data, that a reanalysis of the data is necessary or that there is a change to the drug positioning, the case will be treated as a new one, and there is a process for resubmission in such circumstances. In the event that there is a scientific disagreement that cannot be resolved and there are no new data, the chairman of the SMC will, at the request of the manufacturer, report the facts to the next meeting of the SMC and establish a group to carry out an independent review of the science.

Tricia Marwick: The minister has spoken about manufacturers' right to approach the SMC to request reviews. What possibility is there for patient groups, such as the MS Society Scotland, to be part of that review process?

Lewis Macdonald: There is the opportunity for a patient submission in the earlier consideration. If there is significant new evidence or a new approach to the evidence, a resubmission is counted as a new process and there is again an opportunity for a patient submission.

Christine Grahame: I understand that the basis of review is the scientific and clinical evidence, not costs.

Lewis Macdonald: I am glad that Christine Grahame gives me the opportunity to put on record the fact that the SMC does not make judgments on the basis of cost alone. It is important to make that point because a number of members have suggested that the SMC's decision on Tysabri is simply a cost judgment. However, the SMC has previously approved treatments that cost more per patient or that have a higher total cost to the NHS. It is important to be clear about that.

Instead of being driven by costs, the main work that the SMC does in considering a submission is to try to establish how many patients would feel better and by how much. In other words, it is not a crude calculation but a judgment on the treatment's value to the national health service and to patients. The SMC's view is that the manufacturer of Tysabri has failed to make that case and the SMC has issued its guidance because of that judgment. It found that Tysabri indeed brings clinical benefit, particularly to MS patients with more severe symptoms, but the SMC's point of view is that the evidence on the degree of clinical benefit and the cost benefit is simply not sufficiently clear to make the judgment that it should be used in the national health service. In other words, the SMC concluded that the evidence that had been submitted by the manufacturer did not provide a sufficient basis to support the use of the drug.

Tricia Marwick: The letter that the minister's department sent to the MS Society Scotland stated in reference to the SMC that

"It found that although the therapy provided some clinical benefit it did not provide sufficient benefit for it to be recommended for use."

I wonder how much benefit there needs to be for therapy to pass such a test, given that in all the clinical trials that have taken place it has been clearly shown that the drug is

"twice as effective in reducing MS relapses as previous MS drugs."

Previous MS drugs are still being prescribed, but the benefits are twice as good with Tysabri. I am afraid that I just do not understand why the proven clinical benefits are not sufficient for the SMC to approve the drug.

Lewis Macdonald: In the process of assessment, the evidence that is submitted is subjected to rigorous examination by clinical and professional experts in the areas concerned. Clearly, they have not been satisfied in this case. It is not for me, any more than it is for other members, to second-guess that scientific assessment, but we would expect the SMC to apply the same criteria and judgment in all such cases. If it has judged that the evidence that has been provided to it is not sufficient to reach the conclusions that Tricia Marwick suggests it should reach, that puts the ball firmly in the manufacturer's court. It is not a small company; it is a significant pharmacological company, which certainly has the resources to respond readily. It is up to the company to resubmit if it believes that the representation and analysis of its evidence has not been fair. It is not appropriate for us to second-guess such judgments, as I said. We expect the SMC to make its judgments professionally and responsibly—it certainly has the expertise to do that.

Christine Grahame: I want to explore some of the issues around the SMC. This is new territory for me in some respects. Are the SMC's deliberations and decisions, along with the reasons for its decisions, in the public domain?

Lewis Macdonald: Its conclusions are in the public domain, as Christine Grahame will be aware, as is the basis on which it reaches its conclusions. That is perhaps what Christine Grahame wishes to see.

I emphasise the significant range of expertise that the SMC brings together. The chair and vice-chair are clinicians, as are the majority of its members, in one respect or another: they are members of clinical professions and include general practitioners and nurses as well as people who are otherwise involved in medicine or pharmacy. The SMC makes judgments—that is what we task it to do. Following the SMC's judgment in this case, we would expect the manufacturer, if it feels that it has more evidence or that the evidence that it presented was not fully considered, to use the processes that are in place to return to the issues.

Although this evening's focus has been on drug interventions in relation to MS, there are wider considerations for the management of long-term conditions. I join other members in acknowledging the contribution of the MS Society and I emphasise its potential to influence the Long-term Medical Conditions Alliance in Scotland, which is

crucial to our work on long-term conditions including MS. The chief medical officer is in the process of developing our national strategy for long-term conditions; clearly, we would look to the MS Society to play a part in that work.

We all agree that we want to provide the most effective treatments, including drug interventions, where it can be demonstrated that they will have the best outcomes for MS patients. Clearly, we want to do that in parallel with other processes, such as research into causology and treatment. We look forward to the MS Society continuing to play an important role in that work.

Meeting closed at 17:50.

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