

MEETING OF THE PARLIAMENT

Wednesday 14 March 2007

Session 2

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Scottish Parliament

Wednesday 14 March 2007

[THE PRESIDING OFFICER *opened the meeting at 10:00*]

Time for Reflection

The Presiding Officer (Mr George Reid): Good morning. Our first item of business is time for reflection. Our time for reflection leader today is Father John Keenan, of the Catholic chaplaincy of the University of Glasgow.

Father John Keenan (Catholic Chaplaincy, University of Glasgow): Good morning.

May the grace of our Lord Jesus Christ, the love of God and the fellowship of the Holy Spirit be with us all.

Today's scripture is from the book of Deuteronomy. Moses said to the people:

"Take notice of the laws and customs I teach you today, and observe them, that you may have life and enter and take possession of the land that the Lord, the God of your fathers, is giving you. As the Lord has commanded me I teach you these laws ... And they will demonstrate to the nations your wisdom and understanding. When they come to know of all these laws they will exclaim, 'No other people is as wise and prudent as this great nation.'"

This is the word of the Lord. Thanks be to God.

Dear brothers and sisters, one of my high points as Catholic chaplain at the University of Glasgow was the 550th anniversary of our foundation, when Pope John Paul sent us a letter of congratulations and blessing. I treasure that letter to this day. He applauded the rich humanism that ran through our bull of foundation. That inspired vision of humanity has guided our university through the ups and downs of half a millennium. The Pope pointed out the key to our success: we put people before things, ethics before technology and spiritual things before material.

The Pope's letter ended by focusing on our motto, "Via, Veritas, Vita", taken from St John's gospel, where Jesus revealed himself as the way, the truth and the life for all humanity. In him, his word and his loving sacrifice on Calvary for the whole world, we discover what it really means to be human.

The aim of our business today is not so far removed from that rich vision. In these moments we humbly ask Almighty God to guide us as we mould laws and customs that will give our nation new life, deeper humanity and gracious possession of our land. Under his sure assistance may we prosper in prudence and wisdom so as to be a light to the peoples of the world.

Let us pray.

Lord Jesus Christ. Your word of love perfects the just laws of our fathers. Under your providence may we keep and teach your wise commands in this place so as to be worthy watchmen and women of your kingdom. We ask this in your name.

Amen.

Point of Order

10:03

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): On a point of order, Presiding Officer. Last Thursday, Parliament voted to impose a sanction on Brian Monteith MSP on the recommendation of the Standards and Public Appointments Committee. Many who were present in the chamber were puzzled by the exchanges between Brian Monteith and members of the Standards and Public Appointments Committee. Indeed, in her contribution, Margo MacDonald remarked that

"Brian Monteith was not given the chance to face his detractors and accusers."

She went on to say:

"I thought that the chance to do that was a basic element of what we call justice."—[*Official Report*, 8 March 2007; c 33015.]

Indeed, it is, Presiding Officer. I believe that the proper procedure as laid down in the Standards Committee's 12th report 2002, made during the previous session of Parliament, might not have been followed. On 30 January 2003, Parliament agreed the report, which states:

"The Clerk will also ask the member whether or not the member wishes to appear before the Standards Committee to make representations about the Standards Commissioner's findings in fact or the Standards Commissioner's conclusion."

That procedure was put into the code of conduct to ensure that any MSP who is facing censure is able to appear before the Standards and Public Appointments Committee in person if they wish to do so. It is also incorporated into the Standards and Public Appointments Committee's report on changes to the code of conduct, which we are to debate here later today.

Page 48 of the Standards and Public Appointments Committee's report on Mr Monteith contains the text of an e-mail from him that states:

"I write to confirm that I would wish to appear before the Committee at a later date to make representations about the Standards Commissioner's conclusion".

He then went on to say:

"I will be pleased to provide further written evidence in advance of any further consideration or prior to my oral evidence if it is required."

At last Thursday's debate, Mr Monteith argued that he had been denied the opportunity to make a representation to the committee in person. If that was true, it would undermine the whole process and bring Parliament into disrepute. Was Mr Monteith denied his right to appear in person

before the Standards and Public Appointments Committee, according to our rules?

One interpretation of Mr Monteith's e-mail is that he was not requesting to appear in person, but that is not Mr Monteith's interpretation. He believes that his e-mail was quite clear and that he made a request to appear before the committee in person.

Presiding Officer, if Mr Monteith was denied his right to appear in person before the committee, in accordance with our rules, after he expressly requested such an appearance, then there can be no doubt that our rules were broken. If, on the other hand, the Standards and Public Appointments Committee interpreted his e-mail as being rather ambivalent and not a request to speak to the committee, then our rules have not been broken. Even if the latter is the case, the Standards and Public Appointments Committee members should have ensured that there was no doubt about the issue. At the very least, it would have been unhelpful to give the impression that Mr Monteith was not allowed to appear before the Standards and Public Appointments Committee to confront the evidence in person.

Presiding Officer, I would appreciate it if you would consider this issue and ensure that the rules of this Parliament, as outlined in the Standards Committee's 12th report 2002, which was incorporated into the code of conduct, have been complied with, namely that a member—any member—who is subject to a complaint under stage 3 of the complaints process, has the opportunity to appear before the committee if he or she so wishes.

The Presiding Officer (Mr George Reid): I thank Mr Rumbles for his advance notification of the point of order and for the considerate way in which he has advanced his argument. That has enabled me to look into the matter and to refer to and read last week's *Official Report*.

Although it is not for me to adjudicate on the process that was followed, I confirm that, as stated by the convener last week, the Standards and Public Appointments Committee met its obligations under the code of conduct in full.

I also confirm that in such matters, a member is entitled under the code to be asked to appear in front of the committee.

Business Motion

10:07

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-5748, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Schools (Health Promotion and Nutrition) (Scotland) Bill.

Motion moved,

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

Groups 1 to 2: 1 hour 5 minutes
Groups 3 to 5: 1 hour 35 minutes.—[*Ms Margaret Curran.*]

Motion agreed to.

Schools (Health Promotion and Nutrition) (Scotland) Bill: Stage 3

10:08

The Presiding Officer (Mr George Reid): The next item of business is stage 3 proceedings on the Schools (Health Promotion and Nutrition) (Scotland) Bill. Members should have with them SP Bill 68A as amended at stage 2, the marshalled list that contains the amendments that I have selected for debate, and the groupings that I have agreed.

The division bell will sound and proceedings will be suspended for five minutes for the first division this morning. The period for voting in the first division will be 30 seconds. Thereafter I will allow a voting period of one minute for the first division after a debate. All other divisions will be 30 seconds.

Section 1—Duties in relation to promotion of health

The Presiding Officer: Group 1 is on duties in relation to the promotion of health. Amendment 21 is the only amendment in the group.

Patrick Harvie (Glasgow) (Green): Part 1 of the bill explains that various bodies, including the Scottish ministers and education authorities, will have duties to ensure that all schools become health promoting, or at least to try to ensure that. It then goes on to explain what a health-promoting school is. Amendment 21 qualifies that definition by stating that advertising and sponsorship by companies that promote or produce food that would not qualify to be sold and eaten in school should not be allowed and that if it is, the school would not be defined as a health-promoting school.

There are probably some of us who think that schools should be ad-free zones and that it is simply not appropriate for marketing to take place in schools. There might be a range of views about that, but we should make it clear that the promotion, advertising or sponsorship of brands and products that do not meet the requirements for food and drink that are sold in school should not be allowed.

Research by *Which?*, which I believe has been circulated to members, shows that a number of large multinationals and conglomerates that produce food and drink for sale throughout society—and which therefore do not need the school market to make a profit—are using increasingly underhand and manipulative methods to get their messages across and to get their brands promoted in schools. We should be

worried if the mixed messages that are put across in schools associate those brands with major sporting events or with the idea of health and fitness, for example. Health-promoting schools should provide clear information to schoolchildren about what is in the interests of their health. That applies not just to the dining environment and the food and drink that they consume, but to the messages that they receive in school. If those messages are mixed, we have a problem.

Amendment 21 is useful. It would not prohibit advertising and sponsorship—I am not sure that the bill could do that—but it would make it clear that we do not consider such activity to be appropriate in what we call health-promoting schools and it would give ministers and local authorities the impetus to ensure that it does not take place in schools.

I move amendment 21.

Fiona Hyslop (Lothians) (SNP): I pay tribute to my colleague Shona Robison, whose proposal for a member's bill to remove junk food and fizzy drinks from schools was a precursor to the drive towards health-promoting schools, which has received cross-party support.

Amendment 21 makes the point that schools must not send out mixed messages and that we should not say to children, "Do as I say, not as I do." We must tackle the sending out of mixed messages in schools. The minister might be able to tell us whether the proposal on advertising could be effected by regulation rather than by being incorporated in the bill, but I am sympathetic to the idea of ensuring that we send out a clear message to young people about what is healthy and what is unhealthy.

We expect a great deal of our schools. We want them to promote the eco-school agenda that we all support and to be health promoting, but we also want them to deal with basic numeracy and literacy. We know that some schools complain that Government initiatives from on high consistently interfere with basic education. When we promote health-promoting schools, we should remember that we must ensure that teachers have the time to teach and are supported in doing so. They cannot always be called on to compensate for bad parenting.

I support amendment 21.

The Minister for Education and Young People (Hugh Henry): Fiona Hyslop's point that teachers need the time to teach and cannot spend all their time compensating for some of the problems that come from the home and from children's upbringing is valid, although it would be foolish to underestimate the significance of the role that school education can play in helping to shape and develop children's lives.

I understand that amendment 21 was lodged out of a concern about pupils receiving mixed messages on healthy eating as a result of corporate sponsorship in schools, but I do not think that it is necessary because, as Fiona Hyslop suggested, the bill will address that issue.

The bill will require all schools to be health-promoting schools. A health-promoting school will need to ensure that any advertising, marketing or sponsorship complies with the health-promotion ethos, and the regulations on the nutritional standards of food and drink will limit what can be sold in schools. It is unclear in what situation a school would advertise a product that it could not even provide.

Patrick Harvie: It would be helpful if the minister could explain whether the restrictions on the advertising of products that do not meet the requirements on nutrition extend to the promotion of brands that are associated with burger bars, chocolate, fizzy drinks and so on.

10:15

Hugh Henry: I will come to that point in a moment.

Regardless of whether a school would advertise a product that it could not provide, a health-promoting school should promote physical well-being, which the advertising of an unhealthy product clearly would not. I am sure that Patrick Harvie is aware that the Office of Communications has introduced new rules on broadcast advertising for children and that, in the light of that, the Advertising Standards Authority has confirmed that its code will be revised.

Proposed new subsection (6)(b), which amendment 21 seeks to insert in section 1, would require schools not to accept sponsorship from any company that manufactured food or drink that did not meet the requirements on nutrition. That means that a company that produced even one product that did not meet those requirements would be unable to promote any of its products that met the requirements.

I do not support that concept, because the bill's purpose is not to condemn or punish manufacturers for producing products that do not meet our requirements; it is about ensuring that what happens in and around schools promotes good health and well-being. It aims to ensure that each item of food and drink offered in schools is sufficiently healthy. I do not think that amendment 21 would contribute to that aim because, rather than targeting products that breach the regulations on nutrition, it seeks—unfairly—to target manufacturers associated with particular brands, as Patrick Harvie suggested in his intervention. Apart from anything else, such a restraint on trade

might not comply with European Union law. However, that is a side issue at this stage.

In addition, amendment 21 would discourage companies from developing new and healthy products. If they could not promote such products in schools, they might stop developing them entirely, which is not something with which we would want to associate ourselves.

The guidance on commercial activities in schools that has already been issued to local authorities and schools includes consideration of what should be taken into account when sponsorship for commercial organisations is agreed. It notes that commercial activities in schools can be positive, can provide schools with funding, materials and equipment and can build links between schools and the business community. It advises that commercial activity should be viewed cautiously because, in some cases, a company or product might be in conflict with a school's ethos and educational aims. In other words, schools should be 'canny' when they make such decisions.

My view is that decisions that schools take about sponsorship or any other commercial activity should be taken on a case-by-case basis and should not be legislated against by a blanket amendment such as Patrick Harvie's. Amendment 21 gives undue prominence to an aspect of health promotion that can be dealt with more appropriately and more flexibly in guidance.

The requirement that our bill places on schools to be health promoting precludes the provision of food and drink that do not meet the requirements on nutrition. Given that that is the case, it is not clear why a school would wish to advertise such a product but, if it proceeded to do so, it would certainly be in breach of the health-promotion duty and would be inspected negatively as a result.

Proposed new subsection (6)(a), which amendment 21 seeks to insert into section 1, is unnecessary. In addition, amendment 21 could have legal complications. I do not think that the bill needs Patrick Harvie's amendment. I hope that he has been reassured by what I have said and that he will withdraw his amendment.

Patrick Harvie: I welcome and agree with much of what the minister said about the promotion and advertising of products that do not meet the requirements on nutrition, but I am disappointed that he has not gone beyond that and that he does not agree with the principle that we should not allow the promotion of brands that are closely associated with, and largely dependent on sales of products that do not meet those requirements.

If there were campaigns to promote lethargy or other forms of unhealthy activity in schools, we would be deeply worried. We should be equally

worried about a campaign to promote a drinks manufacturer, most of the sales of which come from products that do not meet the requirements. Even if it produces some products that can be sold in schools, the promotion of its brand is not restricted to the promotion of those healthier products.

I do not agree with the minister that the amendment would in some way inhibit the development of new products. We are placing nutrition requirements on the food and drink that can be sold in schools. There will always be some money to be made by manufacturers seeking to meet that need and to have their products sold in schools. They will come forward with the healthier brands; in fact, many of them have already put those healthier brands on the market. However, they depend for their continued profits on promoting all their products, including the unhealthy ones.

I accept the argument that teachers need time to teach and should not be overly distracted by other matters, but I am not sure that the amendment is relevant to that. I also disagree with the idea that the amendment is about condemning or punishing manufacturers. We should put out of our heads completely the notion that the bill is about condemning or rewarding manufacturers. It is about creating healthier environments for children and young people. If we are to do that, it is right that we should target specific brands that, for the bulk of their profits, rely on the promotion and sale of food and drink that we do not regard as healthy enough to sell to children.

The Presiding Officer: The question is, that amendment 21 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. Since this is the first division in these proceedings, there will be a five-minute suspension.

10:21

Meeting suspended.

10:26

On resuming—

The Presiding Officer: We will proceed with the division, which will be a 30-second division.

For

Adam, Brian (Aberdeen North) (SNP)
Baird, Shiona (North East Scotland) (Green)
Ballance, Chris (South of Scotland) (Green)
Byrne, Ms Rosemary (South of Scotland) (Sol)
Canavan, Dennis (Falkirk West) (Ind)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Curran, Frances (West of Scotland) (SSP)

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 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)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)

The Presiding Officer: The result of the division is: For 29, Against 70, Abstentions 0.

Amendment 21 disagreed to.

Section 6—School meals and snacks

The Presiding Officer: Group 2 is on free school meals and snacks. Amendment 1, in the name of Tricia Marwick, is grouped with amendments 6, 22 to 24, 3, 4, 14 to 20, 25, 7, 26 and 9. If amendment 1 is agreed to, amendment 6 will be pre-empted. Time is tight, so I ask speakers to limit themselves to four minutes.

Tricia Marwick (Mid Scotland and Fife) (SNP): Members of the Communities Committee will know that similar amendments were discussed during stage 2, but I make no apology for bringing amendments 1, 22, 3 and 4 to the chamber today. The bill will allow local authorities the flexibility either to provide free breakfasts, fruit and snacks or to charge for them, but it does not allow local authorities to decide whether to charge for school meals. The new section that the Executive has added to the bill says that an education authority can provide anything other than school lunches free of charge. However, as amended, section 53 of the Education (Scotland) Act 1980 will say that local authorities must charge pupils for lunches. I am not the only person to consider it bizarre that local authorities are allowed the flexibility to determine whether to provide free snacks and breakfasts but will not have the same flexibility to provide free school meals.

If amendment 1 is not agreed to, the bill will provide less flexibility than exists in England. Free school meals have been piloted in Hull. Unfortunately, when the Liberal Democrats took over Hull City Council, they stopped that experiment, much to the annoyance of the Labour

members of the council, who wanted the experiment to continue. South of the border, in Hull, Labour MPs, Labour councillors and Labour activists argue for the flexibility to have a pilot in Hull, while in Scotland we are being denied that same flexibility. It is a matter of consistency.

10:30

Iain Smith (North East Fife) (LD): The member said that the Liberal Democrat administration in Hull stopped the experiment, but that is not the case. The administration continued the experiment until the end of the pilot period so that it could do a proper assessment of it. I hope that the member will withdraw her comment, which was misleading.

Tricia Marwick: That is not my understanding. I accept what the member says, but it is clear that the experiment was to go no further and that the council was going to stop it, regardless of whether the evaluation confirmed the initial finding that the experiment was working well and having a positive impact on children's health.

According to the Child Poverty Action Group, 38,000 children in Scotland live in poverty but are denied free school meals. My colleague Christine Grahame will say more about that, but her amendments at stage 2 were not supported by the Labour, Liberal Democrat or Conservative members of the Communities Committee, who argued that provision should not be extended. The Minister for Education and Young People said that ministers already have powers to extend eligibility for free school meals, and all committee members, except the SNP and Green members, voted against Christine Grahame's amendments. A week later, however, the First Minister told the Child Poverty Action Group that the group of children who were covered by the amendments that his colleagues voted against would now get free school meals. The SNP believes that the matter should be covered in the bill.

My amendments would give local authorities the flexibility to determine what is right for their area, to decide whether pupils should pay for school meals and to run pilot schemes and evaluate the importance of free school meals.

I move amendment 1.

Ms Rosemary Byrne (South of Scotland) (Sol): My amendment 6 proposes universal provision of free, nutritious school meals. We support universal provision because, if we are to give children the chance to have nutritious school meals, we should ensure that all children get the chance to eat those meals.

I begin by thanking the free school meals campaign. In particular, I acknowledge the work of the Child Poverty Action Group, One Plus, the

Scottish Trades Union Congress women's committee, Unison and the many others who joined the campaign. I thank them for the solid support that they have provided since 2001, when Tommy Sheridan first raised the matter in a member's bill.

Capability Scotland states:

"Capability Scotland's own research—through our 1 in 4 poll which surveys a panel of disabled people, their family members and carers across Scotland—shows the following:

- Nearly 40% of respondents had an income of less than £200 per week
- State benefits were the main source of income for nearly 70% of respondents
- Nevertheless, two thirds of families with children did not receive free school meals".

Such anomalies crop up throughout the benefits system, but extending means testing to ensure that more children are given free school meals is not the answer. The answer is to ensure that no child is left without a free, nutritious school meal.

Capability Scotland goes on to state:

"disabled families do not generally receive free school meals, despite an increased chance of living in poverty."

It points out that many disabled children have special dietary needs and that their diet would be helped if they were given free school meals.

Research by Save the Children shows that the families of many children who live in the most severe and persistent poverty do not receive benefits and therefore the children are not guaranteed to receive free school meals. I might have said this before in other debates, but I do not apologise for saying it again. In my past experience in education, I encountered families who would not fill in forms for free school meals. They refused to do so, for whatever reason—we can perhaps work out what the reasons were. That meant that the children were not given access to a decent meal and staff had to provide for them quietly at dinner time with sandwiches to take home because they were not being fed. Eventually, the children ended up at the sheriff court and were taken into care, but for about 18 months they were not provided with good meals. It is important to ensure that everyone is caught by the safety net.

We are all concerned about the figures on child obesity. What better way is there to ensure that all our children are healthy than to educate them about food and provide them with a free, nutritious school meal? Finland does that, and it has made a huge difference to the health of the nation. We can do it as well. There is no doubt in my mind that the amount of money that would be required is

minimal in comparison with the long-term health benefits for the nation.

I make no apology for proposing universal provision of free school meals. I hope that members will support my amendments 6, 23, 24, 7 and 9. I am sympathetic to the other amendments in the group, but universality is the best way forward.

Frances Curran (West of Scotland) (SSP): When we ask parents what they want for their children, one or two will say, "I want wee Kenny to play for Scotland", or, "I'd like Kylie to win 'The X Factor'", but most parents say, "I want them to be happy and healthy." Given the recent United Nations Children's Fund report, which showed that our children are the unhappiest in the developed world, we, including us in the Parliament, stand condemned. Today, however, we have a chance to help parents with their second wish.

Bad food equals bad health. Good food equals good health. It is not rocket science—that is what members of the Westminster Parliament are debating today. The universal provision of free, healthy school meals works, but members should not just take my word for that. In the public gallery today is Jo Pike from the University of Hull, who, with Derek Colquhoun, evaluated Hull City Council's free school meals programme for three years. Jo Pike will be presenting the evidence today, and every MSP who is interested in child health or educational attainment should listen to her or read her research. It states that the city of Hull is experiencing calmer classrooms in which children are more enthusiastic and more confident socially, and Professor Colquhoun states that children's learning, social relationships, behaviour and health have improved.

The Executive's arguments against the provision of free, healthy school meals across the board are appalling. As I said at stage 2, we know from the bill that the Executive is not against universality. The minister is in favour of free fruit—a banana and an apple costing 40p—and free breakfasts for all children in primary schools. Those cost £1 each, but he is opposed to spending £1.15 to provide children with free school lunches because he does not want to give them to rich kids. If he is to be consistent, he should take the banana, the apple, the toast and the cornflakes off the rich kids. He is not against universality, and he has the money to provide free school lunches. The Executive's underspend has been £1.4 billion in the four years for which I have been an MSP—it has more than enough money to provide £70 million per year to pay for free school meals.

Every single MSP has the power to change people's lives. Let us use that power and do something for our children's future and their health. My amendments 14 and 15 are two small

amendments, but they are one big leap for the health of our children. I ask members to support my amendments for free, healthy school meals.

Christine Grahame (South of Scotland) (SNP): I refer to the comments that I made on my amendments at stage 2.

During stage 1, Barnardo's Scotland referred to the

"difference between the percentage of children who live in poverty—23 per cent—and the percentage of children who are eligible for free school meals, which is 18 per cent".

Barnardo's further commented:

"It seems strange that an anti-poverty measure is set at a level that excludes an awful lot of children who it is accepted live in poverty."—[*Official Report, Communities Committee*, 22 November 2006; c 4331.]

I am also obliged to Save the Children for its paper entitled "Children Can't Wait", which advises that there are currently 240,000 children in Scotland who live in poverty.

The SNP seeks to extend the provision of free school meals to children whose families are on a wide range of benefits other than the current qualifying benefits, which I understand are income support, income-based jobseekers allowance and support for asylum seekers. My amendments seek to extend eligibility to children whose families are on low incomes and receive the following benefits: the working tax credit, because the parents are getting back into the jobs market; the lone parents benefit run-on; council tax benefit; housing benefit; and local housing allowance, which I understand applies instead of housing benefit in some areas, such as Argyll. We all know how difficult it is to access benefits in Scotland, so the people concerned are very needy.

Jack McConnell, who has been in power for eight years but who has now been pushed into a corner by the Scottish National Party, said recently that the Executive

"will, in the first year of the next Parliament, extend entitlement and reverse the shameful decision made by the Tories to cut school meals."

It is not my position ever to defend the Tories, and I am not doing that. However, I want members to consider who is really to blame. Jack McConnell said that he would extend entitlement

"to families on maximum working tax credit"

in order to

"give nearly 100,000 kids"—

his word—

"access to a free healthy meal, and ... improve their lives."

In the debate on the Education (School Meals) Scotland Bill in June 2003, my colleague, Fiona Hyslop, proposed those very measures, yet the

Labour and Liberal Democrat Government voted against them. I smell an election coming. The Executive parties feel that they have to do something, just as they did for the nurses.

When I lodged my amendments at stage 2, Scott Barrie said of children in Glasgow:

"They were already entitled to free meals but sought to go out with the school to the local shops or wherever to get snacks or meals. We really need to address that point. A number of people who are entitled to free school meals do not take them. By extending provision, there is no guarantee that the very people we want to reach are the ones who would actually take up free meals."

He continued:

"That is where we should be concentrating our efforts, certainly at the start. We should see whether that makes a difference before we spend resources in a way that might not achieve what we all want to achieve."—[*Official Report, Communities Committee*, 13 February 2007; c 4569.]

I suppose that Jack McConnell has had a word in his ear since then.

Fiona Hyslop: There are three arguments for free school meals: the need to tackle poverty; the need to tackle obesity, which is a health issue; and the need to address nutrition and learning. In order to cover those three areas, the SNP wants to exempt more families from having to pay for school meals. Tricia Marwick's amendments will allow flexibility for local authorities; Christine Grahame's amendments will tackle the issue of poverty and passported benefits; and my amendments 25 and 26 will allow for national pilots, to enable local authorities in certain areas to run free school meal pilot schemes. The SNP is committed to piloting the universal provision of free school meals in primary 1 to primary 3.

The arguments are clear. If we are to tackle our obesity time bomb, we must ensure that our young people develop their palates in their early years—at nursery and primary school—to get a taste for good food that will lead them to take up school meals later in life. We know that, because of the problems of public-private partnership schemes, many schools do not have kitchens to enable free, nutritious school meals to be produced on site. That is why we must have pilot schemes. A good Government is one that does the right thing when it starts its period in government, not one that, at the tail end or last gasp of its period in government, suddenly decides to extend the provision of free school meals to tackle poverty. Liberal Democrat and Labour members should hang their heads in shame for refusing to support, when they had the chance in 2003, the extension of free school meals to children whose families are in receipt of passported benefits.

10:45

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Will the member give way?

Fiona Hyslop: No, I will not.

Let us take a bold step now and say that we want universal provision of school meals in this country. However, let us take a pragmatic approach and pilot that to see what works and where. In particular, we should look at the nutrition and learning aspects, as the bill already goes some way towards addressing the obesity agenda. I think that the next agenda that the Parliament should address is what we are feeding our children and how it affects their ability to learn.

This is an opportunity for us to tackle those issues and to tackle poverty by extending provision to children whose families are in receipt of passported benefits. This is also an opportunity to tackle obesity by developing children's palates so that they favour nutritious meals in their early years, with universal provision piloted in the first three years of nursery. Although we have some way to go, we should not be feeble but should take a bold step and vote for the SNP amendments.

Elaine Smith (Coatbridge and Chryston) (Lab): We are discussing a progressive piece of legislation that could be made much better if we supported amendments that would enable the universal provision of free school meals. I do not understand the objection to giving local authorities the discretion to do that.

Child obesity is a ticking time bomb. I secured a members' business debate on the issue about a year ago. There is no quick fix to the problem. The positive health changes that took place in Finland happened more than 30 years after the introduction of free school meals. The sooner we start, the sooner we will get on with making those changes. There is no point in my spelling out the obvious health benefits of free school meals, as they have been well rehearsed for years in the Parliament. It is clear to me that the improvements in health would offset any costs and would be well worth the price we would pay.

It is essential that we tackle childhood dietary health. One of the most direct and achievable means of doing that is by providing free, healthy meals to all children at lunch time in state schools—at the very least, in primary schools—for which we ought to establish pilot schemes. I believe in the universal provision of free school meals, but I think that pilot schemes would be a way forward to show that the policy would work and would be of benefit to our children's health.

Universal provision seems to be accepted in many areas. For example, there is free bus travel for the elderly, there is the central heating

allowance for the over-60s and there are free nursery places for three and four-year-olds. Indeed, the national health service is provided universally—and we provide free food to people who use that service. The bill accepts the need to provide healthy snacks in our schools, as happens.

I do not believe that we can afford to means test children on something that directly affects their health and the future health of the Scottish population. Ever the optimist, I think that we will, eventually, get around to providing free lunches for all children in our state schools. The bill is good and progressive. Those who, over the years, have campaigned for changes ought to be congratulated on getting the bill introduced and, I hope, passed today. I have consistently supported the universal provision of free school meals and I will continue to do so.

Patrick Harvie: I appreciate why those who were members in the first session of the Parliament may feel that we have had the argument about the provision of free school meals too many times, but I feel that it would be wrong to pass the bill without debating the issue—not least because even the First Minister has now changed his position on extending the scope of free school meals. It is therefore right for us to have the debate even just one more time.

The two issues that I think the minister needs to address are the contradictions in the Executive's position for which I find no explanation. The first is the fact that there is universal provision of free school breakfasts, snacks and fruit but an absolute prohibition on the same approach being taken to lunches simply because they are served in the middle of the day. I cannot find any explanation in any of the minister's statements in the *Official Reports* of our stage 1 and stage 2 proceedings that clarifies why a fundamentally different approach must be written into law simply because food is served at a particular time of day. The only explanation that I can conceive of is that the Executive's approach is based on cost alone.

The second contradiction that I still cannot get my head round is that it is now accepted that food in schools is not merely an optional extra but an integral part of the education experience. Food in schools is about teaching children to have a healthier relationship with food that will serve them well for the rest of their lives. Why should lunch be the one aspect of children's education experience that is not provided for universally?

I understand the targeting argument—that we should target our resources on those who most need them—but why does that not apply to the provision of jotters in schools? Why do we not charge wealthy parents when their children sit exams in schools? Why do we not charge wealthy

parents when their children attend school? I believe that education should be universally provided and collectively paid for. I am sure that the minister believes that as well.

Can the minister give us one reason why we should continue to create two classes of school pupil? Why should we continue to distinguish between those who are entitled to all their education free at the point of use and those who are charged for one aspect of it? We keep tying ourselves up in knots by trying to produce anonymous systems to cover up the distinction that we have created in the classroom. Why do we not simply remove the distinction? That would be simpler, more convenient and easier to administer. It would also be the right thing to do.

Dave Petrie (Highlands and Islands) (Con): I have heard the arguments and I have listened carefully to the debate, especially Christine Grahame's speech.

My major concern is the number of children who do not take up the free school meals to which they are currently entitled. We need to consider that issue seriously. I genuinely feel that parents who can afford it should provide school meals for their children. I do not agree with universality.

Christine Grahame: Can we not do both those things? Can we not find ways to encourage take-up of free school meals among children who are currently eligible for them and extend eligibility? We could do both—at least, the SNP could.

Dave Petrie: My view is that we can and should actively encourage children to stay in school at lunch time so that they can get involved in various activities and, one would hope, take up school lunches. Having worked in schools recently, I have seen the state of the resources in schools and the shortages of text books and information technology facilities. If the children of parents who can afford to pay for their school lunches are to be given lunches for free, that lack of resources will continue.

Tricia Marwick: I have listened carefully to the member's argument. He said that parents who can afford to pay for their children's school lunches should do so. Does he also argue that parents who can afford to pay for breakfasts, snacks and fruit should pay for them?

Dave Petrie: I am concentrating on lunches.

I can see the arguments, but I believe that school resources will suffer if parents who can afford to pay for their children's school lunches are not required to pay for them.

Donald Gorrie (Central Scotland) (LD): I seek clarification from the minister. Obviously, there are political arguments about these issues, but I suggest that we should try to pass laws that are

reasonably sensible whatever the politics behind them.

The bill will introduce the new concept of timeism, rather like ageism and racism. Activities that are carried out at certain times of the day will be considered good and worthy, but exactly the same activities that are carried out at other times of the day will be illegal.

Let us imagine that a slightly bolshie head teacher or director of education decides that a school or schools will provide all pupils with a free meal at, say, 2.30. Would such a delayed lunch break—it would need to be called an afternoon break rather than a lunch break—be legitimate? Alternatively, might schools be able to provide a large free meal in the morning break? The bill allows education authorities to provide free food

“other than in the middle of the day”.

What is the middle of the day? I suggest that a cantankerous head teacher—I would quite enjoy the role—would be able to challenge that in the courts. Will the minister clarify what the period of no free food will be?

Hugh Henry: It is helpful to get it on record that the Scottish National Party wants to take the bold step of running a pilot. “Let’s run a pilot and then—mibbes aye, mibbes no—we might or might not go ahead. We are taking the bold step.” I thank Fiona Hyslop for that clarification.

I will try to address the various points that have been made in the debate. We have discussed at stages 1 and 2 and on many other occasions the fact that the bill is about the content of the food that is provided in schools and encouraging healthy eating. Those who would extend eligibility for free school meals to people who receive particular benefits—

Christine Grahame: The First Minister has said that he wants to do that.

Hugh Henry: I will come to what the First Minister has said in a minute.

We do not need to legislate to extend eligibility for free school meals because we already have the powers to do that. The First Minister has made it clear that the people of Scotland must decide whether they want to go down the route of universal free school meals provision or whether they want resources to be targeted. He has also, on behalf of the Labour Party, made a particular offer that will be part of the political process. However, we have made a commitment in the current parliamentary session to change the nature of the food that is provided in schools.

Frances Curran: Will the minister take an intervention?

Hugh Henry: In a second.

We have made a commitment to try to change children’s attitudes towards the eating of food and their perceptions of what is good for them. The bill is about healthy eating in schools rather than free school meals.

Tricia Marwick: Will the minister give way?

Hugh Henry: In a moment. Let me proceed.

We have made our position perfectly clear. We do not support universal free school meals. We want to target resources where they are most needed and that is what we are doing. The bill is about improving the quality of meals—

Tommy Sheridan (Glasgow) (Sol): Will the minister take an intervention?

Hugh Henry: In a moment.

The bill is about improving people’s understanding so that they start to develop a healthy lifestyle. Many families can afford to pay for their children’s school meals. Subsidising such families would use money that would otherwise be used to help those in need. That point would hold equally true in any pilot of free school meals provision.

On this issue, the SNP makes David Cameron look like an amateur when it comes to flip-flops. Very creatively, the SNP seems to have developed a different policy for each day of the school week. For Mondays, the SNP can offer its previous policy of free school meals for all. For Tuesdays, its decision is to vote against free school meals. For Wednesdays, it proposes a pilot project for free school meals. For Thursdays, it can offer Christine Grahame’s option of extending free school meals to those who are on other benefits. For Fridays, it wants to go down the route that Tricia Marwick has proposed. At least Tommy Sheridan, Rosemary Byrne, Frances Curran and others have been consistent in their arguments.

Parliament has already twice debated and rejected the universal provision of free school meals.

Tommy Sheridan: Will the minister give way?

Hugh Henry: I will give way to Tommy Sheridan.

Tommy Sheridan: The minister said that eligibility for free school meals can be extended through regulations, and does not require primary legislation. It could have been done at any time in the past eight years. Will he tell the Parliament whether the Labour Party was prevented from extending eligibility just now, on the eve of an election, by its Liberal Democrat partners?

Hugh Henry: No. The First Minister has said that such an extension will be part of the Labour Party’s offer to the people of Scotland. In coalition,

we have governed responsibly. We have looked at the resources that are available to us and we have made decisions about priorities. Tommy Sheridan and others suggest that everything in Scotland could be free at all times and for all people. The beneficiaries of that type of policy are sitting in this chamber.

We have made decisions that will improve Scottish education and we are seeing the clear results of them. The schools that I have visited have an atmosphere that is completely different from what Dave Petrie described. The people in the schools that I have visited are thanking us for the extra money. They thank us for the decision to allow free whiteboards to be put into every school.

Dave Petrie: Will the minister give way?

11:00

Hugh Henry: No.

Schools are thanking us for providing extra money to make a difference. We are now seeing real improvements in Scottish education. In fact, teachers themselves have commented on the contrast between the situation under the Conservatives and what is happening now.

The bill provides an opportunity for the Parliament to change young children's habits and attitudes as they develop and move through adolescence into adulthood.

Frances Curran: Will the minister give way?

Patrick Harvie: Will the minister give way?

Hugh Henry: No.

Amendment 8, in the name of Rosemary Byrne, would require local authorities to provide fruit or milk in primary and nursery schools free of charge. The bill already gives local authorities the power to do that, if they so wish. Indeed, the new power gives them the flexibility to decide on the approach that is best for them. If a local authority wants to provide free milk to all primary school pupils or free fruit to all nursery pupils, the bill gives them the power to do that. I am therefore not clear how to interpret Rosemary Byrne's amendments.

Tricia Marwick: Will the minister give way?

Hugh Henry: No.

For example, it appears that if an authority wanted to provide free fruit to some schools because of health or social circumstances, amendments 23 and 24 would require it to extend that provision to all primary and nursery schools. The amendments are simply not clear, and local authorities might decide not to provide free milk or fruit in any circumstances if they feel that they will be compelled to extend such provision to all.

Our flexible and responsible approach will make a real difference to the quality of provision in schools and it builds on our solid and steady progress since 1999.

Tricia Marwick: One can always tell when Hugh Henry is rattled or saying something he does not quite believe in: he becomes more and more gratuitously insulting. That has happened today and it happened during the Communities Committee's stage 2 consideration of the bill when he was faced with exactly the same amendments and did not know how to handle them. Perhaps the fact that Jack McConnell ca'd the feet from under him two weeks later makes the point better than I can.

The minister has said that the bill provides flexibility. Indeed it does; it gives local authorities the flexibility to provide free breakfasts, free fruit and free milk. But it does not give local authorities the flexibility to introduce pilot schemes in specific geographical or demographic areas and to evaluate for themselves the case for free school meals. That is the crux of the matter, and the minister has consistently failed to answer questions on that point from Patrick Harvie, from Frances Curran, from Donald Gorrie and from Elaine C—I am sorry, Elaine Smith. *[Laughter.]* I am sorry; I should not have used the C word in the chamber.

The minister has refused to answer questions on this point at stage 1, at stage 2 and now at stage 3. Why will he not give local authorities the flexibility to introduce pilot schemes? He said that the bill does not need to set out the powers required to meet the intentions behind Christine Grahame's amendments, because ministers already have them. As Fiona Hyslop said, if ministers have had those powers all this time, why have they not suggested, before now, extending free school meal provision and bringing the very poorest children in Scotland within its ambit?

Tommy Sheridan: Does the member agree that the Liberal Democrat partners in the Executive have prevented the Labour Party from taking such action? Labour has wanted to introduce this provision for eight years now, and has waited until the eve of the election to push ahead with it. Perhaps the Liberal Democrats are to blame.

Tricia Marwick: I cannot wholly accept Tommy Sheridan's premise. Labour is the majority party, so it is responsible for denying the very poorest children in Scotland that extension of free school meals.

The SNP wants members to vote for Christine Grahame's amendments because they will make these matters clear in the bill. The SNP Government that will be in place after May will be quite happy to be locked into those provisions and

happy not to give ministers flexibility to decide whether to give the very poorest children free school meals. After all, what ministers can give, they can take away. That is why we need legislation on the matter, why these provisions need to be set out in the bill and why I urge every member who cares about the very poorest children in our society—

Jeremy Purvis: Will the member give way?

Tricia Marwick: No. The member can sit down, because he does not care.

I urge every member who actually cares about the very poorest children in our society to vote for the SNP amendments.

The Deputy Presiding Officer (Trish Godman): The question is, that amendment 1 be agreed to. Are members 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)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 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)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 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)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)

Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 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)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Gorrie, Donald (Central Scotland) (LD)

The Deputy Presiding Officer: The result of the division is: For 29, Against 73, Abstentions 1.

Amendment 1 disagreed to.

Amendment 6 moved—[Ms Rosemary Byrne].

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

Baird, Shiona (North East Scotland) (Green)
Ballance, Chris (South of Scotland) (Green)
Byrne, Ms Rosemary (South of Scotland) (Sol)
Canavan, Dennis (Falkirk West) (Ind)
Curran, Frances (West of Scotland) (SSP)
Harvie, Patrick (Glasgow) (Green)
Kane, Rosie (Glasgow) (SSP)
Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
Scott, Eleanor (Highlands and Islands) (Green)
Sheridan, Tommy (Glasgow) (Sol)
Smith, Elaine (Coatbridge and Chryston) (Lab)

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)
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
Brown, Robert (Glasgow) (LD)
Brownlee, Derek (South of Scotland) (Con)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Davidson, Mr David (North East Scotland) (Con)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Douglas-Hamilton, Lord James (Lothians) (Con)
Eadie, Helen (Dunfermline East) (Lab)
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, Marilyn (North East Scotland) (Lab)
Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Johnstone, Alex (North East Scotland) (Con)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lyon, George (Argyll and Bute) (LD)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
Maclean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
May, Christine (Central Fife) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
McGrigor, Mr Jamie (Highlands and Islands) (Con)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)

McNulty, Des (Clydebank and Milngavie) (Lab)
Milne, Mrs Nanette (North East Scotland) (Con)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
Murray, Dr Elaine (Dumfries) (Lab)
Oldfather, Irene (Cunninghame South) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Petrie, Dave (Highlands and Islands) (Con)
Pringle, Mike (Edinburgh South) (LD)
Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
Radcliffe, Nora (Gordon) (LD)
Robson, Euan (Roxburgh and Berwickshire) (LD)
Scott, John (Ayr) (Con)
Scott, Tavish (Shetland) (LD)
Smith, Iain (North East Fife) (LD)
Stephen, Nicol (Aberdeen South) (LD)
Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
Tosh, Murray (West of Scotland) (Con)
Wallace, Mr Jim (Orkney) (LD)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
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)
Gorrie, Donald (Central Scotland) (LD)
Grahame, Christine (South of Scotland) (SNP)
Hyslop, Fiona (Lothians) (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)
Neil, Alex (Central Scotland) (SNP)
Robison, Shona (Dundee East) (SNP)
Stevenson, Stewart (Banff and Buchan) (SNP)
Watt, Ms Maureen (North East Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 11, Against 73, Abstentions 20.

Amendment 6 disagreed to.

Amendment 22 moved—[Tricia Marwick].

The Deputy Presiding Officer: The question is, that amendment 22 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)
Byrne, Ms Rosemary (South of Scotland) (Sol)
Canavan, Dennis (Falkirk West) (Ind)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Curran, Frances (West of Scotland) (SSP)

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 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)
 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)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 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)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)

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)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Gorrie, Donald (Central Scotland) (LD)

The Deputy Presiding Officer: The result of the division is: For 32, Against 71, Abstentions 1.

Amendment 22 disagreed to.

Amendment 23 moved—[Ms Rosemary Byrne].

The Deputy Presiding Officer: The question is, that amendment 23 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)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Smith, Elaine (Coatbridge and Chryston) (Lab)

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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)

Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 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, Marilyn (North East Scotland) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (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)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 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)
 Gorrie, Donald (Central Scotland) (LD)

Grahame, Christine (South of Scotland) (SNP)
 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)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 12, Against 72, Abstentions 21.

Amendment 23 disagreed to.

Amendment 24 moved—[Ms Rosemary Byrne].

The Deputy Presiding Officer: The question is, that amendment 24 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)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Smith, Elaine (Coatbridge and Chryston) (Lab)

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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 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, Marilyn (North East Scotland) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)

Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 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)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 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)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 12, Against 71, Abstentions 21.

Amendment 24 disagreed to.

Amendment 3 moved—[Tricia Marwick].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 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)
 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)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 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)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)

Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Gorrie, Donald (Central Scotland) (LD)

The Deputy Presiding Officer: The result of the division is: For 32, Against 72, Abstentions 1.

Amendment 3 disagreed to.

Amendment 4 moved—[Tricia Marwick].

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)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)

Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 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)
 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)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 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)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)

May, Christine (Central Fife) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Gorrie, Donald (Central Scotland) (LD)

The Deputy Presiding Officer: The result of the division is: For 32, Against 72, Abstentions 1.

Amendment 4 disagreed to.

Amendment 14 moved—[Frances Curran].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Smith, Elaine (Coatbridge and Chryston) (Lab)

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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 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)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 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)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 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)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 12, Against 73, Abstentions 20.

Amendment 14 disagreed to.

11:15

Amendment 15 moved—[Frances Curran].

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

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Smith, Elaine (Coatbridge and Chryston) (Lab)

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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)

Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 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)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 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)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 12, Against 71, Abstentions 21.

Amendment 15 disagreed to.

Amendment 16 moved—[Christine Grahame].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 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)
 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)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)

Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 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)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Gorrie, Donald (Central Scotland) (LD)

The Deputy Presiding Officer: The result of the division is: For 32, Against 72, Abstentions 1.

Amendment 16 disagreed to.

Amendment 17 moved—[Christine Grahame].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 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)
 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)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 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)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)

Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Gorrie, Donald (Central Scotland) (LD)

The Deputy Presiding Officer: The result of the division is: For 32, Against 73, Abstentions 1.

Amendment 17 disagreed to.

Amendment 18 moved—[Christine Grahame].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)

Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 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)
 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)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 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, Marilyn (North East Scotland) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)

McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Gorrie, Donald (Central Scotland) (LD)

The Deputy Presiding Officer: The result of the division is: For 32, Against 73, Abstentions 1.

Amendment 18 disagreed to.

Amendment 19 moved—[Christine Grahame].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 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)

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)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 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)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)

Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Gorrie, Donald (Central Scotland) (LD)

The Deputy Presiding Officer: The result of the division is: For 32, Against 72, Abstentions 1.

Amendment 19 disagreed to.

Amendment 20 moved—[Christine Grahame].

The Deputy Presiding Officer: The question is, that amendment 20 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)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 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)
 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)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (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)

Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 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)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Gorrie, Donald (Central Scotland) (LD)

The Deputy Presiding Officer: The result of the division is: For 30, Against 73, Abstentions 1.

Amendment 20 disagreed to.

Amendment 25 moved—[Fiona Hyslop].

The Deputy Presiding Officer: The question is, that amendment 25 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)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 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)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 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)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)

Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Byrne, Ms Rosemary (South of Scotland) (Sol)
 Gorrie, Donald (Central Scotland) (LD)
 Sheridan, Tommy (Glasgow) (Sol)

The Deputy Presiding Officer: The result of the division is: For 30, Against 73, Abstentions 3.

Amendment 25 disagreed to.

Amendment 7 moved—[Ms Rosemary Byrne].

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)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)
 Smith, Elaine (Coatbridge and Chryston) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 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)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)

Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 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)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 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)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 12, Against 72, Abstentions 21.

Amendment 7 disagreed to.

After section 6

Amendment 26 not moved.

After section 7

The Deputy Presiding Officer: Group 3 is on the promotion of school breakfasts. Amendment 8, in the name of Rosemary Byrne, is the only amendment in the group.

Ms Byrne: Amendment 8 would ensure equality for all children and young people in our schools. Many schools in the most middle-class areas have breakfast clubs, but many schools in deprived areas do not. The bill will allow local authorities to decide where to have breakfast clubs, but I want all children to have access to a good, healthy breakfast at school if that is a requirement for their families—[*Interruption.*]

The Deputy Presiding Officer: Order. There is far too much noise.

Ms Byrne: The minister talked about improvements in Scottish education, but where is the equality of provision? In some schools, children are given breakfast and start their school day with an exercise programme; in other schools that does not happen. All the research proves that a good breakfast is one of the best ways of ensuring that children can concentrate in school and are open to learning. During the years when I taught, I saw children arrive at school without having had a good breakfast. They were unable to concentrate and they could not wait until the morning interval, when they would eat a packet of crisps or some other rubbish.

Amendment 8 is important, because it sends a message that all children are entitled to a healthy breakfast, instead of just the children in areas in which it has been decided to provide a breakfast club. Amendment 8 is about equality, and would ensure that no child fell through the net and spent the morning sitting in a classroom feeling hungry and unable to concentrate on their studies. We could easily firm up the approach in the bill by agreeing to amendment 8.

I move amendment 8.

Hugh Henry: Amendment 8 arises from a concern—which I share—about children who do not receive a proper breakfast at home. However, the bill provides a tool to ensure that pupils who need a school breakfast can get one, by giving local authorities the power to provide breakfasts and snacks. The new power will give authorities the flexibility to decide on the best approach locally. The bill will also give authorities the power to provide an additional snack at any time of day, for any reason, if it thinks that that is needed.

Ms Byrne: Does that mean that if there is a requirement from parents for a breakfast club providing free breakfasts at a school in any local authority area, they will get it?

Hugh Henry: No. The bill gives the power to provide free breakfasts to local authorities, not to parents. It is for local authorities to decide whether a school should provide free breakfasts. It would be absurd to give parents the power to decide how money is spent, when local authorities have the budgetary responsibility.

Our approach is flexible. Authorities will be free to decide on the best methods to suit local circumstances. Particular social or health issues might lead authorities to take measures in part of their area that are not needed elsewhere. Some authorities may take different approaches, perhaps by providing free breakfasts for those who need them or by extending the supply of free fruit beyond P1 and P2. Such decisions are best left to local decision makers.

Schools and local authorities should not assume all parents' responsibilities. Many parents give their children a healthy breakfast before they head off to school and many young people would rather make their breakfast at home than have breakfast at school.

Amendment 8 could be interpreted to mean that all local authorities must provide breakfast clubs for all pupils. For the reasons that I set out, such a decision should not be made centrally for every school in Scotland.

The bill will give authorities the power to address local priorities and to provide healthy school breakfasts if they think that pupils need them. I oppose amendment 8.

Ms Byrne: I am disappointed by the minister's response. I used the word "requirement" because a child who requires a healthy breakfast in school should be able to get one. Amendment 8 would ensure that no child goes without.

Parents have a large say in whether a school has a breakfast club. I have visited breakfast clubs and am well aware that most were started as a result of requests from parents. The minister should consider what currently happens. He is a bit out of touch.

I press amendment 8.

The Deputy Presiding Officer: The question is, that amendment 8 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)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)

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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (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)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
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 McCabe, Mr Tom (Hamilton South) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
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 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
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 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 11, Against 84, Abstentions 0.

Amendment 8 disagreed to.

Section 8—Protection of identity of pupils receiving free school lunches

11:30

The Deputy Presiding Officer: Group 4 is on the protection of the identity of pupils receiving free school lunches. Amendment 27, in the name of Patrick Harvie, is the only amendment in the group.

Patrick Harvie: Section 8 will place a duty on local authorities to introduce anonymised systems to protect the identity of pupils who receive free school lunches. The bill does not specify what kind of anonymised systems should be put in place, but it is clear that many schools, in seeking to fulfil the duty, will opt for biometric systems, which are already in place in some schools for a range of purposes. It is clear that there will be an increase—possibly a substantial one—in the use of biometric systems.

In the Communities Committee at stage 2 and before that in the Parliament, I raised questions about how the systems ought to operate. I feel instinctively that biometric systems are probably unnecessary and not very welcome in schools, but if schools decide that they want to go along that route, that is well and good and we should consider how the systems will operate. The principles that I asked about were on issues such as parental consent and whether biometric data would be kept centrally in a database or on site in schools' local systems.

I have raised a range of issues, but the crucial one is parental consent. The Executive has said repeatedly that parental consent is an essential prerequisite if schools are to collect biometric data. However, having probed that a little further, it seems that consent is in no way essential and is not really a prerequisite. Instead, it seems to be an optional extra—it is regarded as a matter of good practice for schools to obtain parental consent before they take children's fingerprints. To me, that is not enough, which is why I suggested at stage 2 that we write into legislation a requirement on schools to obtain parental consent. The Communities Committee and the Executive took the opposite view.

Another approach that I suggested was that ministers should issue guidance on how biometric systems ought to operate and what the boundaries should be for their use. Again, I was not successful in persuading the committee on that. My suggestion at stage 3 is that we take a smaller step in the same direction: I am asking for a code

of conduct, which, unlike regulations, would not be binding, although it would give a clear steer from the Executive on issues such as parental consent.

The minister might be able to answer a question that I asked at stage 2 and to which I did not receive an answer. The British Educational Communications and Technology Agency is currently working on guidance for United Kingdom ministers on how biometric systems will operate in schools and the boundaries for them. Will the minister say whether those guidelines will apply in Scotland and, if not, whether the Executive is minded to produce guidelines, in which case there would perhaps be room for negotiation or compromise? However, if no such guidelines are being worked on in Scotland, it is reasonable to ask the Executive to produce a code of conduct, which is what amendment 27 does.

I move amendment 27.

Fiona Hyslop: Amendment 27 is reasonable. The Executive was right to produce measures on anonymity and protecting the identity of those who receive free school meals. However, the measures have raised concerns about the type of information that can be captured and how it will be used. It is therefore appropriate that a code of conduct is produced. The issue could usefully be discussed by the new parent forums in schools. It is exactly the sort of item that the forums should have on their agendas, to allow parents to discuss what they find acceptable or unacceptable in relation to the information that is kept about their children and how it is captured. Patrick Harvie makes a reasonable request.

I am interested in the minister's response to Patrick Harvie's question about what work the Government is doing to produce guidance on biometric information issues generally. Amendment 27 would provide a reasonable compromise, as we need an understanding of what is acceptable and unacceptable and of the reasons why information is kept and how it is kept. In that spirit, I hope that the minister will agree to amendment 27.

Tricia Marwick: Throughout the bill's passage, I have had concerns about biometrics and anonymised systems. The minister has not yet persuaded me that the serious issues that surround the collection of biometric information from children have been addressed. Patrick Harvie's amendment 27 would be a step toward achieving coherence among the very many systems that might be up and running in future. Before any systems get up and running, we need guidance or guidelines to be put in place. I urge the minister to respond positively to Patrick Harvie and to accept amendment 27, as it is necessary.

Hugh Henry: We want authorities and schools to introduce anonymised systems to help ensure that pupils who are entitled to free school meals get the benefit of them. If stigma is a barrier, we want to remove it. Section 8 will tackle that. However, as Patrick Harvie is aware, the bill will not require local authorities to introduce or use any particular system in protecting the identity of those who receive free school meals and nor will it require authorities to collect biometric information. The decision about which anonymised system to use will be for schools and authorities, therefore it is not appropriate to amend the bill to put duties on ministers to publish a code about biometric data when the bill will not require authorities to collect such data.

In any case, amendment 27 is completely unnecessary, as the normal rules of data protection—in particular, those in the Data Protection Act 1998—provide safeguards on the collection and use of personal data. The amendment would impose a different set of rules for biometric data that are collected for a particular purpose, even though the existing provisions are adequate and well established.

Patrick Harvie: Will the minister confirm that the Data Protection Act 1998 does not require parents to be consulted on the issue or require their consent for their children to be fingerprinted? Does he acknowledge that, for some parents, it is deeply disturbing and worrying for their children to come home and simply tell them that such information has been gathered? Would it not be reasonable for Executive ministers, as their colleagues at Westminster have done, to set boundaries within which the systems should operate?

Hugh Henry: I would be alarmed if the situation that Patrick Harvie describes actually occurred. If he writes to me setting out a specific incident, I will investigate it. The Data Protection Act 1998 provides safeguards on the collection and use of personal data.

On Patrick Harvie's earlier point about how a biometric system would operate at UK level, the guidelines for any system that has UK-wide application would apply here, too. However, if the guidelines are purely for a system in England and Wales, that is a matter for them and we will make our decisions here, which is what devolution is all about, as I am sure Patrick Harvie would agree.

When we debated the issue at stage 2, I set out our views on biometric systems and consent, but I will state them again for the record. Our position is that, if an authority decides to use a biometric system, as a matter of good practice, parental consent will be an essential prerequisite before schools collect any biometric information. Children who do not use the system—either because they

or their parents do not consent or for any other reason—should not be disadvantaged.

As I said, Patrick Harvie's amendment 27 is not necessary. Section 8 is not about biometric data; it is about protecting the identity of pupils who receive free school meals. Some schools might decide to adopt biometric systems to help them to comply with their duties, but others will adopt different methods.

Fiona Hyslop: Will the minister take an intervention?

Hugh Henry: No thanks.

Biometric systems have broader applications than simply protecting identity. I understand Patrick Harvie's views on such systems, but I question whether the bill is the appropriate context for a debate on how the systems should be used. I oppose Patrick Harvie's amendment 27.

Patrick Harvie: I have been fairly consistent throughout our debates in giving ministers an opportunity to address this issue in a different context from the bill, and I am deeply disappointed that ministers have continued to suggest that there is no need to address it.

The minister is incredibly unclear on the Becta guidelines. In essence, he has told us that, if the guidelines apply at United Kingdom level, they will apply in Scotland, and that if they do not, they will not. That is not an answer to the question, "Do they?", and it is not an answer to the question, "Will they?" The minister is unable to tell us whether the guidelines that are currently being devised by UK ministers will apply here. That leaves us in complete limbo. We are unclear whether any boundaries will be placed on the operation of systems, beyond the boundaries in the existing data protection legislation. As I have made clear, that legislation does not lay down any essential prerequisites. To describe consent as an "essential prerequisite" is surely to imply either that it is Government policy to be enforced in some way or that it is in legislation, but neither is the case.

In a moment, I will press amendment 27, although I know that it will not be supported by the majority of members. However, I ask even members who oppose my amendment to agree that, in the next session of Parliament, there must be scope for a wide debate on the use of surveillance technologies in schools. Such technologies have the potential to threaten and undermine the school environment as well as individual pupils' civil liberties.

The Deputy Presiding Officer (Murray Tosh): The question is, that amendment 27 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)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 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)
 Watt, Ms Maureen (North East Scotland) (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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
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 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)
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 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)

Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 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)
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 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 30, Against 71, Abstentions 0.

Amendment 27 disagreed to.

Amendment 9 moved—[Ms Rosemary Byrne].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (Sol)

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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, 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)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (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)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 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)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)

Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 11, Against 89, Abstentions 0.

Amendment 9 disagreed to.

The Deputy Presiding Officer: Because the clock has beaten us, I am required to use my power, under rule 9.8.4A(a), to extend the time limit to allow members who will be moving amendments in the fifth group of amendments, and the minister, to speak. No one else will be able to speak.

Section 8A—Food and drink: guidance about sustainable development

The Deputy Presiding Officer: The fifth group of amendments is on food and drink: guidance about sustainable development. Amendment 28, in the name of John Home Robertson, is grouped with amendments 29 to 31.

John Home Robertson (East Lothian) (Lab): I will be moving amendment 28, but before doing so I draw members' attention to a declaration of interest—I am a sleeping partner in a family farming business.

My amendments 28 to 30 would add consideration of the carbon footprint and food miles to the agenda for the guidance on the procurement of food for schools. There is a depressing assumption that European competition rules require public agencies to buy everything through big, remote procurement and distribution companies, so that school pupils, hospital patients and even MSPs are all doomed to get the same palletised and desiccated fare on their dinner plates. Well, some local authorities have demonstrated that it does not have to be like that.

Members of the committee who visited Hurlford primary school found that East Ayrshire Council is buying vegetables, dairy produce, bread, meat and fish directly from local producers. Children there are getting healthy, fresh and appetising food. At the same time, they are learning lessons about food production in their home area. The council is getting good value for money, too. Furthermore, because the food has not had to be trucked to and from depots in Lincolnshire or

Essex, there is a saving in carbon emissions into the bargain.

I congratulate councils such as East Ayrshire Council and North Lanarkshire Council that are already procuring local food. I have already spoken to East Lothian Council and the National Farmers Union Scotland in East Lothian about the case for a similar food initiative for schools in my constituency.

Proper consideration of the location of food and drink sources, and of transport costs and distances, must be relevant. The objective of my amendments 28 to 30 is to help to promote the local procurement of local food and drink for schools throughout Scotland, and I hope that colleagues will support the proposal.

I move amendment 28.

Patrick Harvie: The addition of section 8A by the Executive was welcome. As John Home Robertson has suggested, the whole committee was impressed by the work of the Soil Association's food for life programme and by the local authorities that are working with it. All members of the committee expressed support for that and called on the Executive to ensure that issues such as sustainability, local procurement and the use of organic and unprocessed food and drink were addressed by the bill. It is therefore good that section 8A was added.

My amendment 31 is just a wee tweak. In the committee's stage 1 report, we agreed that the Executive's position on reissuing existing guidance on local procurement and sustainability was not enough. We need strengthened guidance, because reissuing guidance that has existed for a number of years and has not done the job will not be enough.

Amendment 31 asks ministers annually to review their guidance and reissue strengthened guidance as they see appropriate. That would be a reasonable step, given that sustainability and sustainable development are relatively dynamic and fluid policy areas, the interpretation and understanding of which change from time to time. It would be reasonable to expect ministers to keep abreast of any such changes and to feed them into the guidance on sustainable development in the procurement of food in schools.

Hugh Henry: We are committed to sustainable development and we affirmed that commitment by lodging amendments on sustainable development at stage 2.

We are all aware of the excellent work that has taken place in East Ayrshire Council within the context of the existing non-statutory guidance. However, the bill now provides for statutory guidance to be issued on sustainable

development. That will mean that local authorities will have a statutory duty to have regard to that guidance when procuring food and drink or catering services for schools. The guidance will include advice on objectives such as local sourcing, waste and packaging issues, fair trade food and sustainability assurance schemes. It will also include advice on how to pursue those various objectives while staying within European Union procurement law.

Although our overarching priority is to ensure that healthy food is provided, John Home Robertson's amendments 28 to 30 aim to ensure that, in providing it, authorities also take account of relevant sustainability objectives. At stage 2, John Home Robertson's amendment on sustainable development guidance caused me some concern, because it stated that guidance had to include consideration of local produce, and I was worried about EU procurement rules. However, amendments 28 to 30 address the concerns that I expressed, and I am confident that they pose no problem, so I will be happy to support them.

I turn now to Patrick Harvie's amendment 31. As a matter of good policy practice, the Executive keeps guidance under review. One of the benefits of having guidance is that it is flexible: we can revise it in light of developments in sustainable development policy, food policy or procurement rules. One of the main reasons why the Executive has supported the introduction of a power to issue guidance, rather than a duty under the bill, is for that very reason of flexibility.

Amendment 31 is silent on the circumstances under which it would be appropriate to revise and reissue the guidance. In effect, it would leave ministers in the same position as at present. How the process would be monitored and enforced is also unclear. I support Patrick Harvie's intention that the guidance should be reviewed, and I assure him that that will happen as a matter of good practice. However, amendment 31 is unnecessary and I will oppose it.

Amendment 28 agreed to.

Amendments 29 and 30 moved—[John Home Robertson]—and agreed to.

Amendment 31 moved—[Patrick Harvie].

The Deputy Presiding Officer: The question is, that amendment 31 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)

Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 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)
 Kane, Rosie (Glasgow) (SSP)
 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)
 Watt, Ms Maureen (North East Scotland) (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)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 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)
 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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Maclean, Kate (Dundee West) (Lab)

Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 32, Against 72, Abstentions 0.

Amendment 31 disagreed to.

The Deputy Presiding Officer: That concludes consideration of amendments.

Schools (Health Promotion and Nutrition) (Scotland) Bill

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a debate on motion S2M-5695, in the name of Hugh Henry, that the Parliament agrees that the Schools (Health Promotion and Nutrition) (Scotland) Bill be passed.

11:52

The Minister for Education and Young People (Hugh Henry):

One marked feature of this country is our poor health record. Our citizens die earlier than do citizens in other parts of the United Kingdom and of the world and our health is generally poorer. Much of that is self-inflicted. It starts from childhood and relates to how our children are brought up, what they eat and a lack of exercise and fitness.

In a broad range of matters, we have tried to address that chronic and appalling health record. We took the bold but correct decision to ban smoking in public places, which will contribute significantly. We are considering raising the age at which our young people can buy cigarettes. We are encouraging more exercise and physical activity in our schools. We are encouraging a healthier lifestyle from childhood through to adulthood. As has been suggested, it is clear that the problem starts in the home, but we need to reflect on the significant contribution that schools make to the way in which our children develop.

In this country, we are criticised if we do something and criticised if we do not, so in a sense we can never win. Some ask what the point of the bill is, whereas others ask why it does not go further. The bill marks a significant milestone in the approach that we are taking to improving our citizens' health and well-being. Yes, we still need to do something profound with adults and with people who are in their late teens but, while we consider that, it is right to take the first steps to tackle the problem at the earliest age. The bill will do that.

Improving the health of people in Scotland is a key priority. In debate on the bill, we have outlined the action that we want to take on several fronts. We can reflect with some pride on what we have done in the past few years—I have outlined some of that. We have set a target of all schools becoming health promoting by the end of the year and the hungry for success initiative has revolutionised school meals.

We know that there is more to good health than simply good nutrition. I have spoken about the contribution that sport and physical activity make,

which is why our active schools programme provides for that.

I was delighted that, in its stage 1 report, the Communities Committee agreed that the bill was a necessary next step, but not a final step, in our wider health improvement agenda. During the passage of the bill, we have considered carefully the committee's opinion and tried to acknowledge its concerns about the bill as introduced. I thank committee members for scrutinising the bill and for their contribution. I also thank all the people who helped to shape the bill through the parliamentary process.

I found invaluable the contribution of the many outside organisations that have good food and good health at the core of their objectives. It was fascinating to learn that, notwithstanding our desire to have the bill passed, good things are happening in parts of Scotland. Our bill is stronger for the work of the committee, its clerks, outside organisations and others.

The bill will ensure that schools understand their central role in helping children and young people to make healthy choices through a range of actions and activities. It will make health promotion a central required purpose of schooling rather than an add-on or an aspiration. A school will need to consider health promotion in all its activities and take a whole-school approach to that. The bill will also place a duty on education authorities to ensure that nutritious and balanced food and drink are provided in schools. That is our priority for school food and drink.

One of the committee's recommendations in its stage 1 report was that the Executive should more proactively encourage local authorities to consider sustainable development criteria when procuring food or catering services. We heeded the committee's call and lodged a stage 2 amendment that, along with the amendments in the name of John Home Robertson today, has strengthened the bill to reflect the commitment of the Parliament and the Executive to sustainable development and fair and ethical trading. It is to their credit that some local authorities, of which East Ayrshire Council is but one, are already taking those steps. Several external agencies, such as the Soil Association and Oxfam, are also deeply committed to sustainable development and to fair and ethical trading. I welcome the changes to the bill. First and foremost, the bill will ensure that healthy food is served in our schools. It will also ensure that, while that happens, local authorities take account of other sustainability objectives.

We understand that improving school food is not enough by itself and that we need to promote healthy eating and school meals actively to pupils. The bill provides for that. In particular, we want to encourage all families who are entitled to free

school meals to take advantage of their entitlement and to do so without the fear of stigma. The bill will require education authorities to protect the identity of those who are eligible.

The promotion by schools of healthy eating for their pupils provides the opportunity for lifestyle changes. We have heard anecdotal evidence that some youngsters who have attended primary schools that promote healthy eating continue healthy eating habits at secondary school. I hope that we have made changes that they will continue with for the rest of their lives.

I hope that some of our school pupils will become ambassadors for the message and will take it back into the home to encourage their parents. We have anecdotal evidence that children are placing pressure on their parents as a result of the measures.

All of us and our country will benefit from the bill and from the other measures that we are taking. The bill is an important step not only in giving education authorities the flexibility to address local priorities but in helping young people to make life-forming and life-changing decisions that I hope will lead to a healthy Scotland and will change our appalling health record once and for all. I commend the bill to Parliament.

I move,

That the Parliament agrees that the Schools (Health Promotion and Nutrition) (Scotland) Bill be passed.

12:00

Fiona Hyslop (Lothians) (SNP): The Scottish National Party will support the bill at decision time, but it is interesting to reflect on our long and perhaps tortuous journey to reach where we are now. I agree with the minister that this is not the end of the journey; there is a long way to go. Members will make different policy pronouncements on where the bill takes us, but we must all recognise that the nation must address our eating habits. From a health perspective, if we want to save health service money, it is essential that we change people's behaviour now.

As I have done previously, I acknowledge the work of Shona Robison, who has kick-started consideration of issues such as the advertising of junk food and fizzy drinks in schools, but things have gone beyond that. Our debate in the first parliamentary session focused on the content of free school meals and so on, but the word "nutrition" is essential. We must address not only the poverty agenda but the nutrition agenda.

We should recognise the good work that is already being done in schools. There is a question about whether we need to legislate to ensure that

schools take the responsibility of promoting themselves as health-promoting schools. In my visits to schools, I have seen the extremely good work that is already being done without the bill having been passed, and I want to put it on record that good examples have been developed throughout the country. In particular, I recall from the stage 1 debate the good example of Hurlford primary school, which members of the Communities Committee visited. When we discussed the final amendments to the bill, we talked about global education and understanding where our food comes from internationally, but it is just as important to know where food comes from locally. We must understand the choices that we have. At the end of the day, this is a lifestyle issue, and lifestyle is about our behaviour and personal choices. The more informed young people are about where their food comes from, the more they will be able to make informed choices.

Progress is being made. After a health promotion week at my children's school last week, I saw my daughter putting raw spinach into her sandwiches. That is certainly progress. Such things are happening in homes throughout Scotland—things that people might not have expected to happen are happening. We should recognise the good work that is being done in schools.

Obviously, I am disappointed that the ministers have not progressed the school meals agenda, as doing so could make a huge difference to the lives of many people. I respect those who argued for universal free school meals in both primary and secondary schools, but the most pragmatic way forward would have been to allow regulations to be produced that would allow ministers to pilot a scheme before rolling it out. Commencement orders would still have been needed for universal free school meals, as schools do not yet have the capacity to deliver in that respect, but they will have under an SNP Government.

We should ensure that the right palates are created in the early years. The provision of meals in nurseries is important, but we must remember that many youngsters are not in nursery schools for long enough to get the benefits of meals there. Extending children's hours at nurseries to ensure that that provision exists is an issue.

Socialisation is also an issue. Encouraging people to eat and break bread together is one of the best ways of tackling behavioural issues. We should reflect on the lessons from Finland and elsewhere about the socialisation aspects of food and what we should do to encourage such socialisation.

The bill is based on the Education (Scotland) Act 1980, which states that an education authority "must charge" for anything that is provided under

section 53(1)(a) of the act. Under the bill, it will still be illegal for councils or authorities to provide free school meals if they choose to do so. That is clearly wrong. The Executive has been flexible about everything else: it has been flexible about milk, fruit and school breakfasts. Surely to goodness, even if it did not want to fund free school meals, the Executive should have provided local authorities with flexibility and the choice to deliver such meals if it believed that local authorities should have the flexibility to deliver health-promoting education in their areas. That is a disappointment. Ministers have missed a great opportunity to move forward.

Many pupils who started at secondary school when Labour came to power have gone right through their secondary education in poverty without an opportunity to get free school meals because the Executive set its face against the idea. We will remind the Executive that in the Parliament today, Jack McConnell, the Labour Party and the Liberal Democrats voted against extending the provision of free school meals to those whose parents receive working tax credit. People will judge the Executive by what it has done. It has had opportunities aplenty to bridge the gap between those who receive school meals and those who live in poverty. The Government has failed to bridge that gap, but the next Government will ensure that it is bridged.

12:05

Dave Petrie (Highlands and Islands) (Con):

We on this side of the chamber welcome the bill, which in partnership with parents and schools can only be of immense benefit to the health and well-being of future generations. I thank the clerks and the bill team for their support in preparing the bill.

We all know the background to the bill. We have rising levels of dietary problems in Scotland, with obvious health and social consequences. There is no doubt that healthier children are generally more focused and better behaved and perform well academically. If we tackle diet and health in schools, that is more likely to be taken forward into later life.

As others did, I congratulate the Soil Association on its food for life campaign, which sets a positive example to us all, and I am delighted to see that the amendments in the name of John Home Robertson were accepted by all.

I know from personal experience that, as Fiona Hyslop said, things are changing. We see children in the classroom drinking water rather than fizzy drinks, which is encouraging. It is also encouraging that children who go out of school—mainly fifth and sixth-years—do not all head to the chip vans. Chip vans are a problem, but if children

who have reached fifth and sixth year want to go out of school, we cannot force them to take school lunches. They enjoy going out of school and they eat sensibly. Our party supports greater autonomy for schools and a lesser role for the Government, but the needs of the child must always come first.

It is important that we address promoting healthy lifestyles in a joined-up way. Improved diet must be promoted at home as well as in school and that is where parents and guardians have a valuable role to play. As is the case for education in general, a positive partnership between pupils, parents and schools has traditionally proved to be in the best interests of the child.

Healthy living is not just about diet but about lifestyle. That is where sport plays a vital role. We need extra-curricular activities, more encouragement of sport in schools and more support for sport-based voluntary organisations. If we had more activities in schools at lunch time, whether sport or clubs, that would be an incentive for children to stay in school at lunch time and take school lunches.

We obviously need to promote the take-up of school meals. Despite the honourable aims of the hungry for success campaign, the majority of pupils, including a significant number of those entitled to free school meals, do not take school lunches. A focus on having more lunchtime activities might act as an incentive. I remain to be convinced that free entitlement would increase uptake, but I emphasise the importance of appropriate anonymised systems.

I disagree with the minister regarding school resources. I have taught on the east coast, up north and on the west coast, and I believe that there are major inconsistencies between our schools. It disappoints me that the Minister for Education and Young People is unaware of that. Some schools have whiteboards and some do not; some schools have textbooks that are falling apart and some have textbooks in good condition. There are major problems but, unfortunately, the minister does not seem to recognise that.

Patrick Harvie (Glasgow) (Green) rose—

The Deputy Presiding Officer: The member is in his last minute.

Dave Petrie: It seems illogical to me that parents who can afford to pay for school lunches should be relieved of that requirement when there are significant resource issues in schools.

We fully support the bill and look forward to its early implementation.

The Deputy Presiding Officer: Please keep speeches to four minutes.

12:09

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): As colleagues will be aware, I joined the Communities Committee only recently, so I came to the bill and the debate surrounding it comparatively late. I express my thanks to the convener and committee members, who have been a great support. I also thank those who gave evidence to the committee and, indeed, the excellent team of clerks who backed us up. I am grateful for their help and advice.

I want to touch on two of the amendments that we debated. The first is the interesting amendment proposed late in the day by Patrick Harvie on the code of conduct. Fiona Hyslop made a useful point when she said that parent forums could discuss that issue. That is precisely the right approach and the right sort of work for such forums for the months and years ahead. However, I was and am persuaded by the minister's argument that the decision about how the issue should be dealt with should be left to education authorities and schools. I have been an elected member of two local authorities and am a great believer in letting such decisions be taken by the council.

Tommy Sheridan (Glasgow) (Sol): Can the member inform us whether, over the past six years, it is indeed the Liberal Democrats in the Executive who have been resisting the extension of free school meals to all those who are entitled to them because of the level of poverty in which they live, or whether the Liberal Democrats, too, have now come round to the view that free school meals should be extended?

Mr Stone: I do not know whether it is because of the proximity of the election but, this morning, I have becoming increasingly bemused by Mr Sheridan's comments. I do not understand where he is coming from and I am not sure that he does, either. He may laugh, but there is nothing in his suggestion, which was a matter of pure fiction. If I were him, I would concentrate on the debate instead of inventing points.

On the provision of free school meals, I am persuaded by what David Petrie has said. However, I take issue with his point about schools in the Highlands. I have never seen the schools in my constituency and across the Highlands in a better state than they are today. Any teacher and any pupil will say the same thing. The state of those schools is light years beyond what I and, perhaps, Dave Petrie knew in years gone by.

Dave Petrie: I am happy to speak to the member about the matter at length at a later stage, but I can assure him, briefly, that there are schools in the Highlands that are not particularly well resourced.

Mr Stone: On the issue of free school meals, we should remember that the Convention of Scottish Local Authorities has sent us a document saying that it does not support the notion of the universal provision of free school meals.

Christine Grahame (South of Scotland) (SNP): Will the member give way?

Mr Stone: I want to continue to make my point. Highland Council, which is a rainbow council—the chair, one of the most able councillors in the Highlands, is Andy Anderson, who is a member of the SNP—considered the issue and decided, on balance, that the complexities arising from agreeing with the introduction of universal free school meals were too great. The council felt that its resources would be better directed towards the issues that Dave Petrie was talking about a moment ago. That is the actuality of delivery on the ground and one cannot say it more strongly than that.

As the minister said, Scotland has an unenviably bad health record, which is closely associated with poverty and diet. In the closing weeks of this session of Parliament, it is right that we pass the bill. It is a mighty move forward. I believe that it is a little acorn from which mighty oaks will grow, in terms of the health of our children and the generations to come.

We should be proud of the bill and I have no hesitation in offering my party's support for it.

12:13

Tricia Marwick (Mid Scotland and Fife) (SNP): I thank my colleagues on the Communities Committee, the clerks to the committee and the witnesses who came to the committee to give evidence, particularly the young people. I welcome the opportunity to take part in the debate because I was one of the members of the committee who had serious doubts about whether we needed legislation to underpin some of the successes of the hungry for success scheme. As we considered the bill, however, I realised that that legislative underpinning was necessary.

We have a huge problem in Scotland. Our health record is appalling and we will have to cope with an obesity time bomb. It is extremely important that we encourage children to get into healthy eating habits at the earliest possible stage. Having said that, I cannot see any possibility that I could ever eat raw spinach on a sandwich and I congratulate Fiona Hyslop's young one on being so adventurous—she is obviously like her mother.

The bill represents only the first stage of our attempts to tackle the issues relating to health and obesity. For example, we need far greater sports facilities for our young people than we have at the

moment. In many areas, sports facilities are simply lacking.

There is a particular issue in Fife that I hope that the minister will take up—although not today, as I realise that I am springing it on him. I understand that Fife Council is writing to some of the schools that offer breakfast clubs, as there is a threat to cut the number of staff the council supplies to those breakfast clubs. Will the minister examine that? We do not want the work of the bill to be undermined by local authorities.

On the subject of local authorities, I return to the question of flexibility. Throughout the passage of the bill, I have never had an answer to this question: why do local authorities have the flexibility to provide free breakfasts but not free lunches?

Hugh Henry: Tricia Marwick and others in the SNP have made great play of giving local authorities flexibility. Had Parliament agreed to give them that flexibility, how would they be able to pay for it under the SNP proposals for a local income tax? The SNP is proposing to cap local authority expenditure, which would result in a cut in local authority budgets. How would the SNP pay for that flexibility?

The Deputy Presiding Officer: Tricia Marwick has one more minute.

Tricia Marwick: The SNP would provide funding centrally, so there would be no impact on the local council tax payers, who would get a far better deal under local income tax than under anything that the Executive is prepared to do.

I will move on from flexibility, because we have never had an answer to the question that I asked and the minister is clearly not going to answer it now.

Let me say to the Labour members, who I see are almost all absent from the chamber, to the Liberal Democrats—Jamie Stone is walking out of the chamber—and to the Conservatives that today every single one of them queued up to vote against extending free school meals to the poorest children in Scotland. Today, Labour, the Liberal Democrats and the Tories voted against extending free school meals to the children of people who are in receipt of council tax benefits.

Mr Stone: Will the member give way?

The Deputy Presiding Officer: No, the member is over time.

Tricia Marwick: The Labour Party, the Liberal Democrats and the Tories voted against giving free school meals to the children of people in receipt of lone parent benefit.

The Deputy Presiding Officer: The member must close.

Tricia Marwick: Today, the Labour Party, the Liberals and the Tories voted against extending free meals to the children of those on housing benefits, those on local housing allowance and those on working tax credit. It is an appalling and shameful day for them.

12:17

Elaine Smith (Coatbridge and Chryston)

(Lab): We had an interesting debate this morning on the amendments to the bill, but I start by saying that the bill is a good, progressive piece of legislation, which deserves support. The Executive should be commended for it. Thanks should go to the committee, the clerks and the many groups and organisations that have promoted the agenda of nutritious school meals for a number of years—particularly the Child Poverty Action Group.

Credit should also go to Frances Curran, whose member's bill on free school meals was, unfortunately, not considered by Parliament. Like me and some other members, Frances Curran has consistently promoted the benefits of universal free nutritious school meals. I will come back to that subject later because it was the most controversial aspect of the bill, and I want to make some positive comments first.

The nutritional quality—or perhaps the lack of nutritional quality—of school meals was identified as a problem during consideration of the first proposals on free school meals. Indeed, the title of the book edited by Usha Brown and Danny Phillips in support of a free nutritious midday meal was “Even the tatties have batter!” That name came from a comment made by a child about school meals. Other comments were that the food served was “not nice”, “disgusting” and “Yuck!”, and children complained of being served pink meat, hard pears and green bananas.

The hungry for success programme was initiated to help to tackle that issue, among other things. It is now clear that outcomes vary across Scotland, and the bill will therefore ensure uniformly high standards throughout the country. It should mean that all children in the state sector can enjoy nutritionally balanced food and drink if they are provided for them in school.

The cashless system helps to reduce stigma, which definitely needs to be addressed. I am pleased to note that North Lanarkshire Council is currently rolling out such a system in its schools. It also makes sense to include health promotion duties in the remit of schools and to ask local authorities to account annually for what they have done. That can only assist with changing the culture and habits of our children with regard to nutrition. It is vital that we achieve that for their future health.

I wonder whether the minister would consider the results of the initiative in Rosehall high school in Coatbridge, which is changing attitudes to breastfeeding via education. That is an interesting piece of work and I point the minister in that direction.

Increasingly, our children are becoming obese, which affects their quality of life and life expectancy. Obesity has been described as a modern-day epidemic, which requires to be recognised as a medical and not just a lifestyle issue. When speaking in response to my members' business debate on that subject a year ago, the Deputy Minister for Health and Community Care said:

"There are no short-term fixes ... Instead, there is a long-term agenda, which calls for concerted and sustained action. That action has already started, and it must continue."—[*Official Report*, 2 February 2006; c 23110.]

The bill is part of that process.

The evaluation of the initiative to provide free fruit in schools found that it was a positive initiative, and it highlighted the potential to increase the consumption of fruit and improve healthy practices among children; the fruit is given to all children, and that is right. The fact that children have better-off parents does not necessarily mean that they eat well or nutritiously.

I also urge the minister to encourage local authorities to provide breakfast clubs. That is important.

Given the impact of the free fruit initiative, and considering the scale of the challenge that we now face, Parliament during the next session should look more favourably at the setting up of pilot schemes to examine the possible impact that a similarly large-scale initiative, such as free school lunches, could have. I support the proposal for free school meals, but I am not against pilot schemes because they could help to persuade others.

I am pleased that my party has signalled its intention to expand entitlement to free school meals and, if I am returned to Parliament, I will certainly pledge to ensure that that intention is pursued. I remain convinced that the provision of universal free school meals is the best way to ensure a healthier population for the future, although I have no doubt that the Scottish Executive takes the issue of child health and nutrition seriously. The bill shows that.

12:21

Patrick Harvie (Glasgow) (Green): I echo the comments of others who have congratulated and thanked the other members of the committee, the clerks and all our witnesses. The process has

been relatively enjoyable, particularly all the free school lunches that we got to eat during our scrutiny. The process has also been relatively free of open warfare—at least, it has been no worse than most bills that the Communities Committee has considered.

Christine Grahame: Patrick Harvie makes it sound exciting, but it never was.

Patrick Harvie: I found the topic to be interesting once I got my teeth into it, so to speak.

The bill merits a pass mark but, as with other Executive legislation, handwritten underneath that should be the phrase, "Could do better". Most of us would not disagree with what is in the bill, although one or two of us would perhaps like to make one or two tweaks. In general, the disagreement is over what is not in the bill; what is in the bill gets broad support.

Certainly, the issue of health promotion has had less attention, perhaps because there are fewer contentious issues in the bill. However, ensuring that all schools are health-promoting environments is a huge step. As someone with a background in sexual health promotion, I will watch with interest to see how all schools, including those that are run by organisations with views about sexual health that are quite at odds with the science, take on that important responsibility.

The bill misses some opportunities. The nutritional requirements' narrow focus on nutrient levels alone and the absence of anything about fresh or unprocessed food, or about additives, is to be regretted.

We can clearly identify nutritional requirements and ensure that the food and drink that are provided or on sale in schools meet those requirements. However, I am not sure that we are doing enough on food culture in schools, which is difficult to address. The Soil Association, which is grappling with that issue, is not just helping people to understand where food comes from and how it relates to health, but is working in schools in East Ayrshire on the environment and the atmosphere in which food should be eaten at a more human and slower pace. Some of the principles of the slow food movement would be valuable if applied in schools.

Elaine Smith: Does the member think that education on the benefits of breastfeeding is also important?

Patrick Harvie: I agree that a school that is health promoting should promote the benefits of healthy eating for children of all ages and I congratulate the member on her past work on breastfeeding.

In his remarks on universal provision, the minister comprehensively failed to address the

targeting of resources. I have yet to be given any explanation of why school meals are the only aspect of the educational experience that must be paid for individually rather than collectively. I hope that the bill will succeed in getting food in schools conceived of as an educational issue rather than as simply an issue of fuel.

I close by expressing my qualms about my mishearing of an earlier remark about whether raw spinach was tasty. I am afraid that I thought that Ross Finnie was being discussed. Personally, I am a big fan of raw spinach.

12:25

Frances Curran (West of Scotland) (SSP):

Some people in the gallery wanted to know where MSPs were running in from for the votes. There is a room next door to the chamber, where we can have free tea and coffee, free fruit and free shortbread. After that, we can go downstairs to have a dinner in the canteen, which is subsidised to the tune of £600,000 every 18 months.

Patrick Harvie mentioned targeting. It is interesting that MSPs are constantly targeted for free dinners. I have with me a small selection of invitations to free dinners that I have received in the past few weeks. We have been targeted for free dinners by the University of Strathclyde; the University of Glasgow; the lord provost of Glasgow—for a civic reception; the Scottish Grocers Federation; Cardinal O'Brien; the Food Standards Agency; the lord provost of Edinburgh; the Irish consulate in Edinburgh—for St Patrick's day; the United Kingdom offshore oil and gas industry; and the Freight Transport Association, among many other organisations. Grant's invited me to a haggis breakfast, which would have been accompanied by words from the bard and, no doubt, a glass of champagne or a little whisky. I also received an invitation from Sainsbury's.

MSPs obviously do not do irony. Why are we targeted? We have no problem with having a subsidised canteen, with getting free food and drink in the Parliament or with being targeted for free dinners. Why we are targeted for free dinners—it is not just food; we get free drink as well—is a serious political issue. The reason is that the organisations, the names of which I have just read out, want to influence policy; they want the Parliament to pass legislation that will benefit them and, on the whole, they get it. Most of the measures that the Parliament approves benefit big business and the section of society that such companies inhabit.

What is lacking is legislation that benefits people who live in poverty, legislation that benefits young people and their health and legislation that benefits health service and other workers. There

needs to be a shift in the legislation that the Parliament passes. How do people who do not offer us free food and glasses of wine get access to ensure that the laws that they want to be passed get on the agenda? How does the head of education services at East Renfrewshire Council, who supports free school meals, the director of education at Midlothian Council, the Community Practitioners and Health Visitors Association or the senior dietician at Ayrshire central hospital get such access? They are all too busy working to give us free dinners, to wine and dine us or to lobby us.

I am talking about people such as the head of public health at the University of Dundee and organisations such as Children in Scotland, NCH Scotland, One Plus, the Child Poverty Action Group and the Poverty Alliance. When will the Parliament take seriously their arguments in the debate on free school meals? They deserve access to the Parliament and to the votes of MSPs for free school meal provisions, which are supported across the board.

Every measure that the Parliament has taken to improve the health of young people has failed. The bill is a lost opportunity. The First Minister went to the poverty conference the other week, but the fact that we even have child poverty is an abomination, given that we are in the fifth-richest country in the world. We get mealy-mouthed words and piecemeal promises, such as, "If we get elected, we might give some of the poorer children a free school meal." That is not good enough; it is too little, too late.

I say to the minister that the bill is great to the extent that it will put healthy food on children's plates, but a majority of young people and children will not get those healthy meals every day because the take-up is only 48 per cent. Hull City Council has pointed the way forward.

I joined other MSPs at a session at Haldane primary school in Alexandria—an area with a poor health record—where the children had chosen the topic of free, healthy school meals. I could not put it better than the children put it at the end of the session:

"I thought that the Scottish Parliament was supposed to treat all children as equal. We should be equally entitled to a free healthy lunch."

12:30

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

Solidarity welcomes the encouragement of healthy eating and the introduction of the bill. However, like other members, we are disappointed at the bill's limitations. The extension of free school meals to all those who are in receipt of tax credits was denied for six years until Jack

McConnell's announcement last Friday. That is, to say the least, blatant electioneering. We now hear that that extension could have been introduced at any time—it is shameful that 100,000 kids have been denied their rightful entitlement in that way. I do not know what part of that Jamie Stone did not understand. I think that it is perfectly clear.

The minister says that the bill is not about free school meals, but he should understand that, as evidenced by numerous organisations, means testing is not the way forward. Children are being denied their right—it should be a right—to a nutritious meal. We will have better food in schools but, as Frances Curran said, we will not have the uptake. Many improvements are needed in the environment for school dinners. I will come back to that in a moment.

The minister talked about real improvements in Scottish education. I touched on that when I spoke to my amendment 8 on breakfast clubs. The real improvements will come only through equality, and equality means universality. That is the crux of the matter. Unless we have universality, we will not have the uptake and we will not give those children who fall outwith all the means-tested systems the opportunity. Indeed, as I said earlier, many parents will not fill in the forms.

It is good that local authorities may be able to offer free fruit and milk, but that does not provide equality. I would like every child to have free fruit and milk right the way through primary school. Two years ago, the Big Lottery Fund gave money to some of the schools in my area to provide free fruit. At the beginning, the children struggled to enjoy the fruit, but by the time the funding ended they were enjoying it greatly. However, as soon as the funding ended we reverted to only the younger children getting the free fruit. I had a phone call from the chair of the school board in one of the schools, who said that the situation was ridiculous. The teachers had worked with the children to give them a taste for the fruit; the children had developed a taste for it, they were enjoying it and then it was withdrawn.

I do not know why all our children cannot have free milk and fruit. It would help our fruit growers and our dairy farmers. Over the past six years, one in four Scottish dairy farmers has gone out of business. Let us promote locally produced food, but providing all children with free milk and fruit would boost those industries as well.

I finish on the environment for school dinners and why many children decide to go to the unhealthy cafe or shop down the road and buy a pie or chips. In the school canteen, children often have to queue and the environment is not conducive to their wanting to be there. We should encourage clubs and activities around lunch time to make children stay in school. Universality

would, over time, encourage children to stay in school at lunch time. There needs to be a better environment and a better system in our school dinner halls, so that young people want to stay there rather than going into the community to litter the streets and eat rubbish.

12:34

Karen Whitefield (Airdrie and Shotts) (Lab):

As convener of the Communities Committee, I thank all those who helped the committee at stages 1 and 2 of the Schools (Health Promotion and Nutrition) (Scotland) Bill.

I begin by thanking those who gave evidence to the committee at stage 1. Our visits to schools were invaluable, because they enabled members to witness the range of good practice that exists throughout Scotland. In particular, I thank all the pupils who gave us their views on school food, both as it is and as they would like it to be.

It is nonsense to suggest, as Frances Curran did, that MSPs listen only to those who are willing to give them a free lunch or breakfast. The Communities Committee goes out of its way to ensure that the people who will be most affected by the legislation that it considers get every opportunity to have access to the committee. That is why I extend my special thanks to the pupils of Hurlford primary school, Drumchapel high school and the Janet Courtney halls of residence, who played their part by allowing us to visit them and engaging with us so that we understood things from their perspective. I was particularly impressed by Hurlford primary school, which uses fresh, local produce to an extent to which other schools should aspire.

I thank the staff of the @Home Centre in Airdrie and the pupils of Rosehall and Caldervale high schools for their evidence to the committee. It is worth noting that, when we took evidence in Airdrie, many high schools from throughout Lanarkshire were represented. That is an example of the Parliament's going out into the community and taking its work to people rather than their having to come to us. I also thank all the local authorities and other organisations that responded to the committee's call for written evidence. Frances Curran said that we did not want to listen to those people, but that is not true. The fact that we do not always agree with people does not mean that we do not listen to them and take their views into account.

Mr Stone: Does the member agree that, in Airdrie, we heard from school pupils evidence that contradicts the point that Frances Curran made?

Karen Whitefield: Indeed we did, but I am afraid that if one does not listen to everybody and

agree with Ms Curran, one's views do not count. *[Interruption.]*

Finally, I thank the clerks to the committee. Steve Farrell and his team helped to ensure that the committee's work, both in the Parliament and during our external visits, was done efficiently.

Dave Petrie's comments were helpful. He is right to suggest that the bill cannot be implemented in isolation. It is important that pupils get active. However, I do not agree with his point that there are insufficient resources. His experience in teaching is different from my experience in North Lanarkshire, where we have several new primary and secondary schools and resources that teachers tell me they have never seen before.

We heard much from the SNP today. Fiona Hyslop said that everything will be fine after 3 May. She said that there is a capacity problem at present but there will not be one after 3 May. I am not sure what will change at that point. *[Interruption.]* We also heard that it is important that we do something about the matter right now. The debate should not be about political posturing. The bill is not about the universal provision of free school meals. It is about improving nutritional standards in schools, which will make a real difference to the health of Scotland as a nation.

The Deputy Presiding Officer: Members must not call to each other across the well of the chamber and disturb the speeches.

12:39

Mrs Nanette Milne (North East Scotland) (Con): I hope that the Schools (Health Promotion and Nutrition) (Scotland) Bill will underpin the drive to improve Scotland's health by promoting healthy lifestyles from an early age. Habits that are acquired in early childhood are carried through into adult life. By taking forward the health-promoting schools concept that the World Health Organization has championed since the 1990s, the bill should help in the battle against obesity, which is increasingly crippling even young adults in Scotland with complications such as type 2 diabetes and its consequences.

By requiring all education authorities, schools, nurseries and grant-aided schools to be health promoting; by providing for the introduction by regulation of minimum nutrition standards in schools; by allowing education authorities, if they so wish, to provide free food and drink other than lunch; and by promoting an increased uptake of school meals, the bill will put healthy living at the heart of education from an early age and will help to instil in pupils the healthy lifestyle habits that should benefit them throughout their lives.

The Scottish Conservatives are not in favour of the state taking over our lives. As far as we are concerned, personal responsibility is the key to healthy living, and there can be a fine line between legislation of the sort that is proposed in the bill and nanny-state intervention. However, such is the current state of our nation's health that the provisions of the bill are an acceptable means of tackling the public health hurdles that we have to overcome. As Dave Petrie said, we do not see the universal availability of free school meals as either necessary or the best use of public money. Nevertheless, we acknowledge the need to ensure the anonymity of pupils who receive free school meals—an issue that Elaine Smith highlighted—so that they are not stigmatised.

We think that more children should be encouraged to eat meals in school. Apart from the good nutritional value of school meals, if children have the time to enjoy their meal times as an opportunity to relax and interact with their peers, that will benefit their social development alongside the academic development that they achieve in class. I have seen the hungry for success programme in action in schools across the north-east. Although some of the school cooks to whom I have spoken think that it is overprescriptive, it seems to be encouraging pupils to eat more healthily while they are in school.

There needs, however, to be real engagement with parents, too. In an age when fast food is becoming the norm, we should try to involve parents as much as possible in the promotion and provision of healthy food to their children. As the minister has said, it is hoped that children will increasingly demand healthy food from their parents. My grandchildren seem to thrive on olives, raw spinach and various things that I had probably never heard of when I was a child. However, there seems little point in schools giving pupils healthy food and promoting the benefits of a healthy lifestyle if they go home and stuff themselves with junk food and spend their leisure time in front of the television instead of taking physical activity.

As Dave Petrie said, we believe that more investment needs to be made in physical education teachers and that more time should be made available in schools for physical activity. We also support the promotion of extracurricular sporting activity, which not only helps physical development but encourages social interaction and team play.

We welcome John Home Robertson's amendments to encourage, under guidance, the use of local produce in the preparation of food for schoolchildren, and I am delighted that the whole Parliament accepted them. Not only will they help to ensure that the benefits of fresh produce are

enjoyed by our children but they will benefit the environment and local food producers.

We are happy to support the bill and will vote for it at decision time. Its provisions, on their own, will not solve the nation's health problems, but it is a step in the right direction.

12:43

Christine Grahame (South of Scotland) (SNP): I have already quoted the figure provided by Save the Children that 240,000 children in Scotland live in poverty. The 11th hour proposal by the current First Minister to extend eligibility for free school meals to children in families that are receiving the maximum working tax credit will, by his own admission, lift only 100,000 children out of that trap. That will leave 140,000 children—more than 50 per cent—still in poverty and not eligible for free school meals.

Furthermore, a briefing that I received from Capability Scotland addresses the specific issue of families in which there are people with a disability. Seventy per cent of those families rely on benefits, but they are not the benefits that qualify the children for free school meals. If I can put down a marker for Parliament in the next session, I think that the Education Committee, the Health Committee or the Communities Committee should investigate that specific pocket of people who are being deprived.

I will speak to five issues. The first is the need to ensure that children have at least one decent meal a day. That is a basic right. We all know what it is to have at least one decent meal a day. Extending the eligibility criteria for free school meals is crucial, and the SNP's amendments would have done that. Widening the criteria so that there was universal access to free school meals in primary 1 to primary 3 would have let us test out what difference universal provision made not just to the physical well-being of children, but to their social and mental well-being. The Scottish National Party will be happy to discuss the matter with COSLA when we are in power, as COSLA has said that it wants the criteria to be extended.

The second issue is the quality of the food that is provided. It is essential that meals are of good quality if we are to encourage children to take up provision. Attention should also be given to the size of the portions. It is not appropriate for primary 1 children and primary 7 children to receive the same portions of food, which is what happens in some of our schools. In addition, bad eating habits among our children mean that type 2 diabetes is now rampant, and the number of such diabetics is set to explode. That will have permanent health consequences for those who are affected.

Thirdly, in so far as is practicable, school food should be prepared in-house and eating should become a social experience. We need to consider that issue when we are building schools, given the concerns that have been raised about schools that are built by public-private partnerships and under the private finance initiative. In one of the Communities Committee's evidence sessions on the bill, a representative of the Educational Institute of Scotland said that contracts are so tight that schools cannot even move a socket. What are the prospects of developing the size of the school kitchen if the contract does not allow food to be cooked on the school premises? That issue needs to be considered.

Fourthly, the use of local produce is key. Having chased this issue for years, I am glad that the minister has recognised that by agreeing to review and reissue the guidance to education authorities. Some authorities seem to be terrified of the European Union and do not realise that they can comply with the rules while using issues such as social inclusion to develop contracts that mean that produce is bought from local people.

Fifthly, we need to recognise that, if we want to encourage children to take up the free provision to which they are entitled, we must not only address the quality of the food, the size of the portions and the wider social experience but tackle the issues of identification. The SNP shares the concerns that Patrick Harvie raised about developments in technology. In particular, we are concerned that it seems—from what we have heard today—that consent from a parent or guardian is not always obtained. I cannot see why the minister did not issue a code of conduct to ensure standard practice across Scotland. That is absolutely basic.

I was delighted by Donald Gorrie's speech. I am not usually delighted by his speeches—I will get a set of all his speeches for when I have a sleepless night—but today he gave us a delightful journey through Donald Gorrie logic. If it is right to have universal provision of breakfasts, snacks and milk, what makes the provision of lunch different? The answer is Greenwich mean time. I also hope that some head teacher challenges that provision in the bill by having lunch start at 11 o'clock.

It is a further testimony to the Toryisation of new Labour and its Liberal Democrat partners in crime—who take credit for the good things and take the blame for nothing—that they voted down our amendments, which would have brought our poorest and most vulnerable children into the ambit of free school meals provision. The Executive's end-of-term report card—I know that the Tories keep such report cards hidden—will show "failed" next to the 240,000 Scottish children who live in poverty but who do not get free school meals.

12:47

The Deputy Minister for Education and Young People (Robert Brown): The Schools (Health Promotion and Nutrition) (Scotland) Bill is the last bill on education in the current parliamentary session. It is fair to say that our desire as a Parliament to focus on the nurture, welfare and education of young people has rightly been central to much of our legislative, administrative and funding effort over the past eight years.

I thank the Communities Committee and those who gave evidence on the bill. I also thank our bill team for its support during the bill's passage through Parliament. I concentrated mainly on the Protection of Vulnerable Groups (Scotland) Bill during that period, so the bulk of the bill has been taken through the Parliament by the Minister for Education and Young People.

Much of the debate on the bill has been focused on, and dominated by, the issue of free school meals. It was right that we had that important debate, but Parliament has not been persuaded by the principle of universal provision of free school meals. Even the SNP has not been persuaded by that. In some ways, the debate on that issue has been a diversion from the vital issues that the bill deals with. I suggest to the SNP that the extent of its outrage on such matters ought to be in a rather more direct relationship to the prescience and consistency of its previous policies. Hugh Henry made that point in the excellent speech that he made earlier.

On the business of local authority flexibility, a very interesting response from Tricia Marwick earlier confirmed that such local flexibility would be paid for centrally under the SNP's proposals for local government funding. That is a bizarre method of local flexibility, given that the flexibility would be dependent directly on central Government and against the background of a cap on funding.

Tricia Marwick: Does the minister not find it most bizarre that although the Executive is prepared to give flexibility with regard to the provision of free breakfasts, free fruit and free snacks, it is simply not prepared to give any flexibility with regard to school meals?

Robert Brown: There are two points to make about that. First, if local flexibility is paid for centrally, we will not be able to keep control of the budget. Secondly, decisions have to be made about the best use of public funding. If it were ever to form a Government, the SNP would very soon find out that the cost of extending universal free school meals provision is, depending on the take-up, estimated at between £99 million and £182 million a year. However we look at it, we are

talking about a lot of money, and we have to weigh up the value of spending that money on free school meal provision rather than on other measures. In any case, no one can argue about the direction of travel that is being taken.

The debate on free school meals has not really focused on some of the key underlying issues, one of which is take-up—although in fairness to Christine Grahame I should point out that she touched on the issue in her closing speech. No matter whether we are debating the merits of free school meal provision or the issue of stigma—and I think that, with the measures in the bill, we have certainly tried to go further in finding ways of avoiding stigma—the point is that we still need to encourage young people to take up school meals, free or not.

That brings us back to the wider purposes of the bill, which, after all, is not just about nutrition, important though that is to a healthy lifestyle. Some interesting points were made in that respect during the debate. For example, Fiona Hyslop was right to suggest that we need to improve young people's understanding of where food actually comes from, and that important point was echoed by Patrick Harvie. Dave Petrie talked about lunchtime activities at school, and that matter, which has been mentioned before, is certainly linked to take-up of school meals. Although many schools provide many good lunchtime activities, I agree that there needs to be more focus on that aspect.

In one of the best speeches in the debate, Nanette Milne rightly highlighted the balance between family and state responsibility; the importance of home life; and the need to link what happens at school with what happens in the home. Of course, that raises the question of the extent to which schools and local authorities should assume parental responsibilities. Many parents already give their children a healthy breakfast before they head off to school, and many young people prefer to make their own breakfast at home rather than receive it at school. We should give that point a bit more prominence than it has been given in the debate.

The bill amends the Standards in Scotland's Schools etc Act 2000 to place a duty on education authorities to set out strategies for health-promoting schools. Besides promoting healthy eating, such schools, which have been widely praised and are seen as the way forward on this matter, must address pupils' physical, mental and social well-being. I realise that the terms sound trite, but such an approach will help to produce confident and healthy individuals who are able to develop their full potential and maximise the benefits from the investment that has been made in education. Improving Scotland's health is very

closely linked—indeed, is fundamental—not only to the happiness and prosperity of families and communities throughout Scotland but to the education system’s success.

Elaine Smith: As I asked Patrick Harvie when he kindly accepted my intervention, would health promotion in our schools include the promotion of breastfeeding as the best start for babies? After all, young children need to understand the benefits of that kind of nutrition.

Robert Brown: I bow to Elaine Smith’s expertise and good work in that area. As I was about to point out, we need to take a holistic approach to such matters.

The concept of health-promoting schools, the drive provided by hungry for success and the Executive’s measured and practical approach to this matter have all laid a solid foundation on which the proposed legislation can build. In many schools, it will be entirely right to provide children with breakfast, snacks and fruit, and the provision of water in schools has been very successful already.

However, the essence of our approach is to bring about lifelong improvements in diet, exercise and lifestyle that will lead to better choices outside the school environment—at home, at college or university or at work. Parents and families are central to that work; indeed, as Jamie Stone pointed out, the innovations made possible by the Scottish Schools (Parental Involvement) Act 2006 might help in that regard.

This bill is good, and, notwithstanding the debate on school meals, will command fairly universal support. I commend its principles to Parliament and ask members to support the motion that the bill be passed.

12:55

Meeting suspended until 14:30.

14:30

On resuming—

Point of Order

Mr Jamie McGrigor (Highlands and Islands) (Con): On a point of order, Presiding Officer. The Inshore Fishing (Prohibited Methods of Fishing) (Firth of Lorn) Order 2007 (SSI 2007/186) was laid before the Scottish Parliament on 7 March 2007. Article 1, “Citation and commencement”, states:

“This Order ... shall come into force on 12 March 2007.”

That clearly breaches the 21-day rule that an order shall not commence until 21 days after it is laid. I have been informed that the Executive intends to replace this incompetent order with another correcting the date from 12 March to 29 March. At this stage, however, the order will clearly still breach the 21-day rule.

Although I appreciate that the order is a negative instrument, and the 21-day rule is sometimes breached on exceptional grounds of necessity or in order to fit in with United Kingdom laws, no such necessity or urgency exists in this case, especially as the research that the order seeks to protect has already been going on for months. The only necessity or urgency seems to be that the Executive wishes to get the order through before the Parliament dissolves. What is the point in having a 21-day rule to allow time to inform the public of a change in the law if it can be breached for no good reason?

The Presiding Officer (Mr George Reid): I thank Mr McGrigor for giving me advance notice of his point of order.

I understand from the Minister for Parliamentary Business that the error to which Mr McGrigor refers is an administrative one and that the Executive now intends to revoke the current order and lay a new one within the next few days. It is also intended that the new order will come into force on 29 March, which, on the face of it, will also breach the 21-day rule. In these circumstances, instruments include a letter to me setting out the reasons for the proposed breach. The reasons will be considered by the Subordinate Legislation Committee, which will then report its views to the relevant lead committee, which, in this case, is the Environment and Rural Development Committee.

I trust that that explains the position, Mr McGrigor, but if you have any concerns you can lodge a motion to annul the order, which will then be considered by the lead committee.

The Minister for Parliamentary Business (Ms Margaret Curran): I will speak briefly, Presiding Officer, because you have explained the situation.

I can inform the chamber that we intend to revoke the order and relay it tomorrow, if that is appropriate. However, I would like to offer Mr McGrigor our apologies for this administrative error. We take these matters very seriously. We would not breach the 21-day rule lightly and for no good reason. There are procedures to force us to give good reasons and due explanation for a breach. I am happy to commit to informing Jamie McGrigor of all the implications of the situation if he wishes to have further discussion. Again, I apologise to the chamber for this error.

Edinburgh Airport Rail Link Bill Committee (Second and Third Reports 2007)

14:33

The Presiding Officer (Mr George Reid): The next item of business is consideration of motion S2M-5683, in the name of Scott Barrie, on the Edinburgh Airport Rail Link Bill Committee's second report of 2007, on appropriate assessment of the Firth of Forth special protection area, and motion S2M-5684, in the name of Scott Barrie, on the Edinburgh Airport Rail Link Bill Committee's third report of 2007, on the Edinburgh Airport Rail Link Bill and European protected species.

Motions moved,

That the Parliament notes the 2nd Report, 2007 (Session 2) of the Edinburgh Airport Rail Link Bill Committee, *Appropriate Assessment Report on the Firth of Forth Special Protection Area* (SP Paper 736), and agrees that the construction of the project proposed in the Bill will not adversely affect the integrity of the Firth of Forth Special Protection Area.

That the Parliament notes the 3rd Report, 2007 of the Edinburgh Airport Rail Link Bill Committee, *Report on the Edinburgh Airport Rail Link Bill and European Protected Species* (SP Paper 737), and agrees that the construction of the Edinburgh Airport Rail Link project should not impact on the favourable conservation status of otters.—[*Scott Barrie.*]

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

Edinburgh Airport Rail Link Bill: Final Stage

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-5685, in the name of Scott Barrie, that the Parliament agrees that the Edinburgh Airport Rail Link Bill be passed.

14:34

Scott Barrie (Dunfermline West) (Lab): The Edinburgh Airport Rail Link Bill was introduced on 16 March 2006. It seeks powers to provide the promoter, Transport Initiatives Edinburgh Ltd, with statutory authority to build a new railway station at Edinburgh airport, and to construct 16km of new railways to connect said station to the national railway network, with connections at Winchburgh, Dalmeny, Gogar and Roddinglaw.

The bill has far more aims than just that of connecting Edinburgh with its airport. Its full aims are to stimulate economic growth, not only in the Edinburgh city region but throughout Scotland; to assist with the delivery of social inclusion to Scottish towns and cities by providing them with direct access to the airport; to assist with further growth of Scottish tourism through the provision of such direct access; to offer a sustainable public transport alternative for accessing Edinburgh airport, which will reduce congestion and provide environmental benefits; to assist with the provision of a sustainable basis for growth at the airport; and to facilitate a public transport interchange hub at the airport.

One of the major difficulties that the Edinburgh Airport Rail Link Bill Committee has experienced throughout its consideration of the bill has been the existence of a fundamental misconception that the bill's sole purpose is to provide for the construction of a railway link from Edinburgh airport to Edinburgh. It will do that, but it will also do a whole lot more.

Pauline McNeill (Glasgow Kelvin) (Lab): The member says that the bill will do a lot more than just provide for the building of a rail link to the airport, but has the committee fully considered the implications of the proposal, especially for the Glasgow to Edinburgh line and the three minutes that it might add on to that journey? Does he agree that it is important that, before the project proceeds, it is established that there will be no detriment to existing services and that such issues have been properly resolved so that all commuters can be satisfied that the provision of an essential service to Edinburgh's airport will not affect the continuation of their journeys as before?

Scott Barrie: The committee examined fully the effect that the proposal might have on services in the central belt and further afield. We put Pauline McNeill's point to Network Rail. The RailSys summary showed that EARL would not disadvantage the running of services between Edinburgh and Glasgow every 15 minutes. It might also be useful to draw the Parliament's attention to the fact that the grade-separated junction at Roddinglaw was designed deliberately to enable Glasgow to Edinburgh trains to operate, as well as to facilitate the new Airdrie to Bathgate services. I hope that that reassures the member.

Once it is operational, EARL will enable Edinburgh airport to be accessed directly from 62 stations across Scotland. Passengers will be able to jump on a train at Carnoustie, Croy or perhaps even Tweedbank and hop off at the airport, without having to change at Waverley or Haymarket. Journeys to the airport will be speeded up and congestion on our roads will be reduced. It was because of that high level of connectivity that the committee rejected the vastly inferior option of a station at Turnhouse or Gogar, both of which are on the east coast main line. Passengers would have had to get off a train and get on a bus that would have travelled around the airport before they got to the terminal. Those inferior options would have been time consuming and off-putting and would not have provided the modal shift for which the present scheme caters.

The building of an airport station offers more than just better links to the airport. It will provide a public transport interchange at the airport: train to train; train to bus; and train to tram. It will allow for far greater east to west and west to east train connectivity because no extra time will have to be spent changing at Haymarket. All in all, it provides an opportunity to create a modern transport interchange, which will be crucial to addressing the predicted growth in car usage over the next 20 years.

EARL will provide such an interchange; the other options would not. By 2026, it is predicted that EARL will have prevented 1.7 million car journeys and will have reduced the number of people accessing the airport by car or taxi from 78 to 56 per cent of airport users. The inferior train/bus interchanges at Turnhouse or Gogar would never achieve those results.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): In the evidence that he gave on behalf of Network Rail, Ron McAulay said that, if the EARL project is constructed,

"that will have an adverse impact and ... we will need to recast the timetable."—[*Official Report, Edinburgh Airport Rail Link Bill Committee*, 19 December 2006; c 326.]

Can Scott Barrie confirm that that is the case?

Scott Barrie: I think that I addressed that point, in part, in the response that I gave to Pauline McNeill. Although some journeys that are diverted via the airport may take a few minutes longer, the advantage is that people will have a direct connection to the airport.

I want to put on record my thanks to the promoter and the objectors for the conciliatory and professional manner in which they conducted themselves. The bill attracted 48 objectors, of which 18 remained by the time the committee reported at consideration stage. Many of the withdrawals were secured not only as a result of the transparent and inclusive way in which the promoter worked with the people affected by the bill's provisions to resolve their concerns, but through the hard work of the objectors to identify possible remedies and to work with the promoter to achieve them.

Margaret Smith (Edinburgh West) (LD): Some concerns remain. The committee has said that there should be a code of construction practice and local construction codes. Will the member give us more detail on how those will be enforced and who will enforce them?

Scott Barrie: The committee was satisfied by the fact that the requirement for a code of construction practice is incorporated in the bill. We will thus be able to ensure that the promoter has a timetable to work with; we hope that it will be able to work with the people affected along the route. I will return to that specific point later.

The committee was impressed by the effort objectors put into preparing their cases; we believe that the bill has been improved by their hard work. The approach taken by both promoter and objectors is a template of good practice in private bills, which I commend to future participants—promoters or objectors. I would particularly like to thank Professor Hugh Begg, the assessor for the committee, for all his hard work. His forensic approach to the scrutiny of written and oral evidence is to be commended. His report to the committee was clear, detailed and of an extremely high quality. It greatly assisted us in reaching our final views on our consideration stage report. The assessor process was of considerable benefit to the whole committee.

In its preliminary stage report, the committee agreed to seek further evidence on a number of issues, including whether EARL would be subject to premium fares, and clarification on the detail of the funding of the project. I will update Parliament on both those issues. At the preliminary stage, the committee heard conflicting evidence about whether premium fares would be charged. Unfortunately, further evidence from Transport Scotland and the Minister for Transport provided us with little more clarity. Although Transport

Scotland noted that social inclusion is one of the national transport strategy's principal objectives, the committee remains concerned that a premium fares policy has not been totally ruled out. Any premium fares policy will reduce dramatically the benefits that EARL can deliver, will limit the socially excluded from accessing jobs at the airport and could prevent Edinburgh airport from being used as a transport interchange. The committee believes that a premium fares policy for EARL would be divisive, given that the cheaper option of buses and, particularly, trams is not available to passengers outwith Edinburgh. On behalf of the committee, I would welcome confirmation by the minister that premium fares will not be levied on EARL services.

At the preliminary stage, the committee expressed concern that the Minister for Transport and Transport Scotland could not provide the detail of the sources of funding for the EARL scheme. I can now report to Parliament that the information provided at consideration stage is sufficient to meet the requirements of standing orders. The minister confirmed that the EARL project would be funded in its entirety, with the majority of funding coming from Transport Scotland. Other contributions include up to £13 million from Edinburgh Airport Ltd to construct the pedestrian link and transport interchange, as well as changes to the south-west pier. The committee was assured that savings in the region of £42 million to £52 million have been secured by leasing land from Edinburgh Airport Ltd; in addition, risk reduction has arisen from EARL's involvement in the project and, in particular, the construction of the tunnel.

I am sure that Parliament will be pleased and relieved to learn that the committee has no concerns about the effect of the scheme on local wildlife. Otters, bats and great crested newts—should any appear—can sleep easy, as their interests under European and United Kingdom law have been fully protected. Likewise, the noise and vibration policy will ensure that those living next to the workings and the operation of the railways will be properly protected from undue noise and disturbance.

I thank my fellow committee members for their hard work, diligence and good humour throughout our work on the bill and for putting up with me during our meetings. I am sure that we all learned something during the progress of the bill—and not just about trains. Some members, such as Charlie Gordon, came with a good deal of prior knowledge but, for the rest of us, learning about railway construction and operation was more of a learning curve. I am sure that that knowledge will live with us for some time—perhaps we are all better people for it.

I also thank those who provided us with written or oral evidence, and I express my personal thanks to the private bills unit and David Cullum, Carol Mitchell and James Burton for their hard work. In particular, I thank our clerk, Jane Sutherland. I certainly could not have got here without her hard work and perseverance. It was a pleasure to work with her and I am exceedingly grateful for all her help and assistance.

I believe that the bill will bring many benefits to Scotland and represents the vital long-term investment that we should make in public transport to address the future impact of congestion on Scotland's economy and environment. I am deeply sorry that the bill does not command unanimous parliamentary support. I am sorry that some members cannot see EARL's potential to contribute significantly to Scotland's long-term benefit. It is up to them to justify their position, not only in the chamber today, but to the travelling public of Scotland.

I move,

That the Parliament agrees that the Edinburgh Airport Rail Link Bill be passed.

14:45

The Minister for Transport (Tavish Scott): I thank the Edinburgh Airport Rail Link Bill Committee and its convener, Scott Barrie, for their work on the bill. I pay tribute to the committee clerks, the promoter, the advisers and my team for the progress that they made in bringing the bill to its final stage today.

The construction of a direct rail link to Edinburgh airport from throughout Scotland is a key commitment in the partnership agreement. The Government whole-heartedly supports the motion and we will deliver this exciting project for Scotland as we grow our economy.

Public transport has suffered years of neglect, but our record of investment in it is strong. The Larkhall to Milngavie line carried 325,000 people in its first year; the Stirling-Alloa-Kincardine line will open in the summer; and substantial work on the Waverley station upgrade is under way. Other projects include the Borders railway, the Airdrie to Bathgate line, the Edinburgh tram project and the Glasgow airport rail link. All those have completed their parliamentary process or will have completed it by the end of March.

As Scott Barrie said, the benefits of the Edinburgh airport rail link are clear. The project has a benefit to cost ratio of 2.16:1, so for every £1 that is invested we will get back more than £2. That will amount to £1.35 billion over 60 years. The airport will be linked to 14 local authority areas with a total population of 3.2 million people, which is 64 per cent of Scotland's population.

Some 62 stations throughout the network will be directly linked to Edinburgh airport.

Pauline McNeill: I put to the minister the same point that I put to Scott Barrie. Before I vote on the bill this evening, I would like an assurance from the minister that he, too, has pressed the promoter, Network Rail, and others to confirm that there will not be an adverse effect on other west coast lines. Is the minister confident that any such effects can be resolved?

Tavish Scott: We considered the matter closely and we do not envisage that there will be anything other than a very minimal impact in relation to the Glasgow airport rail link. I am sure that Pauline McNeill was hinting at that. It is important to note that Glasgow and Edinburgh airports serve different markets and have different routes. In many cases, they complement each other rather than being in competition. I hope that the assurances in respect of both the aviation market and the rail industry are understood. They were clearly laid out in the evidence to the committee.

The Edinburgh airport rail link will remove 1.7 million car trips from the roads, which will help to tackle the environmental and economic impacts of congestion. Scottish businesses that compete in global markets, such as those in tourism, financial services, biosciences and life sciences will find that there is easier access into and out of Scotland. EARL will make Scotland a more attractive place to visit and do business.

To oppose, prevaricate or dither is not an option. The Government will not do that. We will act and deliver. The project's importance has been recognised by many, but I will quote just three. The chief executive of the Inverness chamber of commerce said that he sees

"benefit coming to the North of Scotland from the EARL project. EARL should improve the competitiveness of businesses in the North".

BAA's Edinburgh airport manager said:

"It is an exciting and ambitious project and we look forward to continuing our work with TIE and Transport Scotland to help take the plans forward."

David Parker, the independent leader of Scottish Borders Council, said that the Borders rail link

"will connect us with the rest of Scotland and Edinburgh's international airport".

The number of passengers who use Edinburgh airport is predicted to grow from 8 million in 2004 to 23 million or more by 2030. That estimate might be optimistic, but the airport will undoubtedly grow, so we need a genuine public transport alternative to the car. This rail link is the only rail option for the airport that represents value for money and meets our transport objectives of promoting economic growth and social inclusion and creating

sustainable transport alternatives. The other options that were evaluated did not have the same benefits as the current proposal. They increased the journey times, fewer people would have used those options, and leaving the car at home or in the office car park would have been less attractive.

As the committee's convener rightly said, the EARL project will create an important transport interchange at the airport, and people will be able to transfer between air, rail, tram and bus for their onward journeys. The easier it is to move between different forms of transport, the more that will happen. It will also mean quicker journey times between Fife and Glasgow, as it will avoid the need to change at Haymarket.

The rolling stock—in which members have shown an interest—is available to meet our requirements. Companies that make trains have the production capacity to meet our needs. The rolling stock programme—which is not about just this project, but spans the whole rail network—will meet the internal cabin layout needs of the new trains that will serve the airport. That is a point that the committee focused on extensively. The new trains will have luggage space, will be easier to access and will deliver on the timetable aspirations to which Pauline McNeill referred.

Brian Adam (Aberdeen North) (SNP): As the minister is now expressing confidence about the capacity of the industry to deliver the new rolling stock, can he tell us precisely what the additional costs of the rolling stock—which are not included in the figures that we have been given so far—will be?

Tavish Scott: I cannot give Mr Adam that answer today, as we have only just entered the rolling stock procurement programme—as I have said repeatedly in written answers to parliamentary questions and in the chamber at question time. He will know from the answers that I gave earlier that the procurement exercise is under way and will be formally resolved early next year, when we will lay out exactly what is to happen. Of course, Parliament will be fully involved in that process.

The projected outturn cost of the Edinburgh airport rail link is £497 million at 2004 prices, and the projected outturn will be in the range of £550 million to £650 million, depending on inflation. The current anticipated cost is £610 million. There has been no real-terms price increase in the cost of the project. We will deliver to budget, and the budget is dependent on a robust business case now and at every stage in the future. For the avoidance of doubt, I make it clear that the form of contract will be completely different from that which was used for the Holyrood project—I thought that members would want that firmly on the record. A rigorous process of change control is

in place, and there will not be the same outcome. As the committee's convener said, the Government will fund the major part of the project; however, important contributions will be made by Edinburgh Airport Ltd, a crucial partner in the project, and through trans-European network funding from the European Union.

Airport rail links are vital to any European city and any country that must compete. The list is long: London, Paris, Barcelona, Oslo, Stockholm, Copenhagen and, soon, Dublin. Edinburgh is no different. The Opposition can talk down Scotland, our engineers, our capital and our ability to get things done—that is for them; it is not for this Government. Today, Parliament can proclaim its confidence in the future of rail or it can be negative, insipid and defeatist. This Government wants Scotland to compete, and I urge Parliament to vote for the Edinburgh Airport Rail Link Bill, for better public transport in Scotland and for a successful Scotland.

14:53

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I will set out the SNP's position on EARL—I hope not in an insipid way. We offer a clear alternative to what all the other parties offer on the issue. We do not believe that the proposed project represents the best value for the taxpayers' money that we are entrusted to invest on their behalf.

The minister said that the cost is estimated at £610 million. He did not say that that was the estimate in 2005. That estimate is already two years out of date. It is fair to say that there are few commentators who expect the project to be delivered for less than £1,000 million.

Tavish Scott: He is making it up.

Fergus Ewing: It is the SNP's view—despite the minister's habitual running commentary, which we enjoy during these debates—that the money can be better spent on other projects. For example, we urgently require to improve our rail and road systems. Just the other week, the Local Government and Transport Committee heard evidence from local authority roads engineers that the tally just to bring our roads up to standard is a cool £2,000 million and rising.

From the excellent work that was carried out for the recently published route utilisation strategy, we know that Network Rail is proposing a series of changes that will benefit not simply an airport but all rail users in Scotland. Network Rail has identified gaps in the network around Scotland. We believe that our duty to invest the public's money wisely would be best discharged by addressing the needs that have been identified in Network Rail's route utilisation strategy.

We also need to tackle the second problem, which is the capacity of the rail network in the central belt—

Tavish Scott: Will the member give way?

Fergus Ewing: In a moment.

At present, our rail network is running at or near capacity. The SNP's view is that we must invest to increase that capacity. Otherwise, we will see gridlock early in the next decade, with no more room on trains and no more routes.

Tavish Scott: Does Mr Ewing believe that Network Rail is wrong to have made the Edinburgh airport rail link part of its route utilisation strategy?

Fergus Ewing: We do not believe that EARL is a pivotal part of Network Rail's route utilisation strategy. A more important part of the strategy is to reduce journey times between, for example, Inverness and the central belt by around 30 minutes. In discussions with Network Rail, the SNP believes that we can go further than that by cutting the journey time for that key route by around 45 minutes. I am quite sure that the Inverness chamber of commerce will welcome that SNP policy.

We desperately need to bring our roads up to standard—

Bristow Muldoon (Livingston) (Lab): Will the member take an intervention?

Fergus Ewing: I will finish this point, if I may.

We need to effect major improvements to our road network throughout Scotland. Plainly, it is not possible to make all improvements overnight, but I have never suggested that.

Tavish Scott: Yes you have.

Fergus Ewing: The minister says, "Yes you have," but the record will show that we have clearly stated that the SNP recognises that long-term objectives must include, for example, the upgrading of the A9 and A96 to dual carriageway. We always welcome converts to the cause, no matter how late, so I was delighted to read in this morning's edition of *The Press and Journal*—an excellent organ that, as we all know, publishes only the unvarnished truth—that the First Minister now agrees with the Scottish National Party that the A96 requires major upgrading.

Politics is about making choices; government is about making hard choices. The SNP has made hard choices before the election. One of those hard choices is that, if we have the opportunity to form the next Government—if we are entrusted with that privilege by the people of Scotland at the next election—we will not proceed with the EARL

project but instead proceed with projects that will benefit the whole of Scotland.

There remain a number of flaws and unanswered questions about the EARL project. Network Rail said that EARL will have an adverse impact on its timetable. Scott Barrie said that EARL will add only a few extra minutes to people's journeys. If those who travel from Edinburgh to Inverkeithing work 48 weeks per year, they will spend 40 hours more in the train each year even though they may want to go to the airport only once or twice a year.

The rolling stock has not been included in the balance sheet. Perhaps that follows some of the curious accounting practices we learned about during the Holyrood project fiasco. They may have been okay for Sir Muir Russell, but they did not fool the public.

The benefits that it is said will derive from the scheme have been calculated over a period of 60 years. How many projects in the commercial world are judged on not making a proper return for up to 60 years? Few of us, if any, will be around to carry out the audit in 60 years' time.

I find the Conservatives' position rather curious. They support the project, but only if the costs are pegged and some kind of guarantee is sought. Well, they will wait as long for that guarantee as they will for a guarantee that there will be no rain in Fort William next year.

Lord James Douglas-Hamilton (Lothians) (Con): Does the member accept that if Scotland's capital is a great deal less competitive in communications than other European capitals, that will be to Scotland's disadvantage?

Fergus Ewing: I accept that point in principle. Indeed, the SNP has developed policies to tackle that very problem. For example, we will provide substantial opportunities for businesses by setting corporation tax at a lower rate than it is in England.

I will respond directly to Lord James Douglas-Hamilton's point. If the SNP earns the public's trust to form a Government in May, it will invite Network Rail to suggest alternative proposals for a surface rail link to Edinburgh airport. We made that clear in the previous debate on the bill. In fact, I have made that point consistently throughout the passage of the bill, and I am happy to repeat it again this afternoon.

As I said earlier, I am grateful to the minister for his constant stream of remarks and comments. They have been very helpful to the debate.

Tavish Scott: I am very glad about that.

Fergus Ewing: Does the SNP support EARL? The answer is: no, no and no. Instead, we will

invest the money for the good of the whole of Scotland.

15:01

David McLetchie (Edinburgh Pentlands) (Con): In the preliminary stage debate on the bill, I said that inadequate information on the project's funding and on alternative and more cost-effective methods of establishing a rail link to the airport had been provided to the Parliament, and I requested that the promoter and the Scottish Executive provide further information on those matters for the later stages of the bill. I make no apologies for doing that.

The Edinburgh Airport Rail Link Bill Committee also expressed frustration at the lack of funding information. It is only now, with a settlement of BAA's contribution to the project, that the picture has become clearer. I note from the consideration stage report that the value of that contribution is significantly lower than the £80 million that was being bandied about at one point. That suggests that BAA's negotiating strategy of branding EARL "desirable but not necessary" has, from its standpoint, achieved the desirable result of ensuring that its contribution has been slashed to a fairly token level, which has consequently increased the cost to the taxpayer.

As Mr Andy Kerr demonstrated only yesterday, it is amazing what largesse is available in the weeks and months leading up to the dissolution of a Parliament. As the Minister for Transport, Mr Scott, has confirmed, 99 per cent of EARL's costs will be borne by the Scottish Executive's budget. A very firm believer in the principle that money grows on trees, he has assured the committee and this Parliament not only that the Scottish Executive will fund almost the entire EARL project but that the money is in place for all the other major transport infrastructure projects that the Parliament has approved to date—not forgetting, of course, the Cabinet's recent commitment to a second crossing over the River Forth, which, as far as expenditure is concerned, will dwarf them all.

I remain highly sceptical about whether all of this can be achieved and whether having a rail link and a tramline to Edinburgh airport can be justified, given the excellent service that Lothian Buses already operates to the airport.

Iain Smith (North East Fife) (LD): Does the member accept that the major benefit of the rail link is that it will serve people who travel from elsewhere in Scotland, whereas the proposed tramline and the current bus service serve only people who travel from the centre of Edinburgh? At the moment, people have to get into the centre of Edinburgh to get back out to the airport.

David McLetchie: I entirely accept the member's point that the rail link will serve not only people who travel from the city centre, but I question whether we need a rail link and a tramline in addition to the current excellent bus service.

The duplication of services is one area where expenditure on the tram project, for example, could be pruned. However, given the spending commitments that have been made, I suspect that there will be other transport project casualties after Prime Minister Brown scraps the Barnett formula and finally decides in the interests of his re-election that the Scottish gravy train needs to hit the buffers.

At preliminary stage, I drew attention to the promoter's failure to consider fully more cost-effective options. In particular, I drew attention to the option of a station at Turnhouse, which in capital terms would cost barely a quarter of the projected cost of the tunnel option that is promoted in the bill. I said that the initial Scottish transport appraisal guidance assessment of the Turnhouse option was based on highly dubious assumptions about a lengthy, circuitous bus journey as opposed to a secure route within the perimeter of the airport. The minister told me that such a route was not possible and that BAA would not permit it. He challenged me to speak to BAA about the matter. I did. There is nothing from BAA that says it could not be done. That is hardly surprising, given that in every airport in the world buses operate within the perimeter to convey passengers from terminals to planes.

In fairness to the promoter, it revisited the figures for the Turnhouse option and made the revised calculations available to members of the Parliament's Local Government and Transport Committee, such as Mr Ewing and me. I acknowledge that, even on the revised calculations, the tunnel option represents a better overall outcome in terms of what it delivers, although the capital cost is far higher than the Turnhouse option.

Having raised such concerns at preliminary stage, we must now come to a final decision on the matter. I note that the main drivers of the project are connectivity and the linking of our airports to the national rail network, which is highly desirable for the development of a properly integrated transport system in Scotland. I am also conscious of the part that connectivity can play in encouraging air travellers to shift from cars to trains when they travel to airports.

I am somewhat disappointed by the attitude of the Greens, because they have often spoken in the Parliament about the need for an integrated transport policy, about the need to encourage modal shift and about climate change and the

growth in greenhouse gas emissions from aviation. All are perfectly valid concerns. Indeed, my party has just launched a consultation on the taxation of aviation that has attracted quite a deal of attention in the past few days. That demonstrates our willingness to tackle, in a responsible manner, issues relating to climate change. In my view, it is quite wrong to oppose the rail link to Edinburgh airport and to have passengers struggle along the M8 in their cars, rather than take the train. That is tantamount to saying that we will tackle climate change by increasing congestion, which would be a very perverse policy. We cannot turn the clock back. The Wright brothers did not get it wrong—what we need is a sensible and balanced approach.

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

David McLetchie: The member is too late—I am moving on to the SNP.

If I am disappointed with the Greens, I am not in the least surprised at the latest U-turn from the SNP. In the journey of its transport policy from Mr MacAskill to Mr Ewing, the SNP position has turned from enthusiastic support for EARL into a depressing negativity. That change reflects the fact that one spokesman represents Edinburgh and the Lothians and the other represents a Highland constituency. Let us make no mistake—the SNP policy on the rail link and trams is hostile to the interests of our capital city and its role as a driver of the Scottish economy. The SNP is an anti-Edinburgh party, and its transport policy speaks volumes about its parochialism and provincialism.

Fergus Ewing: Will the member give way?

David McLetchie: May I give way to Mr Ewing, Presiding Officer?

The Presiding Officer: Yes: it is an important point but you will have only one minute left after you have taken the intervention.

Fergus Ewing: David McLetchie knows that Kenny MacAskill has pointed out that, if the money for EARL were used for another purpose, it could replace every bus in Edinburgh and run the new buses for free for five years.

David McLetchie: With due respect, that is not what Mr MacAskill said when he was the SNP transport spokesman.

I have voiced many reservations about the project today and in the past, but this is make-your-mind-up time. On balance, I will vote for EARL because, in the last analysis, it is about the integration of our transport system, connectivity, tackling congestion and encouraging people to make sensible and sustainable transport decisions. I fear that there may not be sufficient

money in the pot to do everything the Parliament has approved to date, but I am satisfied that EARL is a higher priority than some other projects and deserves to be seen through to completion.

15:09

Bristow Muldoon (Livingston) (Lab): I congratulate the bill's promoter, TIE, and members of the Edinburgh Airport Rail Link Bill Committee, who gave up much of their time to scrutinise the detail of the bill.

As I said in the preliminary stage debate, Edinburgh and Glasgow airports are the main airports that serve the majority of the Scottish population, but they have no direct rail links, which puts them at a disadvantage in relation to many competitor airports in the UK and throughout Europe. David McLetchie was right to say that the absence of rail links puts pressure on the roads around airports and on the limited public transport options that are available. The absence of rail links increases congestion and has a negative impact on the tourists and businesspeople who travel to and from the airports.

The EARL project is ambitious but deliverable and it will bring benefits across a substantial swathe of Scotland. As the minister said, the project will have a positive benefit to cost ratio of 2.16 over 60 years. We should acknowledge that it will also have a positive BCR over the first 30 years of operation. The project will link Edinburgh airport not only with the city of Edinburgh but with every other major city in Scotland. Glasgow, Stirling, Dundee, Aberdeen and Inverness will all benefit from direct rail links to Edinburgh airport, as will 62 rail stations in Scotland. An intermodal transport hub at Edinburgh airport will also be established, which is important. People will be able to change between rail, bus, car, bicycle, tram or airline when the EARL project and tram project come to fruition.

Members mentioned the alternative routes for the rail link, which the promoter considered. I welcome the fact that David McLetchie took account of the information that members of the Local Government and Transport Committee were given, which indicated that the other options represented a less optimal solution than EARL and would have less connectivity, poorer patronage and a lower BCR.

Most members who have contributed to debates on transport have talked about the need for Scotland to improve its transport connectivity if we are to enhance the country's economic prospects, so it is sad that the Scottish National Party has withdrawn its support for EARL. Mr McLetchie was right to focus on the fact that the change in SNP transport spokesperson is a major factor in that

decision, but we should also note the SNP's abandonment of investment in our capital city.

The SNP's position is astonishing. We would expect any self-respecting nationalist party to want investment in transport infrastructure that would make the country's capital city fit to compete in the 21st century, but the SNP opposes not only EARL but the Edinburgh tram project, thus denying one of Scotland's key economic drivers a transport system of a quality that would enable the city to continue to have a growing and dynamic economy. The question that is emerging from the debate is not whether the SNP supports EARL but whether it supports Edinburgh. In Mr Ewing's words, the answer is no, no and no.

SNP members should be ashamed of themselves. It is clear that they have based their decision not on what is good for Scotland but on what they perceive to be good for the SNP. They have abandoned projects in Edinburgh, where historically the SNP has little support, so that they can run round Scotland promising to deliver other projects, in a cheap and cynical attempt to garner votes. The SNP's position on EARL shows the party at its cynical and opportunistic worst. It is no wonder that businesses are worried about the prospect of the SNP gaining power.

The minister said that the introduction of new rolling stock is under way. A procurement plan is expected to be completed by the end of the year, which will be followed by tendering and build. It is expected that the new rolling stock will be in place in time for the commencement of the service in 2011.

Scott Barrie mentioned pricing, which I agree is important. We must ensure that the route is affordable and that people are not priced off it. Full consideration will be given to the matter in the context of the next rail franchise, because the First ScotRail franchise runs until 2011—just before the Edinburgh airport rail link opens. It will be for the Parliament to resolve the matter in the next session.

Electrification of the Edinburgh to Glasgow route is being examined. I hope that, later in the year, when Transport Scotland has assessed the options, the Executive will consider backing electrification. The concerns that BAA raised have also been resolved satisfactorily.

It is just as well that Labour and Liberal members have ambition for our country, as that quality is sadly lacking among Scottish National Party members. The Edinburgh Airport Rail Link Bill should be supported, because it will have a positive benefit to cost ratio and will contribute to the development of a major intermodal transport hub at Edinburgh airport, the continued economic growth of Edinburgh and Scotland and the

alleviation of road congestion, thus providing environmental benefits, too. I therefore encourage members to show their support for the project, which is imaginative and forward looking. I assure the Parliament that Labour members will continue to give the project their full backing.

The Presiding Officer: We now move to the open debate, for which there are five potential speakers. If members keep their speeches closer to five minutes than to six, I will get everyone in.

15:15

Margaret Smith (Edinburgh West) (LD): As the member for Edinburgh West, which includes Edinburgh airport, I welcome the opportunity to speak in the debate. The Edinburgh airport rail link will put Edinburgh airport at the heart of the Scottish railway network and will give 64 per cent of Scotland's population a direct connection to the airport. The railway is for the whole of Scotland, not just for my constituents. The tourism and economic benefits will be for the whole of Scotland to grasp, from Aviemore to Glasgow.

Brian Adam: What benefit will there be to people in the north and north-east, who will have longer journey times as a consequence of the scheme?

Margaret Smith: The committee found that any delays will be marginal—no more than five minutes—and that delays are more likely to affect local journeys than longer ones. Frankly, if the member has to ask what possibilities the scheme has for his area, that tells us more about his lack of vision than about any lack of vision on the part of the Executive.

I thank Scott Barrie and the committee for their work on the bill. I was a member of the Waverley Railway (Scotland) Bill Committee, so I know that the private bill process can be challenging for members who do not have a civil engineering degree. The Edinburgh airport rail link is an important national project and a key part of the Executive's transport investment programme, which is the biggest such programme for a generation. The project is important for improving Edinburgh's competitiveness on the European and international stage, which is an integral part of the Executive's vision for the future of our capital city.

I welcome the comments that colleagues from various parties who represent Edinburgh and the Lothians have made, but it is particularly disappointing to hear what the SNP has to say. The SNP's 2003 manifesto made a commitment on the issue. Alex Salmond's leadership election manifesto called for a train link between all three central belt airports. Kenny MacAskill commented that the rail link was a major priority. However, the SNP has U-turned on the issue. Fergus Ewing

tells us that that is because of cost, but how did he think we were going to pay for it? Did he think we could use air miles? As usual, the SNP is trying to ride two horses at once. The surface-access option was shown not to deliver in relation to congestion, patronage, connectivity and a link to Edinburgh Park station. The proposed rail link offers estimated economic efficiency benefits of nearly £920 million over 30 years, improved employment, reduced congestion, the removal of 1.7 million car journeys, better air quality and, crucially, an interchange opportunity at the airport.

The project is good for Edinburgh, but it is also good for Scotland. It is good for tourism, the environment and business, which is why the Confederation of British Industry wants it—that may be why the SNP does not want it. Edinburgh airport is expanding whether we like it or not. I have queried passenger numbers and urged the Executive to keep the expansion of the airport under review. Passenger numbers will undoubtedly go up and people will continue to come to the airport, thereby causing congestion on what are, to my constituents, local roads. That is why we need to build the rail link.

The vast majority of my constituents will benefit from the project. They will benefit from better access to the rail network, from less congestion and from the economic benefits and jobs that the rail link will bring. However, the residents who will be most directly affected will not benefit. Many will have their quality of life affected by heavy goods vehicle construction traffic, the loss of views, land take and possibly even the loss of family businesses or farms. The promoter and the assessor have addressed some concerns, but concerns remain for constituents in Carlowrie, Almondhill, Freeland, Roddinglaw and elsewhere. I welcome the code of construction practice and the five local construction plans. I also welcome the fact that the promoter must consult local residents further and must get the local authority's approval before work can be undertaken. If I am in any position to assist those residents, I will undoubtedly do so.

I have raised several concerns with the promoter over the past few years, and a major one remains. It is to do with the Burnshot Road. I hope that the changes made to the road will allow the local authority to enforce a 50mph speed limit. I sought guidance on the point but was told that I was unable to lodge an amendment to the bill to require such a speed limit.

At preliminary stage, many colleagues expressed concerns about fares, rolling stock and funding. Many of those concerns were addressed in the consideration stage report and in the minister's remarks. I share the committee's view that premium fares should not be introduced on

the route, because such fares would be wholly counterproductive. At preliminary stage, I put it to the minister that it would be prudent to have the maximum possible involvement from BAA, because of its experience of delivering airport projects and because of its clear and direct interest. I am pleased that BAA has agreed a package of support that will result in its having a greater hands-on involvement in the part of the project that directly affects the airport. BAA's experience will greatly reduce the risk—although I have to say that I share David McLetchie's view that BAA is getting a bargain with this project.

I welcome the bill. The rail link will greatly benefit the Scottish economy and the travelling public, it will help to reduce congestion in west Edinburgh, and it will link Edinburgh airport with the rest of Scotland. The project is forward looking and ambitious. Perhaps that is why the SNP is against it.

15:21

Christine Grahame (South of Scotland) (SNP): My preliminary remarks are directed at the powers that be and my fellow committee members. We were a motley crew—Iain Smith, Charlie Gordon, Jamie McGrigor, the goodly chair Scott Barrie and me. One cannot get more motley than that.

I am thankful that the procedures for private bills are being reviewed. The procedures are wholly inadequate for committing to the building of a railway line and the spending of some £610 million and rising.

The motley crew were akin to castaways or housemates in a stuffy committee room but, considering our pedigrees, we got on reasonably well with what was a worthy but very technical exercise. I defer to Charlie Gordon's extensive and intimate knowledge of transport and, in particular, rolling stock.

It is important to remind everyone in the chamber that this is not an Edinburgh rail link. The link is badly named; the name is a misnomer, because the link is supposed to be for Scotland. Any comments that I make are made on that basis and on the basis that the link was sold as being a link to a transport hub.

Early on in our work, I had fundamental concerns—which, I can assure members, Fergus Ewing knew nothing about—to do with this particular rail link. I stress that when I refer to "this particular rail link", I am not talking about the principle of having a transport hub or the principle of having a link from Edinburgh to the airport; I am talking about this particular link, built in this particular way, with the particular engineering difficulties that it faces.

If I may say so, I find Mr McLetchie's Damascene conversion to the project rather unconvincing. I wonder whether it has anything to do with an election to the Edinburgh Pentlands seat looming on the horizon.

Let us consider the realities of this rail link. There are huge engineering difficulties—diverting the Gogar burn; diverting the River Almond; and constructing a tunnel, complete with interchanges, under a live, working runway, as opposed to constructing a surface link. There are other engineering problems that I do not think have been addressed. If we have longer trains, what do we do about extending the platforms at Glasgow Queen Street station to allow trains to pull in? Are we going take the line right up into Queen Street itself? There is no room to expand the station.

Timetabling is another issue. I recall the precious understatement of Network Rail when it was asked about timetabling: it said that timetabling would be “very challenging”. The length of some journeys will be increased. I am sorry that Margaret Smith is not in the chamber to hear this, but if we add up lots of five-minute delays such as the one that she mentioned, the compounded impact on the whole network timetable is substantial.

Bristow Muldoon rose—

Scott Barrie: Will the member give way?

Christine Grahame: I hope that this is not a technical question, because I do not want anything technical.

Scott Barrie: Does Christine Grahame accept that her slight red herring about all journey times being increased is offset by the fact that only every other journey from Glasgow and Fife to Edinburgh will go via the airport? Not every journey will be extended by five minutes.

Christine Grahame: I did not say “all”; I said “some”. The issues have not been resolved.

The minister says that he is busy buying rolling stock now and making his bid for it, but on only 19 December 2006, Ian Mylroi of Transport Scotland said:

“The perfect train that we would like does not exist today.”—[*Official Report, Edinburgh Airport Rail Link Bill Committee*, 19 December 2006; c 332.]

It is pretty good to have produced that suddenly in two and half months so that it can be ordered for leasing. I would like to hear details about that—where the stock will come from, when it will be delivered and so on—from the minister in his summing-up. That would be handy.

Scott Barrie referred fairly to ticket pricing, which has not been resolved. Will commuters be charged premium prices? Pricing was a big selling

point in relation to social inclusion. The Scottish Parliament information centre briefing says that the rail link is

“to assist in the delivery of social inclusion to Scottish towns”,

which it lists. By the way, that list includes no towns in the Scottish Borders, which were all forgotten about. It is not made plain that if a premium fare is charged, we can say goodbye to social inclusion—the link will be simply for Edinburgh and will benefit only Edinburgh and close surrounding areas, if I may paraphrase Karen Whitefield. It will not benefit the rest of Scotland.

I base all my comments on points that were made to the committee. Away from the quasi-judicial shackles, I can now compare the rail link's cost with that of other major transport projects, to which David McLetchie fairly referred, such as the Borders railway, other rail links, roads, the crucial Forth crossing and Edinburgh trams. People talk about our billion-pound gap, but I do not know where the Executive will obtain all the money for those projects.

Who on earth is carrying the insurance premiums for accidents and damage in the tunnel, which will go under a live runway, that mean that the airport cannot function? I would like the minister to add that to the list that he is making for his answers. What will be the cost of such insurance? Will the taxpayer bear the cost? If not, who will bear it?

For all the reasons that I have given, and having heard all the evidence, I do not support the bill. However, I will end on a lighter note. My colleague Scott Barrie referred to the great crested newt, which I had the privilege of asking a question about—I have always wanted to do that. I say to him that perhaps the great crested newt will stymie the project by abandoning its fear of hard hats and making an appearance by demonstrating. I also say to him that his poems about that are in my safe custody for the time being.

15:27

Chris Ballance (South of Scotland) (Green): Normally, the Scottish Green Party enthusiastically supports rail developments and proposals to encourage modal shift to rail and public transport throughout Scotland. However, we do not support the Edinburgh airport rail link. We remain absolutely unconvinced that it is a priority as a way to connect Edinburgh airport to the rail network or as a missing link in the national rail network. We are unconvinced that it is the best use of anywhere between £600 million and £1 billion of public money.

In addition, as we have heard, the project will increase the journey time on some routes, including the Edinburgh to Glasgow route. It may necessitate further capital works that the current documents do not account for, to remedy the situation. In addition, the whole development may be prone to flooding.

At a capital cost of more than £610 million at least, the project represents significant expenditure that could easily be spent otherwise on a multitude of small local schemes that have the backing of local communities—schemes that local people want to use, campaign for and support. The Executive is ignoring such schemes throughout Scotland.

The Greens were not represented on the committee. We volunteered to supply a member, but we were excluded from the committee. Although we have endorsed some of the committee's comments on the proposals, I take the opportunity to remind Parliament that we were enthusiastic about serving on the committee and interested in considering the evidence in detail. That was probably the first example of a member volunteering to serve on a private bill committee but being excluded by the main parties.

I turn to the substantive issues. This is not a debate about an airport extension, but the EARL project is predicated on such expansion. It is predicated on a Department for Transport progress report—"The Future of Air Transport"—which entirely ignored questions about climate change, peak oil, oil shortages and reductions and, more specifically, the projected rise in the cost of oil. It is inconceivable that we will bring about significant reductions in climate-changing emissions while we treble airport capacity, which the report suggests. It is also ridiculous to base such expenditure on a proposal that takes no account of global oil projections. I strongly question the assertion that the link would save 1.7 million car journeys a year.

Paragraph 21 of the "West Edinburgh Planning Framework, 2006: Background Report" states:

"As the Airport grows from 8.6 million passengers per annum in 2005-06 to up to 26 million passengers in 2030, the tram and rail links are forecast to increase the public transport share of surface access to the airport from about 20% currently with bus to 44% in 2021. While that is a significant contribution to sustainable transport access, it still means that car access will grow on a person-trip basis by around 100%"

over the next 25 years. It continues:

"One of the issues to be addressed by the West Edinburgh Planning Framework 2006 is therefore how to plan for double the number of cars seeking to access the Airport, given the congestion on the current road network."

The EARL scheme will mean that car access will increase in the years to come.

Our concerns about journey times on key rail routes, which were acknowledged during the stage 1 debate, have been mentioned. Members of various parties have made the same point that we have made: that claiming that the project will benefit all Scotland's rail network is overegging the pudding. The same applies to the public benefit to cost ratio that has been claimed. We think that various small to medium local improvements that have been proposed in the rail route utilisation strategy offer a far greater public benefit, but those improvements appear to be inexplicably unpopular in the Parliament. The Executive appears not to be interested in smaller schemes that would benefit people throughout Scotland.

We congratulate the committee on its painstaking work, but we remain convinced that there are far better ways of spending the money to serve Scotland's transport network. Therefore, we shall not support the motion. EARL seems far too much like a vanity project that is taking precedence over more effective ways in which the money could be used.

We support rail development, but we want properly costed schemes that are based on strong business cases, that have local community support and that improve rather than lengthen journey times. We support schemes that local people want and for which they have campaigned. We cannot support the waste of money that has been proposed.

15:33

Margo MacDonald (Lothians) (Ind): I will vote in favour of the EARL project because I am not—unlike the Greens, I regret to say—thinking small and locally. I am trying to think strategically. We need to join up Scotland.

Scott Barrie, Bristow Muldoon, the minister and David McLetchie said more than I can say, sometimes from a very informed point of view, about the connectivity that the EARL project will introduce. Sixty-two stations will be linked. Do we have to say anything else? It sounds like a slogan, but the connectivity will be real for people who live near the stations, who may even use those stations for local purposes.

I concede that the cost of the project remains a bit of a concern. However, I tend to put my trust in the minister because he is ambitious enough not to tie his career to a promise that cannot possibly be met. I am sorry if that sounds cynical, but I, too, am aware that there are forthcoming elections.

I thank David McLetchie for being as straight as he was, about his conversion to the tunnel project from the Turnhouse project. I castigate those who unexpectedly suggested that we couldnae dig a tunnel and that nobody would provide the

insurance for it. Who held the insurance notes for the tunnel that has already been dug under a functioning airport?

I am really concerned about the folk in Inverkeithing, because, by my reckoning, they will have to spend an extra eight minutes a day travelling—four minutes each way—if they happen to use EARL. I can see why Fergus Ewing was terribly upset about that.

I can also understand Fergus Ewing's concern about whether his constituents would benefit from the project, so I seek to put his mind at rest. I have a letter from Sandy Cumming, who is the chief executive of Highlands and Islands Enterprise. He tells me:

"As an agency we are wholly in favour of a direct rail link between the Highlands (and the rest of Scotland) and Edinburgh Airport. This would enhance Highlands and Islands connectivity, offering opportunities for straightforward links to and from new and existing destinations. The integrated nature of the proposal, facilitating easy transfer of passengers between modes, is seen as important. In addition, the higher performance rolling stock proposed for EARL would bring further benefits."

Sandy Cumming probably knows what he is talking about, and I am prepared to trust him.

I am concerned about the premium fares policy, which I suggest to the committee and the minister needs to be addressed as a matter of urgency. However, I am grateful—because I feel empathy with them—that old bats will be protected under the scheme.

I thank Scott Barrie's committee, which I think had a thankless task. It tried to reconcile the irreconcilable, given that an election is fast approaching. For example, members should look at the position that Kenny MacAskill has been put in. I notice that he is not here. I wonder whether he will be frog-marched in tonight to vote against his conscience or whether some folk will have the humility to allow the man to use his common sense and either abstain or vote for EARL, which he knows makes sense, not just for the capital but for the whole of Scotland.

15:37

Iain Smith (North East Fife) (LD): I am pleased to speak in support of the bill. My only regret is that I cannot say that this is the last time that we will go through this private bill procedure, because the final stage debate on the Airdrie-Bathgate Railway and Linked Improvements Bill, which will be the last bill to go through that procedure, will be held next week or the week after. The Transport and Works (Scotland) Bill means that we will not have to go through the procedure again in the Parliament.

I support the bill, because I have long supported the case for a rail link at Edinburgh airport. Every day, I get on the train from Fife, which goes past the end of the runway at the airport, and I wonder why on earth it has taken so long to get to this point. I have supported the argument for a rail link for many years as a councillor and an MSP and I am delighted that today we are taking a step towards achieving it.

We have to bear in mind the fact that the tunnel proposal is much better than a proposal for just an airport rail link—it will be a transport link and a hub. Some members said that journey times will increase, but my journey time for getting from Fife to Edinburgh airport will be cut by at least an hour, because I will not have to come into the centre of Edinburgh, get on a bus and come back out again—I will be able to get off at the airport. If I want to go to Glasgow, my journey time will also be cut, because I will be able to get off at Edinburgh airport and change on to a train to Glasgow.

My journey time to Ladybank can vary between 45 minutes and an hour and five minutes, so I already take the option to go for the faster train if I want a shorter journey. People will be able to do that. They will look at the timetable and decide which journey suits them best. People are not stupid—they can work out the best options for themselves.

There will be benefits to people from north of the Forth. Journey times will not be a major issue. The improved rolling stock that will be introduced will benefit not just the airport rail link but the whole of the Scottish rail network, which will affect many people throughout Scotland.

The timetable issues are important. It is important to bear in mind the fact that the existing timetable is an incremental-change timetable, which has been in existence for 20 or 30 years, as far as I know. Network Rail has indicated that it is about time for it to take a complete look at the timetable. The EARL project gives it a great opportunity to do so, to ensure that we are getting the best out of the network. That is another benefit of the scheme.

I want to deal with the comments that were made by the Scottish National Party and the Greens in today's debate.

Fergus Ewing's speech was staggering. It was unbelievable stuff. One of the big things that Fergus Ewing always says is that money might be better spent on other projects. Of course, as a member of the SNP, he would say that, because the SNP spends the same money over and over again, as it makes various promises to various people. Today, he told us about all the things that the £610 million could do. First, it would provide £2

billion-worth of road repairs, apparently. It could be used to implement everything in the rail route utilisation strategy, increase capacity on the rail network in the central belt and cut the journey time from Inverness to Edinburgh by 45 minutes. Of course, the last time that that reduction was mentioned in a debate, the proposal was that it could be achieved by bringing Inverness closer to Edinburgh, but I am not sure whether that is still the SNP's proposal. The money could also be used to improve the road network throughout Scotland. Fergus Ewing said that the SNP is not going to do everything at once but the transport policy page on the SNP's website says that there is a pressing need to upgrade the A9, the A96 and the A82—we have not even left Fergus Ewing's constituency yet, for heaven's sake.

In addition to that, the SNP will use the EARL money to fund the new Forth road bridge and the 10 per cent of the high-speed rail link to London that will go through Scotland—it expects Gordon Brown to stump up the other 90 per cent. Further, it will use the money to fund an Edinburgh airport rail link—a mini-EARL—that will not provide the same economic benefits as the current proposal.

Frankly, the SNP's transport policy is like everything else about the party—the sums and the policy do not add up. It is complete and utter nonsense. The SNP promises everything to everyone and will deliver nothing to anyone.

The Greens say that they are normally enthusiastic supporters of modal shift, yet today we hear that they want to shift people back into their cars to go to the airport. The Greens' policy on EARL is that they do not want a rail link because they think that it will lead to more people going in their cars to the airport. However, the important thing about EARL is that it will enable Edinburgh's planning authority to require a sensible parking policy from Edinburgh Airport Ltd that will reduce the use of cars to get to the airport. EARL has significant plans to expand car parking at the airport, but EARL will enable the council to force it not to implement those plans. The council will be able to say that because alternative means of reaching the airport are available, people will not have to take their cars to the airport, as many of us do if we want to catch an early flight.

The Greens' policy is ridiculous. They oppose EARL and they oppose replacing the Forth road bridge, even though the existing one is falling down.

Chris Ballance: Will the member give way?

Iain Smith: I am in my last minute.

The Greens' policy is to cut Fife off from the rest of Scotland and the world. However, the people of Fife will not have that.

The proposal that we are discussing is important for Fife. The link will be vital for Fife's economy, will improve transport opportunities for my constituents and will improve economic opportunities for Fife. I whole-heartedly support the motion.

15:43

Mr Charlie Gordon (Glasgow Cathcart) (Lab):

The extent of my admiration and support for the city of Edinburgh is well known. When I was serving as a member of the Edinburgh Airport Rail Link Bill Committee, I heard an early witness for the promoter say that the EARL scheme would make Edinburgh airport Scotland's pre-eminent airport because, as he put it, Glasgow airport is on the wrong side of Glasgow—members can imagine the depth of my emotion.

Taken in isolation, that witness's prediction could come true. Indeed, the Edinburgh Airport Rail Link Bill Committee members received, courtesy of the Minister for Transport, a Department for Transport report based on SPASM—the sketch planning analysis spreadsheet model—which predicted that, if EARL was built but there was no rail access to Glasgow airport, there would be a reduction in the number of passengers using Glasgow airport and an increase in the number of passengers using Edinburgh airport. However, Glasgow airport cannot and will not be left without rail access. That is, no doubt, why Tavish Scott did not burden the committee by submitting the SPASM report as formal evidence.

Members have kindly referred to my railway knowledge. Indeed, I spent 19 years in the railway industry before it was privatised. Perhaps more relevant in this context is my five years' experience as chair of Strathclyde Passenger Transport, during which time I helped to develop the UK's second-largest suburban rail network. I am for railway development as a major part of an integrated transport strategy. Railways are good for the economy, the environment and social inclusion.

Scott Barrie rightly made the point that EARL is not just a rail shuttle between Edinburgh city centre and its airport. It connects Edinburgh to 62 stations throughout Scotland—but, alas, not to stations in Ayrshire and Galloway. Strictly within that comparative context, the Glasgow airport rail link, which was recently approved by the Parliament, is merely—in inverted commas—a rail shuttle between Glasgow city centre and its airport. The on-going success of Glasgow's economy—including its busy airport, which is still the busiest in Scotland—makes unanswerable the case for EARL's west of Scotland equivalent, known as crossrail. Crossrail would link not only

Glasgow's airport to the rest of Scotland but Stranraer and Ayrshire to Edinburgh.

There are two paradoxes in Fergus Ewing's opposition to EARL. First, he advocates financial prudence on such a vital national project while his front-bench colleagues write lots of hot cheques for electoral purposes on every other subject under the sun. Secondly, he prefers an alternative strategy in the shape of Network Rail's quietist, unimaginative route utilisation strategy. Network Rail is arguably the least devolved part of the public sector in Scotland, which frankly worries me. Mr Ewing does not see the irony but, then again, he never does.

The Greens astonishingly are opposed to this scheme for a rail link, but I must give credit where it is due to Chris Ballance. After a recent debate on road tolls, he kindly corrected my slight misquoting of Mahatma Gandhi. It was the first time that I had been wrong since 1969 and the first time that he had been right since 2003. Of course, he is wrong again today.

Most of what had to be said has been said, but I hope that, in summing up, the minister will tell us more about the rolling stock that will be required for the scheme. The beast that is required for EARL does not yet exist on wheels anywhere in the UK network. Will he also say more about electrification? Any residual worries that members have about the impact on current timetables could be swept away by an early commitment to an electrification programme, initially, at least, for the central Scotland railway network and the parts of Scotland that will be served by the EARL scheme.

Margo MacDonald: Does the member agree that, although there is concern that the promised rolling stock might not even be on the drawing board yet—I do not know whether it is; I hope that the minister can tell us—that issue and electrification are challenges and not reasons for dumping a whole strategy?

Mr Gordon: Absolutely. Electrification will bring many benefits, including superior acceleration of trains, which will assist timetable issues. I am slightly more worried about the rolling stock, but that is merely based on my own operational experience. We are better to buy something off the shelf if it is fit for purpose than be the guinea pig for a new type of rolling stock. However, I fully accept that, given the constraints of the scheme, a brand new generation of rolling stock will be required to produce optimal benefits. Presumably, once the early bugs are ironed out, the benefits can be cascaded to the rest of the country.

With those caveats, I hope that members agree to future-proof Scotland's railways by supporting the EARL bill.

15:49

Mr David Davidson (North East Scotland) (Con): It has been an interesting debate, humorous in part. We have managed to cover newts, U-turns and a new railway line all thrown in together.

Our position was outlined by David McLetchie. We want the airport to be connected to Scotland, and we argued about the methodology of delivering that on a cost-effective basis. We did our homework and had our meetings, and we are now convinced that EARL is the best option—or least worst, if we want to put it that way. We need proper connectivity across Scotland—a point that has been made today by many members and not just David McLetchie.

I congratulate the committee. It has had a difficult task, particularly because a lot of technical information was involved. Of course, we are moving away from the old-fashioned procedure for private bills, as Iain Smith rightly said. The last one will be dealt with this week.

Many questions have been asked, but the minister has not answered them. Scott Barrie asked for clarity about whether there will be premium fares. That question was taken up by several members throughout the chamber.

The SNP's contribution was staggering. Over the years, the SNP has supported not just this project but the principle of connecting all Scotland's airports to the railway system. I was astonished that Fergus Ewing came to the chamber today to say no—the first time in a long time that the SNP has said no to spending money—and to hint that the SNP might rethink its position after the election. First, the SNP says, "Vote for us—we will cancel the project and cut capital funding." and then it goes on, "We might come back with a new proposal." Why was that new proposal not made during the bill's progress? It is staggering. I do not doubt that Mr Adam will tell us all about the new proposal when he winds up.

There are questions about the airport's growth. The figures are optimistic, but we must always look to the future and take into account the most expensive options. There are huge issues around fares. Many members have asked about longer journeys. Fergus Ewing and Christine Grahame were right to say that Waverley station will not be able to cope in the not-too-distant future. Perhaps the EARL project will divert some of the traffic that goes to Waverley station and trains might not have to go there in the future, but that is an issue for a future Scottish Executive.

The question about rolling stock will not go away. Charlie Gordon is right, and railway engineers will tell us that getting something off the

shelf to cope in the meantime is one thing, but I am told that huge technical problems still need to be overcome in the design and structure of the link. However, I was pleased to hear the minister say that there will be luggage space, which is more than there is on some current trains. All this boils down to the fact that there will be franchise changes; we know that.

I am amazed at the Greens. I cannot believe that we are back to bicycles again. Imagine someone strapping their suitcases on the back of a bicycle to go to the airport. That is the Greens' solution to everything. I wish that they would come into the real world now and again.

Chris Ballance: Is that why, when the member's leader, David Cameron, uses a bicycle, there is a car behind him carrying his bags?

Mr Davidson: The difference is that David Cameron is carrying secret documents. Would Mr Ballance carry such documents on a bicycle? As Mr Ballance will appreciate, it is dangerous to put things in an e-mail these days.

Margo MacDonald was absolutely right to say that we are all sceptical and we remain so. Where will the money come from?

The minister has not shared with us the priorities of the projects. We need a new Forth crossing; we need to do this; we need to do that. What will be the order of spend should the Executive be returned to power? I know that we are all trying to prevent that, but it would be nice if the minister could answer that question now. Fergus Ewing has been honest about what the SNP will do if it gets into power. We would like to know what the minister will do if the Executive gets back in; we are still a bit unsure.

To be fair, the committee did its best to struggle through many of the queries.

Timetabling is another issue that has arisen and which has been mentioned throughout the chamber. The important thing in that regard is the signalling. Members have been to Taiwan to see the twin railway line that goes round the island. It has four speeds of train and everything runs like clockwork. A French company with Scottish engineers is involved in that work and they would be available for this project. Will the timetabling be sorted out throughout Scotland by upgrading and saving a lot of time, not just by means of expensive electrification but by modernising the signalling equipment and systems that we use?

The debate has been colourful and the process has been long and hard. I congratulate the committee, the clerks, the promoter and everyone who has given information. I particularly thank BAA and TIE for the consultations that they

offered and their willingness to revise their figures, which has allowed us to support the bill today.

15:55

Brian Adam (Aberdeen North) (SNP): As far as the SNP is concerned, our position is that when the facts change, our views change. It is clear that the EARL project involves significant costs that do not justify the expenditure. In an interesting and, at times, amusing speech, David McLetchie was not terribly convincing about having been convinced of the case for EARL. Mr Davidson has made it clear that the Conservatives are reluctant supporters of the project and even a number of members of the Executive parties have asked serious questions about its validity. Pauline McNeill, among others, asked about the impact on the timetable for existing services. There is widespread concern about the disruption to the timetable that the additional connectivity that will be available on the system as a consequence of the project might cause; I do not think that that has been addressed.

Scott Barrie: Mr Adam mentions a timetable difficulty, but does he accept that both the Gogar option and the Turnhouse option would require trains to stop at those places, which would have an extra impact on the trains that use the east coast main line?

Brian Adam: That might well be the case, but Network Rail has not been commissioned to examine such issues. We have had a report from the promoter, the interests of which are not necessarily Scotland-wide. Given that the promoter is an Edinburgh company, it will undoubtedly have an Edinburgh outlook.

I hear the argument that the project will benefit all of Scotland, but I have had no representations one way or the other from any of my constituents. I do not believe that EARL will offer the degree of connectivity that is claimed. Charlie Gordon's points about connectivity were well made.

Mr Davidson: Businesses in the north-east of Scotland have regularly approached me to ask whether there will be more flights out of Scotland and have told me that, if the extra flights are to be from Glasgow or Edinburgh, they would like to have direct rail links to those airports.

Brian Adam: Members of the business community in the north-east have told me that they have no great desire to travel to the rest of the world from London, but none of them has said that they are desperate to get on a train to get a connection from Edinburgh or Glasgow; they want more direct connections out of Aberdeen. Rather than improving the situation for the whole of Scotland, the EARL project will undermine the prospect of further developments in the north-east.

Even if the deterioration in journey times is only marginal, the journey time from Edinburgh to Aberdeen is already so long that many people prefer to use their cars. Any further deterioration in the journey time, however marginal, is unlikely to encourage a modal shift.

Bristow Muldoon: Will the member give way?

Brian Adam: Mr Muldoon spent a minute and a half just attacking the SNP, so I am not minded to give him any further opportunity to do that. If he had wanted to make a sensible contribution to the debate, I might have considered his request.

I share the concerns about the possibility of the introduction of premium fares. The reality is that when new links have been built elsewhere in the UK, premium fares have been introduced to justify the costs and to finance the projects concerned. We have had no guarantee that there will not be premium fares. In his summing up, perhaps the minister might care to give such a guarantee.

There is still considerable uncertainty about the financial arrangements for the bill. Mr McLetchie rightly pointed out that the rail link will be almost 100 per cent funded by the Scottish Executive. The principal beneficiary commercially will be BAA Scotland, whose contribution, to say the least, is pretty marginal. We do not know the cost of the rolling stock, which is a significant capital cost. As the rolling stock will have to be tailor made, the issues that Charlie Gordon raised are perfectly valid. In the past 20 years, new technologies have been used in Scotland, although the problems associated with, for example, tilting trains took a long time to resolve. The best solution would be to buy something off the shelf, but there is no such shelf; there are uncertainties there, too, as well as risks and significant costs—

Margo MacDonald: Will the member give way?

The Deputy Presiding Officer (Trish Godman): The member is about to finish.

Brian Adam: I am not allowed to take any further interventions.

As Charlie Gordon pointed out, rightly, there could be further benefits if we were prepared to electrify other parts of the rail system in Scotland. However, it should be borne in mind that that would be another additional cost. That is one of the reasons why the SNP does not support this way of connecting Edinburgh airport to the rail network. We believe that it should be connected, but not in this way.

16:01

Tavish Scott: I congratulate all the members who have utterly routed the SNP today. Every argument from the SNP has been destroyed by

members of all the other parties. The SNP's position, as just summed up by Brian Adam, is ridiculous.

Scott Barrie made a good point when he mentioned the fact that people will be able to jump on the train in Carnoustie and get off at Edinburgh airport. David McLetchie, Bristow Muldoon and I share a passion for golf. I hope that, the next time the open comes to Carnoustie, Tiger Woods might choose to join the rest of us in using the rail link. I rather suspect that he will not, but at least he will have that option.

Bristow Muldoon and Charlie Gordon talked about electrification. The current design of EARL allows for electrification, should there be a positive decision to electrify the line. I take colleagues' points on that. There are significant challenges to be resolved with the existing tunnels on the core route, as well as the programme of those works, but we will take that matter forward. The points that have been made in that connection are reasonable. I share Bristow Muldoon's analysis of the SNP. Brian Adam was unkind not to give way, because all that Mr Muldoon was doing—indeed, all that many other members were doing—was analysing the SNP's position, which has been found wanting.

The most pertinent point on tunnels was made by Margaret Smith. Members may remember Mr Ewing's big interest in tunnels in the previous debate on the bill. That interest remained until he proposed a tunnel for the Forth replacement crossing. He has been silent on the matter today.

Fergus Ewing: Will the minister give way?

Tavish Scott: In a minute.

If Christine Grahame thinks that tunnels are difficult to construct under live runways and active airport conditions, she needs to get down to London Heathrow a bit more often, where terminal 5 has just been completed. The tunnelling and the extra links that have been made there show that it can be done. Perhaps Christine Grahame does not want to accept it, but the point of our involvement with BAA Scotland is that it has that expertise. It is part of the project, which will allow that aspect to happen.

Christine Grahame: I want the minister to address the issue of insurance liability: first, while construction is going on; and secondly, once the rail link is operational, in the tunnel, under a live runway. Will the minister simply tell me who will pay those premiums?

Tavish Scott: As we would expect in any transport project, the promoter has been in dialogue with the insurance market.

Christine Grahame: But who is liable for the premiums? The public purse?

Tavish Scott: The member dismisses the factual way in which a commercial company has to operate. The SNP knows nothing about the commercial world. The promoter has done what any responsible organisation or promoter would do.

Christine Grahame: Answer the point.

Tavish Scott: I am answering the point. The promoter has already received an indication that the project is entirely insurable in the commercial world. I hope that that deals with that.

Charlie Gordon and others expressed concern about the type of train that will be used, but I assure members that the train manufacturers are considering the matter. Siemens has modelled the route with a train that is currently in service in the UK—it is the 185 Desiro, for those who are knowledgeable about such things—and Bombardier has also looked into the matter.

Margo MacDonald: I thank the minister for the information on the technology that is involved and the work that has been done. I wonder whether it will help to reassure the sceptics about the possibilities of the scheme if I remind them that, in technological terms, we went where no one had gone before in relation to the North sea. I do not remember the same arguments coming from the SNP when we talked about opening up the North sea.

Tavish Scott: I bow to Margo MacDonald's knowledge of the North sea, the engineering expertise that was necessary there, and the cat fighting among SNP members as to their position on the project.

I thank David McLetchie and David Davidson for their support for the project. I take David McLetchie's point about the capital programme, but when the Parliament considered the overall capital programme in March last year, I made it clear that, if there is a significant change, ministers will report back to the Parliament. We made that commitment and I hold to it. Mr McLetchie was brave to mention David Cameron's air taxes, which possibly fall into the secret documents file that David Davidson mentioned. I have no doubt that the Tories' proposals for higher air taxes will be fully debated in the coming weeks.

We must finish with the SNP. We noticed that the party's list members from the Lothians were not here this afternoon to hear its dreadful arguments. It is extraordinary that the SNP's position on EARL is now that the money should be used for bus services in Edinburgh—that was Mr Ewing's argument. Before, the SNP was going to use the money for a replacement Forth crossing. As Iain Smith and others pointed out, it was also going to use the money for a number of roads throughout Scotland. Bristow Muldoon reminded

us that the SNP would also cancel the trams project and spend the money on buses in Edinburgh. Gosh—we are going to have one heck of a bus network in Edinburgh under the SNP.

In a previous debate, Mr Ewing said that his number 1 priority was a replacement crossing of the Forth. He cannot spend his time in Inverness promising that the SNP would dual the A9, A82 and A96 and also promise a replacement crossing of the Forth, but that is Mr Ewing's ridiculous position. The SNP has U-turned on its support for the EARL project. It has lost the argument and its position is ridiculous. I urge the Parliament to listen to the reasoned arguments that were made by members of all parties other than the SNP, and to support the bill.

16:08

Mr Jamie McGrigor (Highlands and Islands) (Con): I thank my fellow members of the Edinburgh Airport Rail Link Bill Committee for their hard work, Professor Begg for his valuable work in considering the evidence on outstanding objections, and the promoter for the conciliatory approach that it adopted in working with objectors. I also extend my thanks to the objectors, who played an important role in the process and whose high-quality evidence enabled the committee to enhance the protection that will be available to those who might be adversely affected by the bill. Thanks are especially due to Jane Sutherland and her clerking team—James Burton and Carol Mitchell—and of course to David Cullum, who always hovered in the background, for the invaluable support that they gave to the committee. Their hard work was greatly appreciated by us all.

This has been an excellent and sometimes emotive debate. Scott Barrie said that EARL will not affect the 50-minute Glasgow to Edinburgh service. He said that it will reduce congestion on the roads and bring greater linkage between east and west. Those are good points. I note his worries about premium fares and, like him, I welcome the assurances about the welfare of badgers, newts and other wildlife.

Tavish Scott said that Highland Council and Scottish Borders Council are supportive, which is a good sign. I agree with his wish to make rail travel more attractive throughout Scotland. Perhaps he could start by speeding up links between Edinburgh and Oban. That would be popular in Argyll.

David McLetchie said that 99 per cent of the cost of the EARL project will now be paid by the Executive. However, he wondered whether the Executive will keep all the transport promises that it has made, especially if Gordon the brown engine

pushes the Barnett formula off the rails and into the troublesome truck department. He made the point that the promoter's revised figures improved the project, and he lauded the principle of connectivity and integration in our transport system.

Lord James Douglas-Hamilton made a crucial intervention in which he said that Edinburgh must be kept competitive with other European capitals. I thought that that was a very good point.

Christine Grahame huffed and puffed effectively, a bit like Thomas the tank engine.

Chris Ballance only reinforced my theory that the Green party travels by TARDIS and is waiting for the age of "Beam me up, Scotty" to produce its next transport strategy.

Margo MacDonald made an impassioned plea in supporting the project. She read out a letter from Sandy Cumming, the head of Highlands and Islands Enterprise, which contradicted many of Fergus Ewing's points representing the SNP's opposition to the EARL project.

Iain Smith made us laugh a great deal, and Charlie Gordon, who is definitely the fat controller of our committee, stood up for Glasgow and gave us an insight into the mind of Mahatma Gandhi.

For the remainder of my speech, I will focus on those areas that have been the subject of debate today and at the preliminary stage. The committee highlighted several areas of concern on which it agreed to seek further evidence at consideration stage. I was concerned that the route that had been chosen would not deliver the benefits that were stated in the promoter's memorandum; therefore, I dissented from the committee's preliminary stage report. I was especially unhappy with the STAG appraisal that had been conducted on the Turnhouse option because of the extremely dubious figures on comparative journey times that it contained. My concern at that time has been vindicated by the fact that the promoter has since conducted an entirely fresh appraisal of Turnhouse. I am, therefore, content to give the EARL project my support today.

I and my fellow committee members were concerned, at the preliminary stage, about the uncertainty surrounding the funding of the project. Our preliminary stage report stated that

"the Committee has major concerns that the Bill could be passed without the level of funding attributed to each source being identified."

I am, therefore, pleased that the minister was able to confirm on 19 December that Transport Scotland will cover all the outstanding costs of the project. Our report also detailed the financial input that Edinburgh Airport Ltd will make. The value of the airport's expertise in reducing the risks of the

tunnel construction cannot be underestimated and will go a long way towards ensuring that the project does not impact adversely on the operation of the airport. That was a concern that many members, including me, previously expressed.

Another concern that was voiced at the preliminary stage was about the ability to provide the necessary rolling stock. We heard in evidence that rolling stock that meets the performance requirements for the EARL project exists and is currently operating in the UK—for example, the Virgin Voyager and the trans-Pennine express. The overall costs of the rolling stock have not been attributed solely to EARL because the rolling stock is being procured for the ScotRail network as a whole. However, I am pleased to report that the costs of leasing rolling stock and of the on-going maintenance relevant to the EARL section of the network have been included in the estimate of the cost of the EARL scheme.

The question of how the inside of the new trains will be configured remains an issue. As the committee recognised in its consideration stage report, the internal configuration of seating and luggage space will be extremely important. There is nothing more infuriating to passengers than not being able to stow luggage properly. That is especially true for the elderly and anybody who is disabled in any way.

The committee's concerns at the preliminary stage regarding the delivery of the timetable and the reliability of services are well documented. The committee therefore welcomed the confirmation by Network Rail that it could deliver the timetable of eight trains per hour in each direction. The committee acknowledges that some journey times may be marginally longer for trains that call at the airport. However, given the infrastructure changes and the results of modelling, most of those journey time increases may not materialise.

On the overall merits of the scheme, the committee was not charged with deciding whether the funding for EARL would be better spent elsewhere. That is a matter for the Local Government and Transport Committee, the budget scrutiny process and the Parliament as a whole.

The committee appreciates the high level of connectivity across most of Scotland that EARL will offer. It is true—as I pointed out during the preliminary stage debate—that the Turnhouse option would offer a similar degree of connectivity to EARL with the sole exception of Edinburgh Park. However, the huge popularity of the Edinburgh Park station means that there are obvious benefits from ensuring that, when services are diverted via the airport, they can continue to serve that station as well. Furthermore, the Turnhouse and Gogar options would entail significant four-tracking of the line between

Saughton and the new junction that will link with the Dalmeny chord north of the airport. The fact that that would require the compulsory purchase and demolition of many homes along the Saughton to South Gyle corridor is an obvious disincentive.

Similarly, the committee was not charged with determining whether the predictions on air passenger growth that are made in the UK air transport white paper are accurate. The truth is that the number of air passengers at Edinburgh airport has risen dramatically over the past 10 years. Air passenger growth predictions would need to reduce by 55 per cent over the next 30 years, or by 70 per cent over the next 60 years, to reduce EARL's benefit to cost ratio to 1.

I was among the first to acknowledge the legitimate concerns that members have had about the scheme, the costs of which are extremely high. In light of the large number of other heavy infrastructure projects that are on the books in Scotland, we all have an obligation to ensure that public money is well spent. However, having subjected the scheme and the promoter to the closest possible scrutiny, and having unearthed revised figures on the alternatives, I urge those members who still oppose the scheme to look afresh at the evidence and to reconsider their position.

The unique selling point that EARL has over and above the alternatives is that it will provide a genuine opportunity to create a transport interchange at Edinburgh airport where passengers from throughout Scotland can access the airport, bus and tram all from the one location. Air passengers will be able to access destinations throughout Scotland directly from the airport. That can only assist in growing tourism in Scotland. Such integrated public transport is important for the tourism industry, in which creating a good first impression with arriving passengers is vital. Therefore, I urge members to support the motion to pass the Edinburgh Airport Rail Link Bill.

Code of Conduct

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a debate on motion S2M-5719, in the name of Brian Adam, on behalf of the Standards and Public Appointments Committee, on its second report in 2007, which is on the "Code of Conduct for Members of the Scottish Parliament".

16:18

Brian Adam (Aberdeen North) (SNP): The current code of conduct for members was adopted in February 2000. The Parliament had been in existence for less than a year at that time, but it was considered necessary and desirable to have a code of conduct in place as soon as possible.

The code has remained largely unchanged since then. Annex 5, which sets out how MSPs should interact with one another—and, to some extent, with their constituents—was added later in 2000. Section 7, on lobbying, was revised in 2002. Section 10 was revised in 2003 to reflect the newly created post of Scottish parliamentary standards commissioner and the associated complaints procedure that is set out in the Scottish Parliamentary Standards Commissioner Act 2002.

It is a tribute to the work of the Standards Committee in the first session that, on the whole, the code works well. The Standards and Public Appointments Committee undertook a review of the code as a subsidiary exercise to its work on replacing the interim legislation governing the registration and declaration of members' interests. Essentially, the committee has not made many substantial changes to the code.

Let us go back to basics for a moment. What is the code of conduct for? Why have it? Most MSPs go about their work professionally and try to do the best for their constituents. Although we could continue to carry out our work without a code of conduct, it sets out what is expected of us and lets constituents know what to expect. At this point, I should make it clear that the code covers all MSPs, including ministers, deputy ministers and ministerial parliamentary aides who are also members of the Parliament. In addition, ministers and deputy ministers must comply with the "Scottish Ministerial Code".

In the four rounds of consultation on the review of the code, members were asked for their contributions and all the committee's meetings on changes to the body of the code were held in public. We considered holding a widespread public consultation but, after our experience of consulting on the Interests of Members of the Scottish Parliament Bill, we decided against that course of action and instead agreed to target a list of

individuals, bodies and organisations that worked in the public sector, including the Scottish Council for Voluntary Organisations. That list can be found on page 39 of the report, along with the responses that we received.

However, the code does not serve its purpose if the rules are unclear or are not working well. In that respect, the committee proposes that, in restructuring the code, what are known as the key principles be moved into a distinct introductory volume. As members will know, the proposal has produced some public and media interest. It has been suggested, for example, that the committee's recommendation to place the key principles in the introduction is due to a complaint made against an MSP in 2005. That is incorrect. In his annual reports, the Scottish parliamentary standards commissioner has drawn the committee's attention to what he has considered to be a problematic section of the code. We have evidence that the principles are causing a difficulty for constituents and the commissioner because of differing points of view about their meaning. In the 2003-04 report, for example, the commissioner states:

"The commonest type of complaint fell under Section 2.4 of the Code of Conduct: *Members have a duty to be accessible to the people of the areas for which they have been elected to serve and to represent their interests conscientiously*. Fourteen of the 29 complaints"

in 2003-04

"consisted wholly or partly of claims that Members had not made themselves sufficiently accessible to a constituent or had not done enough to represent the constituent ...

People vary in their expectations of what an MSP can reasonably do for them. Complaints relating to this Section can also be difficult for the Commissioner to judge. There is no detailed MSP job description to aid the Commissioner's assessment of the Member's actions in relation to accessibility and conscientious representation.

Parliament may wish to note the predominance of such complaints and to keep this aspect under review."

That is precisely what the committee has done. After considering the matter further, we wondered what would happen if a future commissioner took a different view from that of the current commissioner. We need consistency in interpretation and application, and we cannot get that if the rules are open to interpretation.

Accessibility and accountability of MSPs are the main issues, and moving section 2.4 of the code to the proposed introductory volume does not in any way diminish the key principles. Indeed, at its last meeting, the committee discussed retaining the key principles in section 8 of proposed volume 2 as they relate to constituents. In particular, I refer members to section 8.2.1 of proposed volume 2, which spells out the key principles, and section 8.3.1, which states that the wishes of constituents are of paramount importance. Under section 8.3.1,

constituents have the right to expect an MSP to take on a case, though the MSP must be able to judge how best to do so. Constituents will still have rights to register complaints under section 8 with the Presiding Officer, who will be in the position—if he considers it necessary—to refer the matter on to the Standards and Public Appointments Committee, which will have the current range of sanctions available to hold members to account.

The original report on the code, which was published in 2000, stated that it is

"based on key principles which should underpin members' conduct and which are reflected in the subsequent sections of the text."

The committee has adhered to the same approach: the key principles underpin the code, but that does not mean that they are specific rules in themselves.

I am delighted to welcome contributions to the debate. As the committee has received very few responses over the past couple of years, I am interested to hear members' views and comments at this stage. I am also more than happy to try to answer any queries that members might have.

I move,

That the Parliament notes the 2nd Report, 2007 (Session 2) of the Standards and Public Appointments Committee, Code of Conduct for Members of the Scottish Parliament (SP Paper 763) and agrees to its conclusions.

16:25

Alasdair Morgan (South of Scotland) (SNP): I am speaking in a personal capacity.

When the e-mails about the lack of consultation that is alleged began to come in, some of us were concerned. However, having listened to Brian Adam, I take the view that in everything that we and the Executive do we should balance the need for sensible consultation with the need not to spend enormous sums of money or an enormous amount of time conducting consultations that are not responded to. If, as constituency or regional MSPs, we come across one complaint, it is that people are often overconsulted by the Executive. In a sense, we cannot win.

After reading Mr Winetrobe's e-mail to members about consultation, I was puzzled by what the devastating consequences of the lack of consultation were, because I could not see them. The heinous crimes of which he accuses the Standards and Public Appointments Committee are that it did not know that mandatory committees are required not by the Scotland Act 1998 but only by standing orders, that it did not realise that the ministerial code covers ministerial parliamentary aides, and something else equally trivial. If that is

the extent of the problem, I do not think that there is one. Some people should get a life.

I turn to the issue that concerns the SCVO and the churches—that of the key principles not being part of the code of conduct but being included in an introductory volume. We should pay some attention to the fact that the code is a quasi-judicial document. Members can be hauled up in front of the standards commissioner, the Standards and Public Appointments Committee and, eventually, the full Parliament, and sanctions can be applied to them if they are in breach of the code. The code must be clearly interpreted, so that judgments can be made on it. The problem with the principles is that they are all very well, in much the same way as the European convention on human rights is all very well, but they can sometimes have unintended consequences when we are trying to decide whether someone has breached the provisions of the code. The change that the committee has proposed is, therefore, quite right.

I have one criticism of the code of conduct. It addresses the issue of relationships between constituency MSPs and regional MSPs; I speak from experience of having been both a constituency and a regional MSP at one time or another. I remember that the guidance was first issued as a letter from the Presiding Officer, but I was not aware that it had been included in the code of conduct without a vote, because that happened on a Thursday in July when I was at Westminster.

The matter needs to be examined, because some of the provisions that relate to it are barking. For example, the code states that regional MSPs should not identify their political affiliation. However, regional MSPs were elected because they appeared on a party list. The *Business Bulletin* and *Official Report* identify all members' political affiliation, but we are told that, when we write a letter to someone, we should not say that we are members of the Scottish National Party or another party. That is daft.

Bill Butler (Glasgow Anniesland) (Lab): Mr Morgan makes an interesting point, and his submission to the committee was interesting. However, does he not agree that there is a danger that placing party affiliations on letter headings would be seen as promoting particular political parties and as going against the oath that we all take to represent electors, regardless of whether or how they have voted?

Alasdair Morgan: I hardly think that the mention of a member's party in their letter heading amounts to promotion. To conceal from the people to whom members are writing a fact of which most of them are well aware is to make rules for the sake of them, with no practical effect.

I made various other points in my submission to the Standards and Public Appointments Committee; I was glad that I was one of the few people who made one, albeit very late. I hope that I will be able to address those points on a future occasion, because the code includes various provisions that are bureaucracy for the sake of it, that are totally unworkable and that do not work, because most people ignore them.

The Deputy Presiding Officer: I call Alex Fergusson. You have four minutes.

16:29

Alex Fergusson (Galloway and Upper Nithsdale) (Con): You will be relieved to hear that I will not require four minutes, because Brian Adam made clear the Standards and Public Appointments Committee's views and how we went about the exercise. Alasdair Morgan also clearly laid to rest some of the accusations against the committee.

In his response to Mr Winetrobe's e-mail, which I am sorry that I did not receive, because for some reason Mr Winetrobe chose not to allow committee members sight of his e-mail, Mr Adam said:

"The Committee also considered that although a similar provision still exists in Section 8 'Relationships Between MSPs' they felt that it was right in this context that members have a duty to be accessible to the people of the areas for which they have been elected and to represent their interests conscientiously ... and did not wish to recommend any change."

As the committee's convener said, we held four consultation exercises and everything that we considered was in the open and a matter of public record. The whole exercise was in accordance with the two key principles of accessibility and accountability.

In his e-mail to all members except members of the Standards and Public Appointments Committee, Mr Winetrobe said:

"I hope that you will then vote to reject the motion, on the basis that the Committee's review of the existing Code has been fundamentally flawed ... and contrary to the Parliament's founding principles and normal working practices".

I take great exception to that accusation. Like almost every other MSP who has the honour to serve in the Parliament, I hold our founding principles close and dear to my heart. I treat them with great respect and I try to refer to them as I go about my daily work, as I am sure that every member does. I would never vote for any measure that I thought would undermine or water down those principles and I take great exception to being accused of doing so.

I am disappointed that the SCVO and the churches appear to have been duped into blindly following Mr Winetrobe's accusations. I hope that they will be reassured by this short debate and I hope that members accept that every member of the committee acted out of a desire not to undermine but to strengthen and simplify the Parliament's founding principles, thus making it easier for all members to adhere to them.

16:32

Donald Gorrie (Central Scotland) (LD): I have a problem in that the two parliamentary committees on which I serve—the Standards and Public Appointments Committee and the Procedures Committee—are both housekeeping committees for the Parliament and, for whatever reason, it is difficult to excite members about housekeeping issues, many of which are important. However, we must live with that. The Standards and Public Appointments Committee tried conscientiously to involve members in the discussion about the code of conduct. Another problem is that I tend to be a minimalist in such matters. Sometimes our regulation goes a bit far.

The report that we are considering is the product of the whole committee, whose members argued about the issues, as happens in other committees—sometimes winning and sometimes losing their argument about whether to make a change. However, as Alex Fergusson said, the report fairly represents an honest approach to dealing with MSPs' affairs and includes changes that must be made in the code of conduct to reflect the legislation on which we voted some months ago—the Interests of Members of the Scottish Parliament Bill—which excited a certain amount of passion in the Parliament, because some members felt strongly about the involvement of partners, for example.

I can see why some people think that setting out the principles separately from the volume that contains the code of conduct is a watering down of the code, but I do not think that that is the case. The approach genuinely reflects the view of the committee and the Scottish parliamentary standards commissioner that it is difficult to lay down in legalistic fashion members' duties to constituents, who can have unreasonable expectations. Constituents often criticise us when we have tried genuinely to deal with a matter but have run up against a brick wall. Especially in the days of e-mail, people get unhappy if they do not get a reply within half an hour of contacting a member. They think that the member has failed totally in their duty and is neglecting their constituents.

It is difficult to lay down legalistic rules, which is why I accept the argument that we should have

the principles as an aspiration. Members will be instructed to have the principles as an aim but, if they make the odd mistake in their office—which we all do—or if somebody loses a letter for a week or two, that will not be judged to be a terrible sin. We cannot have a regulation that states that MSPs' offices must be 100 per cent efficient at all times—that is just not realistic. Therefore, the committee has produced a reasonable composite proposal on the issue. Apart from some specific niggles, I am happy to support the proposed package, which will govern members' affairs fairly.

16:36

John Home Robertson (East Lothian) (Lab): The principle of parliamentary democracy is rather important, as it guarantees the accountability of Government, provides for the enactment of legislation and underpins our citizens' liberty, and we cannot have parliamentary democracy without electing members of Parliament. There is something quintessentially Scottish about wanting to have a Scottish Parliament but then not trusting the people whom we elect to it—but there we are.

Like the Presiding Officer, I am about to retire after several years in elected office, so, in the debate, I am not speaking for or about myself. I will say a word about colleagues in all parties and those who will be elected in the future. Virtually without exception, they are public-spirited people who are involved in politics because they have principled beliefs. They stand for election because they genuinely want to do their best for the people of Scotland. From personal experience, I can say that the workload here is significantly heavier than it is in Westminster, so people should not think about coming to Holyrood for a quiet life.

My concern is that we have got into a situation in which there is almost a presumption of guilt against MSPs, certainly in some parts of the Scottish media. We have constructed a quasi-judicial system that makes it far too easy for vexatious or malicious individuals to bring parliamentarians and Parliament into disrepute—colleagues know what I am talking about. It is right that the principle of accessibility should remain firmly entrenched, in volume 1 of the draft code, and that there should be sanctions for breaches of the code, but that is not what we are talking about. I have been in elected office for more than 30 years, during which I have dealt with a hell of a lot of casework. I am eternally grateful to my staff for all their help in dealing with it. However, despite our best endeavours, people do not always get the outcome that they hope for. I count myself lucky that nobody has complained about me; other members, as we know, have been less fortunate.

I have spent much of my long career fighting to achieve a Parliament for Scotland, so I want to

encourage the best of Scots to stand for election and to do their best for Scotland. We will not get that if members can be dragged through the standards procedure at the whim of any individual who does not like the reply that he gets from an MSP. The committee has got the matter right, so I am afraid that I disagree with my constituent Mr Barry Winetrobe. I pay tribute to Brian Adam and his colleagues for their diligent work. I support the committee's proposals, and I will just have to run the risk that Barry Winetrobe might report me to the Scottish parliamentary standards commissioner for not representing his views properly.

16:38

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): There is no doubt that we needed to review the code of conduct in the light of seven years' experience of its operation. I am sure that members of the Standards and Public Appointments Committee have acted with honour throughout the process. However, I cannot understand why the committee decided that we should alter the code so comprehensively. Unlike Brian Adam, I think that the proposals are for a major change to the code. As a result, the committee has been seen by some to be attempting to undermine the founding consultative steering group principles that were written into the code back in 2000. That is the view that the SCVO, some church representatives and others have taken.

Bill Butler: Will the member give way on that point?

Mike Rumbles: No.

The SCVO and the Scottish churches are concerned that the changes to the code of conduct will weaken the CSG principles, in that those key principles are to be moved out of the code altogether and placed in volume 1, where they are described as aspirational.

Brian Adam: Will the member give way?

Mike Rumbles: No.

It is made clear that, because the principles are to be moved out of the code of conduct, they will not represent obligations on MSPs. The key principles are clear, and I draw members' attention to just two of them—accessibility and openness. Those should not be removed from the code of conduct, but the report before us today seeks to do just that. That would be a backward step.

Complaints have been made against me that were found to be unsubstantiated. It is problematic, but we have to put up with such complaints against us because allowing them to be made is the right thing to do.

I have outlined my concerns about the policy, but I now want to consider the way in which the new code of conduct is written. The report by the Standards and Public Appointments Committee contains confusion and inconsistencies, a few of which I will highlight. Paragraph 2.7.1 talks about a member making or having made a visit outside the United Kingdom

"where the visit meets the prejudice test."

That is not consistent with the following paragraph, paragraph 2.7.2, which contains no mention of the prejudice test. It simply states:

"The requirement to register applies to all overseas visits".

There is a detailed system of regulation for cross-party groups, but there is no regulation at all for the Scottish Parliament and Business Exchange. Surely the report is a missed opportunity to put right that inconsistency.

Bill Butler: Will the member take an intervention on that point?

Mike Rumbles: No.

Complaints between MSPs are now under the heading of "Excluded Complaints" and so are not lodged with the standards commissioner; they must be lodged with the Presiding Officer. However, even here there is confusion. Paragraph 8.12.1 states:

"Any complaint against a Member ... in respect of this guidance should in the first instance be made to the Presiding Officer."

The fact is that it is not guidance. If it is guidance, it should be in volume 3 with all the other guidance, and not in volume 2, which is the code of conduct.

Bill Butler: On that point?

Mike Rumbles: No.

The problem is that this has been a cut-and-paste job. One has only to look at the code of conduct to see that. The text simply does not fit properly. As Brian Adam said, we cannot have inconsistency and inaccuracy in the code of conduct. It should be clear and concise and everyone should know what is and is not a rule and what is and is not guidance. They are not the same thing.

I am disappointed with what the Standards and Public Appointments Committee has presented us with today. It is unfortunate that a step such as removing from the code of conduct our obligations on openness and accessibility has been presented to us as it has been, but it is inexcusable to present to Parliament a document that has inconsistency and error within it that will present a danger to MSPs in the next session of

Parliament—the danger of transgressing what some might see as a rule but others might see as only guidance.

We need clarity. I ask the convener of the Standards and Public Appointments Committee to withdraw the committee's report and to bring it back within the next two weeks. Otherwise, the successor committee in the next session of Parliament will have to start with a review of the code of conduct.

16:43

Bill Butler (Glasgow Anniesland) (Lab): I regret the last speech. It was Mike Rumbles at his most captious and rebarbative, and that is not a pretty sight.

I tell members clearly that what we have before Parliament is not inconsistent and is not confusing. If there were points on which Mr Rumbles wished to submit his concerns, he could have done so before.

Mike Rumbles: I did.

Bill Butler: Those points were not made.

However, I do not want to sum up this debate in a sour way. Let me turn away from Mr Rumbles and say that it is my pleasure to close on behalf of the Standards and Public Appointments Committee in this short debate. Despite its brevity, a number of interesting and positive speeches have been made by all members, except one. I will try to address the salient points in the brief time allotted to me.

As my colleague Brian Adam, the convener of the committee, remarked, due praise must go to the Standards Committee in the first diet of the Parliament for the code that was adopted in February 2000. That code has, in the main, worked well. It has not been perfect; no code is. Anyone who thinks that a code can be perfect really should get a life.

The current committee undertook its review of the code as a complementary exercise to its work on replacing the interim legislation governing the registration and declaration of members' interests. The changes are not wholesale and cover only the matters on which the committee feels that changes will assist members in registering their interests as required by the Interests of Members of the Scottish Parliament Act 2006—that is the title that Donald Gorrie was striving to remember, which I agree rolls off the tongue.

Perhaps the decision that has provoked most discussion was that to move the key principles into volume 1 of the code. I re-emphasise that the exemplary standards that are expected of members will not be diluted. I emphasise that,

under section 8 of volume 2, we will all still be responsible for remaining

“accessible to the people of the areas”

that we

“have been elected to serve”

and for representing them conscientiously. Our electors' wishes and their reasonable expectations of us as members of the Scottish Parliament remain paramount. The key issue remains accessibility and MSPs' accountability, which will in no way be diminished. My committee colleague Mr Alex Fergusson made that point well.

Mr Alasdair Morgan's submission to the committee was interesting. I did not agree with all of it—that is on the record—but the successor committee in the next session may wish to reconsider some of the interesting points about the relationship between constituency members and regional members.

Mr John Home Robertson's constituent was suffering a misapprehension—one of several, I believe—about mandatory committees. The relevant comments were made in a discussion that the Standards and Public Appointments Committee had about its legacy paper. Perhaps that will set the mind of the member's constituent at rest, although I doubt it.

It should be borne in mind that a code of conduct alone will not guide, inspire or make members better people. The code of conduct is just one way of achieving that. As John Home Robertson said, a natural desire is felt throughout the Parliament—among members of parties and of no party—to be accessible and to remain accountable to the people of Scotland. The Parliament has a good and commendable record on such matters. That is not to be complacent. Other legislatures are now anxious to follow that record, and quite right too.

Business Motions

16:47

The Deputy Presiding Officer (Murray Tosh):

The next item of business is consideration of business motion S2M-5746, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a revision to this week's business programme.

Motion moved,

That the Parliament agrees the following revision to the programme of business for Thursday 15 March 2007—

after,

12 noon First Minister's Question Time

insert,

followed by Members' Business – S2M-5725
Karen Gillon: Malawi—[*Ms Margaret Curran.*]

Motion agreed to.

The Deputy Presiding Officer: The next item of business is consideration of business motion S2M-5747, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 21 March 2007

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 3 Proceedings: Rights of
Relatives to Damages
(Mesothelioma) (Scotland) Bill

followed by Stage 1 Debate: Cairngorms
National Park Boundary Bill

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 22 March 2007

9.15 am Parliamentary Bureau Motions

followed by Executive Debate: Scotland in the
United Kingdom

11.40 am General Question Time

12 noon First Minister's Question Time

followed by Members' Business

2.15 pm Themed Question Time—
Enterprise, Transport and Lifelong
Learning
Justice and Law Officers

2.55 pm Executive Debate: Education

followed by

Parliamentary Bureau Motions

5.00 pm

Decision Time

followed by

Members' Business

Wednesday 28 March 2007

2.30 pm

Time for Reflection

followed by

Parliamentary Bureau Motions

followed by

Final Stage: Airdrie-Bathgate
Railway and Linked Improvements
Bill

followed by

Business Motion

followed by

Parliamentary Bureau Motions

5.00 pm

Decision Time

followed by

Members' Business

Thursday 29 March 2007

9.15 am

Parliamentary Bureau Motions

followed by

Executive Business

11.40 am

General Question Time

12 noon

First Minister's Question Time

followed by

Executive Business

1.00 pm

Decision Time—[*Ms Margaret Curran.*]

Motion agreed to.

Parliamentary Bureau Motions

16:48

The Deputy Presiding Officer (Murray Tosh): The next item of business is consideration of 11 Parliamentary Bureau motions. I ask Margaret Curran to move motions S2M-5733 to S2M-5743 inclusive, on the approval of statutory instruments.

Motions moved,

That the Parliament agrees that the draft Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007 be approved.

That the Parliament agrees that the draft Local Governance (Scotland) Act 2004 (Allowances and Expenses) Regulations 2007 be approved.

That the Parliament agrees that the draft Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007 be approved.

That the Parliament agrees that the draft Representation of the People (Post-Local Government Elections Supply and Inspection of Documents) (Scotland) Regulations 2007 be approved.

That the Parliament agrees that the draft Number of Inner House Judges (Variation) Order 2007 be approved.

That the Parliament agrees that the draft National Waste Management Plan for Scotland Regulations 2007 be approved.

That the Parliament agrees that the draft Fundable Bodies (Scotland) Order 2007 be approved.

That the Parliament agrees that the draft Debt Arrangement Scheme (Scotland) Amendment Regulations 2007 be approved.

That the Parliament agrees that the draft Renewables Obligation (Scotland) Order 2007 be approved.

That the Parliament agrees that the draft Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2007 be approved.

That the Parliament agrees that the draft Business Improvement Districts (Ballot Arrangements) (Scotland) Regulations 2007 be approved.—[*Ms Margaret Curran.*]

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

I suspend the meeting until 5 pm.

16:49

Meeting suspended.

17:00

On resuming—

Point of Order

The Presiding Officer (Mr George Reid): I think that Mr Brocklebank wishes to make a point of order.

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): On a point of order, Presiding Officer. Can you look into the circumstances that resulted in business being suspended at 16:48 today, which denied the Parliament a final opportunity to debate the extremely important Scottish statutory instrument on tail docking? If that legislation is passed, we will have the ludicrous situation wherein a bitch in pup can be transported across the border into England a week before she gives birth and her pups can then have their tails shortened—

The Presiding Officer: Mr Brocklebank, you had the chance to say this earlier, you know.

Mr Brocklebank: Presiding Officer, it seems to us that the session was completed prematurely, and we did not have the opportunity to make the points that I am making now.

The Presiding Officer: I do not think that the suspension would have been premature if you had been here, Mr Brocklebank.

Mr Brocklebank: In the circumstances, Presiding Officer, is it possible for you to rule that we at least be allowed to make this final plea on an extremely important matter?

The Presiding Officer: I think that you have. In allowing you to speak on the floor, I have allowed your point to be made. I think that we should move on.

Decision Time

17:01

The Presiding Officer (Mr George Reid):

There are eight questions to be put as a result of today's business. The first question is, that motion S2M-5695, in the name of Hugh Henry, that the Schools (Health Promotion and Nutrition) (Scotland) Bill be passed, be agreed to. Are we agreed?

Motion agreed to.

That the Parliament agrees that the Schools (Health Promotion and Nutrition) (Scotland) Bill be passed.

The Presiding Officer: The second question is, that motion S2M-5683, in the name of Scott Barrie, on the Edinburgh Airport Rail Link Bill Committee's second report 2007, on the appropriate assessment report on the Firth of Forth special protection area, be agreed to. Are we agreed?

Motion agreed to.

That the Parliament notes the 2nd Report, 2007 (Session 2) of the Edinburgh Airport Rail Link Bill Committee, Appropriate Assessment Report on the Firth of Forth Special Protection Area (SP Paper 736), and agrees that the construction of the project proposed in the Bill will not adversely affect the integrity of the Firth of Forth Special Protection Area.

The Presiding Officer: The third question is, that motion S2M-5684, in the name of Scott Barrie, on the Edinburgh Airport Rail Link Bill Committee's third report 2007, on the Edinburgh Airport Rail Link Bill and European protected species, be agreed to. Are we agreed?

Motion agreed to.

That the Parliament notes the 3rd Report, 2007 of the Edinburgh Airport Rail Link Bill Committee, Report on the Edinburgh Airport Rail Link Bill and European Protected Species (SP Paper 737), and agrees that the construction of the Edinburgh Airport Rail Link project should not impact on the favourable conservation status of otters.

The Presiding Officer: The fourth question is, that motion S2M-5685, in the name of Scott Barrie, that the Edinburgh Airport Rail Link Bill be passed, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)

Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 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)
 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)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Petrie, Dave (Highlands and Islands) (Con)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 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)

Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 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)
 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)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)

ABSTENTIONS

Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Kane, Rosie (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 86, Against 29, Abstentions 3.

Motion agreed to.

That the Parliament agrees that the Edinburgh Airport Rail Link Bill be passed.

The Presiding Officer: The next question is, that motion S2M-5719, in the name of Brian Adam, on the Standards and Public Appointments Committee's second report 2007, on the code of conduct for members of the Scottish Parliament, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)

Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (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)
 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)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 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)
 Petrie, Dave (Highlands and Islands) (Con)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (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)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Byrne, Ms Rosemary (South of Scotland) (Sol)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Kane, Rosie (Glasgow) (SSP)
 Pringle, Mike (Edinburgh South) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Sheridan, Tommy (Glasgow) (Sol)

ABSTENTIONS

Fox, Colin (Lothians) (SSP)
 McFee, Mr Bruce (West of Scotland) (SNP)

The Presiding Officer: The result of the division is: For 106, Against 7, Abstentions 2.

Motion agreed to.

That the Parliament notes the 2nd Report, 2007 (Session 2) of the Standards and Public Appointments Committee, Code of Conduct for Members of the Scottish Parliament (SP Paper 763) and agrees to its conclusions.

The Presiding Officer: I propose to put a single question on motions S2M-5733 to S2M-5741 inclusive, on approval of Scottish statutory instruments. If any member does not agree, they should shout "Object" now.

The next question is, that motions S2M-5733 to S2M-5741 inclusive, in the name of Margaret Curran, on approval of SSIs, be agreed to.

Motions agreed to.

That the Parliament agrees that the draft Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007 be approved.

That the Parliament agrees that the draft Local Governance (Scotland) Act 2004 (Allowances and Expenses) Regulations 2007 be approved.

That the Parliament agrees that the draft Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007 be approved.

That the Parliament agrees that the draft Representation of the People (Post-Local Government Elections Supply and Inspection of Documents) (Scotland) Regulations 2007 be approved.

That the Parliament agrees that the draft Number of Inner House Judges (Variation) Order 2007 be approved.

That the Parliament agrees that the draft National Waste Management Plan for Scotland Regulations 2007 be approved.

That the Parliament agrees that the draft Fundable Bodies (Scotland) Order 2007 be approved.

That the Parliament agrees that the draft Debt Arrangement Scheme (Scotland) Amendment Regulations 2007 be approved.

That the Parliament agrees that the draft Renewables Obligation (Scotland) Order 2007 be approved.

The Presiding Officer: The seventh question is, that motion S2M-5742, in the name of Margaret Curran, that the draft Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2007 be approved, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (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)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 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)
 Kane, Rosie (Glasgow) (SSP)

Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 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)
 Radcliffe, Nora (Gordon) (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)
 Stephen, Nicol (Aberdeen South) (LD)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 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)
 Goldie, Miss Annabel (West 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)
 Mitchell, Margaret (Central Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Petrie, Dave (Highlands and Islands) (Con)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, John (Ayr) (Con)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (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)
 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)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)

The Presiding Officer: The result of the division is: For 70, Against 25, Abstentions 21.

Motion agreed to.

That the Parliament agrees that the draft Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2007 be approved.

The Presiding Officer: The eighth and final question is, that motion S2M-5743, in the name of Margaret Curran, that the draft Business Improvement Districts (Ballot Arrangements) (Scotland) Regulations 2007 be approved, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (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, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 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)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)

Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 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)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (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)
 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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)

Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Petrie, Dave (Highlands and Islands) (Con)
 Robison, Shona (Dundee East) (SNP)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (Sol)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)

ABSTENTIONS

Swinburne, John (Central Scotland) (SSCUP)

The Presiding Officer: The result of the division is: For 75, Against 39, Abstentions 1.

Motion agreed to.

That the Parliament agrees that the draft Business Improvement Districts (Ballot Arrangements) (Scotland) Regulations 2007 be approved.

Scots Trad Music Awards 2006

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S2M-5261, in the name of Rob Gibson, on the success of Scots trad music awards 2006. The debate will be concluded without any question being put.

Motion debated,

That the Parliament congratulates Hands Up For Trad, its founder Simon Thumire of Footstompin' Records and the sponsors and supporters who made the 2006 awards ceremony and weekend entertainment in Fort William such a happy and successful gathering; draws particular attention to the staff of the Nevis Centre whose hard work allowed the annual event to move from its Edinburgh base and offer a top-class venue, a friendly Highland welcome and a tremendous warm-up for the major events to be staged there in 2007 during the Scottish Year of Highland Culture; offers congratulations to winners of a wide range of awards, voted on by thousands across the globe, that give significant recognition to the excellence within Scotland's thriving contemporary traditional music scene; encourages the funding bodies to invest in this success which promotes, through composition, performance and enthusiastic audience response, such a positive message about Scottish cultural confidence, and believes that Scotland's television media should build on BBC Radio Scotland's role as the sole consistent champion of our Scottish music and traditions by broadcasting the images and sounds round the world.

17:08

Rob Gibson (Highlands and Islands) (SNP): It is my pleasure to celebrate the Hands Up for Trad awards and Scotland's traditional music scene in general, to seek continuity and increase for all the strands that support it, and to argue that Scotland's music and traditional arts should be seen far more often on Scotland's television screens and around the world.

Agriculture accounts for only a small part of our gross national product, and so do all our cultural industries, but without food no other part of the economy can work and without our cultural heritage we would not be the Scots we are today—a nation with a generally positive self-image that can be at ease with itself and prepared to celebrate that heritage with others.

A huge debt is owed to Simon Thumire, who is a fine musician in his own right and the moving spirit behind Hands Up for Trad. In the programme for the 2006 awards, he says:

"The aim of these Awards is to highlight Scotland's wonderful traditional music in all its forms and to create a high profile opportunity which will bring the music and music industry into the spotlight of media and public attention.

The Awards, which give recognition to excellence within Scotland's thriving music culture, encompass all aspects of

traditional music, from Gaelic Song, folk, Scottish dance music to pipe bands and a host of others in between."

The Nevis Centre in Fort William provided a tremendous venue for the awards last December. The weekend is to be repeated this year, the Scottish year of Highland culture.

Many groups are teaching our native music around Scotland. Some examples are the Scots music group of the adult learning project in Edinburgh, the Gordon Gaitherin, and the national centre of excellence in traditional music at Plockton high school, but no formal teaching organisation is as powerful and influential as the fèisean movement. That was confirmed in a recent book by Kate Martin, who is now lecturing in community education at the University of Dundee. She was a founder of Fèis Rois. She has edited a history of the first 25 years of the fèisean movement that was launched at the Hands Up for Trad weekend last December. She sums up thus:

"It seems that in return for a relatively small investment, in the Highlands and Islands and beyond, the Fèisean are producing a generation of assertive and skilled young people who are confident in their culture and as a result can relate to other cultures. They are creating networks, enhancing the quality of life, building social capital and community capacity, and contributing to employment in rural communities.

When young people become aware of and confident about their own culture, it becomes possible for them to appreciate other cultures, and contribute to a wider social participation and understanding."

That is precisely the message that the Commission for Racial Equality uses to underpin a confident multicultural society. Indeed, the City of Edinburgh Council underpins its increased support for Gaelic in the city's life on that basis. That dovetails with the idea of cultural entitlements that in turn underpins the youth music initiative that has proved to be a substantial injection into the experience of primary 5 and 6 pupils in the past three years.

Will the minister's evaluation of the initiative ensure greater future investment? Will there be more instruments? Will one year's experience of live music mean just that—and not just an hour-long lesson for 12 weeks of that year? That ambition would extend the confidence and scope of the scheme. I hope that it will be possible for every one of those children to experience some live traditional music and musicians in their classrooms as well as many other musical forms.

In the foreword to the fèisean book, the then minister, Peter Peacock said:

"I would also like to commend these bodies that have supported Fèisean nan Gàidheal over the years. They should be pleased with the results of their investment in the organisation. This is indeed a success story."

We have to build on the backing that Highlands and Islands Enterprise has given to the strengthening of communities that underpins its backing for the fèisean, and extend that to the Scottish Enterprise area for the rest of Scotland. Will the minister comment on that proposal?

BBC Scotland's promotion, Scotland's music 2007, celebrates and showcases many strands of music making on the radio, but we need to lobby hard for BBC television to show off our talent. Will there be many more hours of music on television this year? Thousands of people voted in the Hands Up for Trad awards. Surely we agree that the BBC should cover that event on television, ensuring a worldwide audience. Can the Government seek to get a pledge from BBC Scotland to do just that?

Many journalists, such as Ruth Wishart in *The Herald* of 21 February this year, have commented on the link between a newly self-confident Scotland and the resurgence of Scottish traditional music as exemplified by the annual Celtic Connections festival in Glasgow. It has developed an international audience and global artistic content. The most striking factor in the resurgence is the relative youth of many leading participants. There is no doubt that the fèisean movement is largely responsible for that. That is why the Scotland Funds has Fèisean nan Gàidheal as one of its early project partners.

The Scotland Funds events across Canada later this year will feature the best of young musicians from Scotland. They will take this world-class music to other Scots-Canadian communities and build permanent bridges.

In the article in *The Herald* that I mentioned, which was part of a series on 300 years of the union, a leading figure in the arts education community, John Wallace, who is the principal of the Royal Scottish Academy of Music and Drama, said:

"Scotland's creativity and confidence have been enhanced by devolution. Independence? It would skyrocket."

Hands Up for Trad has provided a modern focus for our thriving traditional scene, but it is our duty—and no one else's—to support and develop that healthy self-awareness.

The award-winning young Gaelic singer Julie Fowles, who is a great star of today, was featured in a recent article in the *Sunday Herald*, which said that she knows that

"singing in Gaelic, especially when your songs get played on national radio, is on some level an act of conservation. 'I am aware that I am singing in a language that is in a very fragile state and is very much under threat,' she says, 'and if I can do even the tiniest amount towards helping keep it alive then I would be very happy.'"

That belief underpins people's celebration of our traditional music.

I hope that members of the Parliament will put their hands up for trad, celebrate it, seek to continue to increase public support for it and insist on television coverage of Scotland's music for a growing audience, thereby allowing many more people to enjoy our unique contribution to the world's diverse cultural heritage.

17:16

Eleanor Scott (Highlands and Islands (Green): I, too, enjoyed the 2006 Hands Up for Trad event, as Rob Gibson well knows, because I was sitting with him at the same table. I know that the Minister for Tourism, Culture and Sport had intended to be there and would have enjoyed it greatly if she had been able to make it on the night. I am looking forward to the 2007 event as part of the Scottish year of Highland culture.

I agree with the motion that Rob Gibson has lodged—it would be good for more traditional music to be broadcast both here and across the world because that would encourage people not only to appreciate, but to participate in, Scottish traditional music. That is what really interests me, because traditional music is almost unique among the arts in being about participation.

As Rob Gibson said, many of the stunning artists whom we saw at the Hands Up for Trad event came up through the fèis movement, which has introduced many young people to traditional music. They go to the junior fèis at the age of nine, in primary 5, where they play traditional music for the first time. Sometimes adults are introduced to traditional music at the adult fèis. Some of the young people will go on to be world-class professional musicians, but others play just for pleasure or among friends. Both my kids went to the fèis when they were in primary school. One of them continues to listen to traditional music but does not play it and the other one plays rock music; the fèis provided a good foundation for both of them.

In an age in which it can be argued that people are becoming more passive, traditional music encourages people to be active. It involves doing rather than just sitting back and appreciating what others do, which can only be good for people's personal development and confidence. One has only to see the young people from the fèis who do the ceilidh trail every summer in Ross-shire. After rehearsing for a bit, they go round different places where tourists are gathered and play stunning music that is hugely appreciated. That has become a massive event in the calendar. Among other things, participants learn how to present themselves on stage and how to work all the

equipment. They are usually kids in their teens, in the later stages of school. The event gives young people confidence in an age in which we sometimes say quite negative things about them. Anyone who sees those young people would be inspired by their achievements.

Traditional music is great for forging communities—a village where the pub holds regular traditional music sessions is much the richer for it—and, as I have said, it is great for giving young people something to do. We must actively promote traditional music, not just because it is our culture and it is our responsibility to conserve, promote, enhance, add to, develop and resource it, and not just because we have a duty to educate our young people about their culture and to enable them to participate in it. We should do so because taking part in events and learning to play music and to co-operate as part of a group are just so much fun. Even playing a tin whistle extremely badly with some extremely tolerant friends—as I have occasionally done—is a great deal better than not playing traditional music at all. More and more people should be encouraged to do it. I am delighted to support Rob Gibson's motion.

17:20

Cathy Peattie (Falkirk East) (Lab): I thank Rob Gibson for securing the debate. I also give great thanks to Simon Thumire for his commitment to making the Hands Up for Trad awards happen. I have to confess that those are the only music awards in which I ever vote.

The categories for the awards demonstrate a broad spectrum of different organisations and different kinds of traditional music, from small organisations who meet to sing together and enjoy traditional music, to large, performing bands. Rob Gibson mentioned the ALP. A few years ago, I went to an ALP weekend school on traditional music, which involved people from all over Europe. We learned some of their songs and taught them our songs. It got me and some of my friends singing again. It was a special and wonderful experience—we were there not to go out on the road and sing to other folk but to sing for the sake of it. That was important for all the folk who participated.

The work done with young people is vital. I praise people such as Arthur Cormack for his work in the fèis movement, which encourages young people to learn and to value music. I guarantee that such youngsters will come back to traditional music after rock music. The youth music initiative, which encourages young folk to participate in music, is a real plus. Not only does participating in the traditional arts help young people to learn music and learn to perform, but the confidence

that comes with that, and the pride in their culture, are things that we cannot put a price on.

The Parliament talks a lot about tourism. Our arts are world renowned. People come to Scotland to learn and to celebrate Scottish traditional arts. They come to festivals such as Celtic Connections, sometimes to listen and sometimes to perform, to meet others and to learn songs and different pieces of music from them. Scottish traditional arts incorporate music, song, storytelling, dance and language. Language is very important. We should be proud of our strong culture of language, both Gaelic and Scots. For years, people living in Scotland were criticised for their language and prevented from using it. We should be saying, "This language is important. Let's celebrate it."

I echo Rob Gibson's sentiment about broadcasting. Radio Scotland does not do a bad job of covering traditional arts and folk music, although it could do better and has done better in the past. I would like to hear my language on television. I would like to hear people singing songs and performing music that I like. I know that other people living in Scotland feel the same. We should be proud of our culture, not apologise for it. We have so much to offer.

I hope that when the minister responds to the debate she will recognise the value for tourism in Scotland when people come here to hear our music. I hope that she recognises the importance of encouraging young people to participate in music and of giving them support to perform it, perhaps make career out of it or simply enjoy it. That is why the debate is so important. We should have a debate every month on different aspects of the traditional arts in Scotland, to consider how we can build on them, to encourage young people and others to participate in and be proud of them, and to celebrate them.

17:23

Mr Jamie McGrigor (Highlands and Islands) (Con): I congratulate Rob Gibson on securing a debate on Scottish traditional music. From Shetland to Gretna, it is an important part of Scottish culture. There are many different traditions, one of which we saw last night in the Parliament, when the Shetland squad gave us a taste of Up-Helly-Aa, in which a Viking minister, Tavish Scott, took part. It produced a most enjoyable evening.

In the motion, Rob Gibson rightly compliments the highly competent staff of the Nevis Centre, which I have visited in the past. Events such as T in the Park are particularly important to rural Scotland. However, despite my enthusiasm for the many events that will celebrate Highland 2007, I

am concerned that new events, heavily sponsored by EventScotland through the Scottish Executive, might cause displacements from the events that already exist.

For example, the organisers of the Hebridean Celtic festival, which takes place in Stornoway and is a bastion of Scottish traditional music, are surprised and quite angry that an enormous event featuring Elton John is being held at the Caledonian stadium at the same time as the festival. People cannot attend both events because the ferries do not run on Sundays. Surely some joined-up thinking could have put the events on different weekends. I am led to believe that the Elton John event is being sponsored through EventScotland to the tune of £150,000, so it is not surprising that the organisers of the Hebridean Celtic festival feel hard done by.

Also planned is an event at Inveraray called Connect, which is to be subsidised with £250,000, and another at Aviemore entitled The Outsider, which will also receive help from EventScotland. I am not in any way against those events, which should make the year of Highland culture a great success, but I am worried about the existing shows that receive hardly any funding in comparison with the big, new events. It would be a tragedy if the new events displaced events such as Rock Ness, which was a success last year, or Tartan Heart, which has been going for some years, or any of the smaller concerts that will take place in the Highlands this summer. I hope that I have firmly made the point about displacement and that the minister will investigate the situation.

I agree with Rob Gibson about BBC Radio Scotland and its coverage of Scottish music. I am a great fan of accordion and fiddle music, which is enjoying a terrific resurgence. Accordion and fiddle clubs are valuable in rural communities. I greatly enjoy listening to Robbie Shepherd's music shows on Radio Scotland, which emphasise the importance of Scottish culture.

I am delighted that the Inveraray and District Pipe Band was recently awarded lottery funding of £17,000, having been voted a winner by a television audience. At the other end of pipe music, the Red Hot Chilli Pipers are also doing extremely well. Traditional Gaelic music also plays a great part. The songs and poems of Sorley MacLean and Duncan Ban MacIntyre will last for ever.

Scotland's traditional music is like tartan and Highland dancing. It is a distinct brand that helps to market Scotland and it brings more people into contact with the history of a remarkable people, expressing love, sorrow and happiness through music that emanates from a culture that often grew from harsh conditions in a beautiful, though sometimes very hard, environment.

17:27

The Minister for Tourism, Culture and Sport (Patricia Ferguson): I thank Rob Gibson for giving us the opportunity to congratulate Hands Up for Trad on its sterling work and recognise the tireless work of its founder Simon Thumire in promoting Scotland's traditional music.

Scotland's music is, of course, distinctive, easily recognised and much loved around the world. It is an important part of determining who we are. It tells the history of the nation and illustrates clearly the story of Scotland and her people. That is why I believe that the Scots trad music awards are so important. We need an opportunity to celebrate and honour the best in traditional music. Although the awards have been running only for the past four years, they have become an important part of our cultural calendar. As someone who had the pleasure of attending one of the events, I may say that the awards are also a very lively part of our cultural calendar.

As Rob Gibson said, the 2006 awards were presented in Fort William. I am sorry that other ministerial duties prevented me from attending. Like many organisations throughout Scotland, Hands Up for Trad is engaging with the Scottish year of Highland culture, and the awards will take place in the Highlands again this year.

I refer to Jamie McGrigor's point about displacement caused by the year of Highland culture. The aim of the year of celebration is to provide international, national, regional and community events so that there is something for everyone. I hope that people will take the choices that are on offer to them and explore new things as well as events that they have attended in the past. I hope that they will have the opportunity to attend whichever events they prefer to attend, and I hope that that will help some of the smaller events to build up their capacity in future years.

Mr McGrigor: I thank the minister for mentioning the issue. However, if the new events are receiving an enormous subsidy in comparison to what other events are receiving, does that not make the displacement more likely to happen?

Patricia Ferguson: The function of EventScotland is to attract big, national events as well as to support smaller, local community events. It has a special budget for the latter events, so, if they are not being funded proportionately, they should apply to EventScotland for that money. I am sure that if they contact the regional manager at EventScotland, they will be given assistance in doing that. I am happy to give Mr McGrigor the details of that later, if that would help.

I join Rob Gibson in congratulating the staff of the Nevis Centre on ensuring that the event was

well catered for. I heard that it was a particularly good event, and I am sure that that was at least partly due to the legendary Highland warmth and hospitality. I hope that many visitors from both home and abroad will discover that during 2007.

Through funding from EventScotland, VisitScotland and the Scottish Arts Council, the Executive has shown its full commitment to supporting and showcasing our culture as well as to developing traditional arts as a whole, including Scotland's traditional music. It is worth taking Cathy Peattie's point about tourism. I hope that the involvement of VisitScotland and EventScotland is evidence of the fact that they see traditional music, and the traditional arts more generally, as being important in providing visitors with the package that they now require when they visit our country.

The year of Highland culture, which has been developed by the Executive in partnership with Highland Council, Highlands and Islands Enterprise and others, is an exciting programme of events that is promoting Scotland overseas and providing Scotland's citizens with an opportunity to celebrate our culture. I have no doubt that it will also have an economic impact, which is especially important in the Highlands.

However, it is not enough to recognise achievement in traditional music; we must also encourage the next generation to become involved. I was particularly pleased to read today a special newsletter that has been produced by Fèisean nan Gàidheal with the youth music initiative at Highland Council. The newsletter says that not only has the youth music initiative reached every primary school in the Highland Council area but it has led to the creation of employment for many talented professional traditional musicians. That is to be applauded.

In addition, we have the music school at Plockton, which focuses very much on our traditional music and arts. In the past school year, the music school had 21 pupils, of whom 20 were residential—the pupils are drawn from throughout Scotland. That is evidence of the growing popularity of, and interest in, traditional music.

Rob Gibson mentioned John Wallace and the RSAMD. I am always happy to applaud anything that is being done at the RSAMD, as I am always confident that it is absolutely of the best.

No exception to that, the department of Scottish music at the RSAMD offers the only honours degree course in Scottish traditional music in the world. The course offers a broad-based training to talented traditional musicians, enabling them to pursue a variety of careers or further study. The piping degree, for example, is run in collaboration with the National Piping Centre, which is recognised internationally as a centre of excellence in Highland bagpipe teaching.

Hands Up for Trad is involved in promoting the traditional music of our country and allowing young people to experience it and excel in it. In that regard, its organisation and promotion of the young traditional musician of the year awards should be recognised. The awards are held in January each year, as part of the Celtic Connections festival—another event that promotes traditional music.

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

The minister is drawing towards the end of her time. I wonder whether she is going to comment on some of the comments from members about broadcasting and whether she can give us an Executive view of the position of BBC Scotland regarding the amount of coverage that it gives—or does not give—to both the traditional arts and other arts and culture on radio and television.

Patricia Ferguson: I am trying to address all the points that members have made, and I will come to that point.

As I was saying, the young traditional musician of the year awards are a vital part of taking that agenda forward. The awards are broadcast by BBC Radio Scotland. I never cease to be amazed by the talent shown by the young people in the final line-up. I have never been involved in judging such competitions—thankfully—but I think that the judges must have a tremendously difficult job in singling out a winner.

As I mentioned, and as members will know, we are committed to ensuring that all children have the opportunity to be involved in music of whatever genre. We have implemented that commitment through the youth music initiative. I am sure that Rob Gibson will be interested to know—this answers a question that he asked—that Northumbria University is currently finalising a year-long independent evaluation of the youth music initiative on behalf of the Scottish Arts Council. The evaluation exercise includes an analysis of the styles and genres that have been supported by YMI funds.

Early indications are that Scottish traditional music projects have been very well supported by both formal and informal sector funding. We expect that the final evaluation report will be published later this month and I will ensure that a copy of it is sent to Mr Gibson.

The issue of broadcasting was raised by several members, including Mr Maxwell. I for one would like to see more traditional music and traditional arts and culture on our television screens. However, as members know, broadcasting is reserved to Westminster and responsibility does not lie with us. It is fair to say that the broadcasters need to make decisions based on their perception of the popularity of a particular art form. However,

that is why broadcasters should perhaps reconsider the level of production that they dedicate to traditional music. I think that the trad music awards should be broadcast not just because we live in a world where people like awards ceremonies but because it would create value if we could see those who are being honoured. It would be a distinctive and helpful addition if those awards, and the young traditional musician of the year awards, were broadcast. As I said, I am amazed by the talent that comes through the young traditional musician of the year awards.

I believe that Scotland's traditional music is a reflection of our culture as a whole. It is alive and well and at the heart of our nation. It plays a real and relevant part in identifying that nation. That is as a result of the excellent input from many individuals and bodies, some of whom have been mentioned this evening. I am sure that Simon Thumire and Hands Up for Trad are out there with the leaders. In concluding, I offer my congratulations on the past success of the Scottish traditional music awards and my very best wishes for the future.

Meeting closed at 17:37.

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