

MEETING OF THE PARLIAMENT

Wednesday 12 September 2007

Session 3

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2007.

Applications for reproduction should be made in writing to the Licensing Division,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by RR
Donnelley.

CONTENTS

Wednesday 12 September 2007

Debates

	Col.
TIME FOR REFLECTION	1583
SKILLS STRATEGY	1585
<i>Motion moved—[Fiona Hyslop].</i>	
<i>Amendment moved—[Iain Gray].</i>	
<i>Amendment moved—[Murdo Fraser].</i>	
<i>Amendment moved—[Jeremy Purvis].</i>	
The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop).....	1585
Iain Gray (East Lothian) (Lab).....	1591
Murdo Fraser (Mid Scotland and Fife) (Con).....	1595
Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD).....	1598
Christina McKelvie (Central Scotland) (SNP).....	1601
Richard Baker (North East Scotland) (Lab).....	1603
Joe FitzPatrick (Dundee West) (SNP).....	1606
Mary Mulligan (Linlithgow) (Lab).....	1608
Derek Brownlee (South of Scotland) (Con).....	1610
Ian McKee (Lothians) (SNP).....	1613
Liam McArthur (Orkney) (LD).....	1615
Cathie Craigie (Cumbernauld and Kilsyth) (Lab).....	1617
Aileen Campbell (South of Scotland) (SNP).....	1619
John Park (Mid Scotland and Fife) (Lab).....	1621
Hugh O'Donnell (Central Scotland) (LD).....	1623
Elizabeth Smith (Mid Scotland and Fife) (Con).....	1625
Ken Macintosh (Eastwood) (Lab).....	1627
The Minister for Schools and Skills (Maureen Watt).....	1631
FOOT-AND-MOUTH DISEASE	1635
<i>Statement—[Richard Lochhead].</i>	
BUSINESS MOTIONS	1641
<i>Motions moved—[Bruce Crawford]—and agreed to.</i>	
PARLIAMENTARY BUREAU MOTION	1643
<i>Motion moved—[Bruce Crawford].</i>	
DECISION TIME	1644
LAND REFORM (SCOTLAND) ACT 2003	1653
<i>Motion debated—[Sarah Boyack].</i>	
Sarah Boyack (Edinburgh Central) (Lab).....	1653
Roseanna Cunningham (Perth) (SNP).....	1656
Bill Aitken (Glasgow) (Con).....	1658
Pauline McNeill (Glasgow Kelvin) (Lab).....	1659
Mike Rumbles (West Aberdeenshire and Kincardine) (LD).....	1661
Rob Gibson (Highlands and Islands) (SNP).....	1663
Peter Peacock (Highlands and Islands) (Lab).....	1665
Robin Harper (Lothians) (Green).....	1668
Murdo Fraser (Mid Scotland and Fife) (Con).....	1669
The Minister for Environment (Michael Russell).....	1671

Scottish Parliament

Wednesday 12 September 2007

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

Time for Reflection

The Presiding Officer (Alex Fergusson): Good afternoon. The first item of business this afternoon is time for reflection. I am pleased to welcome our time for reflection leader today, who is Dr Jagtar Singh Nijjar from the Scottish Inter Faith Council.

Dr Jagtar Singh Nijjar (Scottish Inter Faith Council): Good afternoon, Presiding Officer, MSPs and ladies and gentlemen. My name is Dr Jagtar Singh Nijjar, I work in the orthopaedics department of the Glasgow royal infirmary and I would like to reflect on aspects of my vocation and my faith and how they interact with society at the moment.

Recently, it has been reported in the media that there has been a “death of society” and that, in general, we are more interested in the preservation of the self than concern for others. Four words are inscribed on the mace: wisdom, justice, compassion and integrity. How many of us can be said to be wise or, indeed, to act in a fair and just manner? Who among us shows compassion always or has infallible integrity?

These ideals are difficult to live up to but are nevertheless necessary. As a Sikh, I believe in another ideal—sewa, or service to God and his creation—and I want to talk to you about a project that I recently visited. It was based in a place called Kericho in Kenya, in a hilly part of town that is surrounded by tea plantations. Although it is a place of natural beauty, it is also a place of immense poverty.

I was there with a group called Guru Nanak Nishkam Sewak Jatha. Its head, Bhai Sahib Mohinder Singh Ji, has opened a community centre there and asked for volunteers to go and help with final preparations. So, along with my family and some 100 volunteers, I went across. I asked Bhai Sahib Ji what the point of the centre was and he explained that it was to provide business skill and acumen to the local community, for people who could not afford it. He went on to explain that the instillation of spiritually based values through education and dialogue—something that was missing—would be at the heart of the institute. One cannot instil a set of morals in someone by teaching it formally; it must be imparted by a teacher, a mother, family and friends. Having a community initiative deliver that

through a faith community would improve not just society in the long term but community cohesion at a local level because of the interfaith aspect.

Service above self was the key theme of the second Scottish Inter Faith Council youth conference. As a member of the council’s youth steering committee, I have had the chance to meet some truly enlightened individuals—young people who have put these ideals into practice through hard work. By doing so, they have contributed greatly to a cohesive, harmonious and peaceful society.

I come back to wisdom, justice, compassion and integrity: I wonder whether service, which I thought was missing from the mace, is in fact embodied in the essence of the Scottish Parliament.

The Presiding Officer: Before we turn to the next item of business, I inform members that I have accepted a request from the Government under rule 13.2.2 of standing orders for an urgent ministerial statement to be made today on the outbreak of foot-and-mouth disease in Surrey. That statement will be delivered by the Cabinet Secretary for Rural Affairs and the Environment at 4.45 pm. I have revised the daily business list, and a copy of that revised list has been placed on members’ desks.

Skills Strategy

The Presiding Officer (Alex Fergusson): The next item of business is a debate on motion S3M-443, in the name of Fiona Hyslop, on the Scottish Government's skills strategy.

14:34

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): I welcome this opportunity to set out to the Parliament how the Government will assist Scotland in stepping up to the mark in skills—skills for life and skills for an economic prosperity that is shared fairly.

During the education debate in June, I announced that the Government would develop its skills strategy as part of our first 100 days commitments. "Skills for Scotland: A Lifelong Skills Strategy" was launched on Monday, and it sets out our ambitions for skills in a lifelong learning context. It is our response to the Leitch review of skills, but it is not our programme for its implementation. That is deliberate.

Liz Cameron of the Scottish Chambers of Commerce was "delighted" with our skills strategy, and commented that we need a

"high-skill economy that makes the best productive use of these skills".

That is where the approach in Scotland differs significantly from the Leitch review of skills. Whereas Leitch's focus was on growing the number of qualifications, the focus in Scotland has to be on supply and, importantly, the use of skills.

The skills strategy is our vision of what we need to develop. As for how to develop that vision, we are issuing a call to action to all the players who are involved in the skills agenda at every level. The intention is to work together with all our partners to focus on how to deliver, developing policies that are focused and relevant and which will make an impact. The how of local delivery will be determined with all key partners in skills development. We will take forward our policies on skills development by weaving them closely with our policies on economic development, business improvement and innovation.

On cohesion, we need to overhaul and simplify the organisation of support for skills and training development by doing two things: first, by creating a national focus on skills by bringing into one organisation those public agencies that support skills and learning; and, secondly, by bringing greater cohesion and support to the local delivery of skills development.

We will merge Careers Scotland with learndirect Scotland. That is an initial step to form the nucleus of a body that is focused on skills, with a much

greater focus on the needs of the individual. I note Murdo Fraser's amendment and I indicate to him and to the Parliament that a further announcement on skills and training will be made when my finance colleagues make a statement in the coming weeks about the reform of Scottish Enterprise.

Peter Peacock (Highlands and Islands) (Lab): On the merger of the careers service, I regret that the Cabinet Secretary for Education and Lifelong Learning seems to be the first minister in many decades to have broken the cross-party consensus that our approach to service delivery should meet the particular, distinct needs of the Highlands and Islands. Highlands and Islands Enterprise has different powers from those that apply elsewhere. Even now, could she reconsider the approach to merging the careers service in the Highlands and Islands that she has described, so as to allow HIE and the local authorities there to develop a distinct approach to services in that very distinct part of Scotland?

Fiona Hyslop: I will respond positively to the member. I was discussing exactly those points with representatives of Highlands and Islands Enterprise during my visit to Inverness only a few weeks ago. There is an important recognition that local delivery mechanisms might be a bit bigger and wider in some parts of Scotland compared with some of the local delivery mechanisms that we might expect to find in the central belt. Elsewhere in Scotland, we want to build on the very synergies that have developed in the Highlands and Islands. I hope that the member will acknowledge the supportive comments and the positive response to our proposals that I have received from colleagues in Highlands and Islands Enterprise—particularly from those who are involved in skills and training. I spoke to Willie Roe about the matter only this week.

For the first time, our strategy spells out clearly that every one of our partners who is involved in the delivery of skills development is part of one lifelong learning system. We will develop a more focused, streamlined and flexible system that will be better suited to developing the needs of Scotland today and tomorrow. The system will be joined up; it will combine national and local delivery while focusing on the needs of the individual; it will be built on good practice; and it will focus increasingly on the individual's needs, aspirations and potential, as well as on the needs of business and the economy.

Our second principle is individual development. We will balance the skill needs of employers with the skill needs of individuals; we will develop coherent support systems that increase individual control and choice over learning; we will promote equal access to, and participation in, skills and

learning, recognising that different people have different needs, are in different situations and have different goals; and we will focus on the individual at each stage of their journey through lifelong learning.

“Skills for Scotland” acknowledges that the foundations for skills development are laid during the early years. That means core skills: reading and writing; encouraging positive attitudes to skills development and the world of work; and embedding the knowledge and skills that will equip children to continue to learn and develop throughout their lives. The curriculum for excellence programme will make skills development all the more visible for teachers, young people, parents and prospective employers.

It is right that we focus on the development of high levels of skills in literacy, numeracy and information technology. Without those core skills, the development of other skills is compromised. The Confederation of British Industry, the Scottish Trades Union Congress and the Federation of Small Businesses have all supported that emphasis in our strategy.

We are committed to giving young people greater access to vocational education from the age of 14 and the opportunity to build up a wide variety of skills—skills to which the young people are suited and which employers will value and use.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Does the minister accept—I hope that she does—that our further education colleges and universities, which will need extra funding, will be the main drivers of the strategy? Does she further accept that they will need more resources from the Government? If so, how much more funding does she envisage?

Fiona Hyslop: I accept that colleges in particular—and, increasingly, universities—have a central role. It is irresponsible, however, to start spending a vast amount—hundreds of millions of pounds of taxpayers’ money—without knowing the outcome of the comprehensive spending review and the results of the budget allocation from Westminster.

We intend to achieve parity of esteem between vocational and academic learning—there is a crucial and strengthened role for colleges there. Skills development goes hand in hand with an enterprising and entrepreneurial outlook. We need more young people to be able to create ideas and have the confidence, determination and skills to translate those ideas into positive action for economic and social benefit. Scotland’s employers will continue to play a crucial part in that effort, and we will continue to encourage them to work in partnership with our schools and teachers in order

to give young people meaningful experience of the world of work.

We are committed to developing Scotland’s worldwide reputation for excellence in enterprise education. We acknowledge that those furthest from the labour market live in a variety of circumstances and need to be supported through flexible provision towards sustained work and further skills development in the workplace. Our strategy therefore outlines our intention to integrate employment and skills services to help individuals move from long-term unemployment to sustained employment and in-work progression—perhaps it has greater similarities with the Leitch review in that respect. We acknowledge that closer working with Jobcentre Plus must be included to ensure that we are delivering a system for the benefit of all, and we intend to pursue that with determination and vigour.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I am grateful to the cabinet secretary for giving way. I want to follow up the point about what we understand to be the commitment to additional funding in the tertiary sector. Why is it considered responsible to announce funding for the abolition of road tolls, for the capital plan for schools, for a new entrant scheme for young farmers and for new housing but not to give a commitment that funding for the tertiary sector will grow over the spending review period?

Fiona Hyslop: Let me explain to Jeremy Purvis, who I think is a former finance spokesperson for the Liberal Democrats, that there is a difference between longer-term funding and baseline funding. The capital funding for schools, which is an important part of our commitment to the early years, is from this year’s funding. If one is looking at the uplift of hundreds of millions of pounds of investment—

Jeremy Purvis: Is the announcement new?

Fiona Hyslop: Of course the announcement is new: it is about money that we have. The problem that we had with the previous Executive was that it was not sure what funding was available. I will make further comments on that tomorrow morning. We have to have responsible finances. I will deliver improvements for and investment in colleges and universities, but that has to be done responsibly as part of the comprehensive spending review.

We are committing this Government to supporting young people aged 16 to 19 who need more choices and chances so that they can improve and make a positive contribution to Scotland. Unlike Labour members, I do not think that raising the school leaving age to 18, which is implicit in the Labour amendment, is the way to do

that. I hope that my commitment to continue to prioritise those young people will command support from members.

Our skills strategy recognises that people, especially those who continue to face multiple barriers to participation in learning and work, are looking for targeted advice that is specifically for them and those whom they support.

The Scottish credit and qualifications framework is central to the strategy. It is one of the few frameworks worldwide that embraces both academic and vocational achievements and the potential to recognise prior learning. It is important that we recognise and value the skills that individuals acquire at work, whether through informal on-the-job learning or more formal learning. The SCQF helps to achieve that and provides an enviably strong launch pad to further achievements.

I recently met Commissioner Ján Figel' from the European Commission, who was impressed by the SCQF. The Commission launched its e-skills strategy—e-skills for the 21st century—last Friday and we will ensure that Scotland participates fully in it. A week ago, I met David Lammy MP to discuss the skills agenda.

We commit to refreshing modern apprenticeships and will embed fully the SCQF in that programme. We believe that, in the past, too much emphasis was placed on achieving volume targets. We are committed to ensuring that modern apprenticeships meet employers' current and future needs, providing security of employment for individuals to earn while they learn new skills that are directly relevant to their job. That is why we have announced in our strategy that we will implement the conclusions of the recent modern apprenticeship consultation.

In particular, we will extend modern apprenticeships to level 2 Scottish vocational qualifications and phase out the current skillseekers programme. That will substantially increase the number of apprentices, help participants to progress to other qualifications such as higher national diplomas and degrees, and further help to achieve parity between vocational and academic qualifications.

Mike Rumbles: Will the minister give way?

Fiona Hyslop: I have already taken an intervention from Mr Rumbles.

Working and learning are often seen as two distinct and separate entities, with the learning to be completed before the working can start. In practice, however, we never stop learning, and the changing workplace demands that we keep learning if we are to continue to be effective contributors. I am determined that the SCQF will help us to achieve that.

We have called the third guiding principle "economic pull". Scotland has a proud history of investment in skills. However, although our skills and qualification levels are higher than those of the rest of the United Kingdom, our productivity lags behind. We agree with Lord Leitch's analysis that we need to improve levels of skills in order to unlock our economic potential, but we do not agree that simply injecting more skills into the labour market will have the economic effect that we seek.

Also, Leitch wants to subsidise employers to badge skills that people already have and to charge employers a levy for training, whereas, in Scotland, we need to focus on developing further skills and, more important, the use of skills, as the Scottish Chambers of Commerce reminded us. That is widely recognised as a desirable key difference.

Our problem in Scotland is not characterised by the supply of skills but by employer demand for skills and how those skills are utilised in the workplace. The extent to which skills utilisation happens in practice depends on a range of factors. Our strategy goes further than Leitch and is designed to suit Scotland's needs and ambitions. Our approach will ensure that Scotland contributes as fully as possible to the newly established UK commission for employment and skills.

We need to understand that employers who face challenges in shaping their future will demand the very best from our education and training providers.

This Government's skills strategy is, above all, a challenge to ourselves and to all our partners to develop the detail of delivery and achieve a smarter Scotland with a globally competitive economy. We want a Scotland where people can work in teams and are confident, creative and hungry continually to learn new skills; a Scotland where employers are able to access a skilled workforce that is increasingly literate and numerate, where small businesses are encouraged to grow and where there is strong, coherent support for businesses of all sizes; and a Scotland where migrant workers and overseas students play a valuable role in an expanded workforce and economy and where learning and training providers work in one system. We want a smarter Scotland that is built on the firm foundations of the talent that each and every person has the right to develop—a Scotland of opportunity and fulfilment.

I move,

That the Parliament believes that to equip the Scottish economy for the 21st century it will require its people to be skilled; notes the publication of *Skills for Scotland*, the Scottish Government's strategy to help deliver the skills

needed for the 21st century, and the call to action that it contains for individuals, employers, national and local government, trade unions, colleges, universities and schools, community learning and development providers, training providers, public agencies and the third sector, and urges all those involved in the delivery of skills in Scotland to actively engage in its implementation.

14:47

Iain Gray (East Lothian) (Lab): On the first day of Mr Salmond's tenure as First Minister, in the very first question that Jack McConnell put to him, Mr Salmond was asked why skills had not featured in the statement of Government priorities that he gave that day. Mr McConnell did not receive an answer that day, and it has taken 120 days more to get the answer—of sorts—that we have today in the form of the strategy.

The document is gracious enough to acknowledge that the strategy builds on the work of previous Executives. It says:

"Scotland is the only nation or region of the United Kingdom where the percentage of people with a Higher Education qualification outnumbers the percentage with a basic school leaving qualification.

Scotland's skills profile has also been improving faster than that of the rest of the UK".

That is not a bad place for us to be in. However, we know that with, for example, China and India producing 4 million graduates every year, it is not a place in which we can stay unless we constantly and urgently raise our game on skills.

We know that in 2020 three quarters of the workforce will be made up of people who have already completed their education and entered the workforce, which means that in-work training is crucial. Therefore, I am pleased that the document commits ministers to supporting the successful Scottish union learning fund and uses the excellent example of the agreement between the Amicus section of Unite and Rolls-Royce to illustrate it.

The document is also correct to say that we have to ensure that our skills profile matches the needs of the labour market. That is a key task of the sector skills councils. The strategy's commitment to that approach and its endorsement of the UK commission for employment and skills is another welcome aspect of the document.

However, if the Government believes that workforce development is central to economic success, that the skills profile must meet the needs of the economy, that we must improve the utilisation of skills in the workplace and that we must stimulate and increase demand for skills from employers, why has it shifted ministerial responsibility for skills away from responsibility for enterprise and economic growth?

I know that ministers will say that they approach government in a cross-cutting way and that

economic growth is central to all ministers' objectives. However, I hardly believe that when the Minister for Enterprise, Energy and Tourism meets the enterprise sector or the energy sector—and I think that the voluntary sector is next in line to have its concerns and views mind-mapped before its eyes—skills do not come up. The question is whether the minister with responsibility for skills is at those meetings when that happens.

When the Cabinet Secretary for Education and Lifelong Learning discusses with the further education and higher education sectors their central contribution to raising the level of skills and qualifications—to say nothing of their role in driving innovation and its commercialisation—is the Minister for Enterprise, Energy and Tourism in the room?

The importance of that is shown in "Skills for Scotland", which quotes Les Carey of the Rolls-Royce factory at Inchinnan, who said:

"our competitors use similar machine tools and methods of manufacture ... our differentiator in the market place is our employees."

When she was the chief executive of Hewlett-Packard, Carly Fiorina said something similar:

"Keep your tax incentives and highway interchanges, we will go where the highly skilled people are."

If we are to be sure that Scotland remains where the highly skilled people are, we need to step up a gear now.

The disappointment with the strategy is not in what it contains, with which fault largely cannot be found, but in what it does not contain. The strategy's top line on its launch was a merger of two public bodies, but the merger is a poor fit and is opposed by those who deliver the service.

Ten years ago, apprenticeships had all but disappeared from Scotland—there were about 2,000—but now there are 35,000. However, we need more and we need them now. In my constituency of East Lothian, when the council advertises for an apprentice, it receives 300 applications. That means that for 299 people who are ready and willing to take up an apprenticeship, the opportunity is still not available.

We need more modern apprenticeships. The strategy document says that what matters is the quality and not the volume of apprenticeships. I disagree. What matters is the quality and the volume of apprenticeships. Of course they should be of the highest quality, but Labour was committed to establishing 50,000 apprenticeships in Scotland. How many will the Government deliver?

If we are to be sure that Scotland remains where the highly skilled people are, we cannot afford to waste the potential of a single young person. In

2007, no person between 16 and 18 years old should be left to drift on benefit. Every 16 to 18-year-old should have the chance of a job, proper training, a quality volunteering experience, a college or university place or a meaningful fifth and sixth year at school. We accept that what we propose might not be the only way to achieve our objective but, elsewhere in the UK, the Government is making that aspiration a reality. Here, no such guarantee has been given.

Brian Adam (Aberdeen North) (SNP): Does the member accept that Labour's UK Government and the previous Administration here presided over our having many young people who are not in education, employment or training? What does he want to do that is different from what is published in the Scottish Government's programme and which will make a change?

Iain Gray: The cabinet secretary made our position clear. We want no young person to leave school without having one of the options that I described in place. The cabinet secretary disagreed with us and we are willing to listen to other ideas. However, the fact that many young people do not have such options is exactly why it is important to have a guarantee in the skills strategy.

If we are to be sure that Scotland will remain where the highly skilled people are, we need more young people to have greater access more quickly to a wider range of vocational opportunities. We proposed doing that through 100 skills academies throughout the country. Other parties have other ideas about how to progress matters—we are happy to discuss them—but the Government has no ideas in its strategy about how to do so.

The same applies to science. "Skills for Scotland" points to the importance of science and technology skills in the knowledge economy, but the paragraph on pages 26 and 27 that is devoted to that matter must be one of the most complacent passages of blandness ever in a Government document, which, I suppose, is an achievement of some sort. Labour wants to establish science and maths centres of excellence. We know that such a model works in the United States. Again, there may be other approaches, but the SNP's document contains none of them.

Last week, the First Minister told the CBI the old joke about economists—if you laid all the economists in the world end to end, you would not reach a conclusion. However, the Economy, Energy and Tourism Committee recently laid three of Scotland's top economists end to end, and those economists did reach a conclusion. They concluded that to raise the level of skills and qualifications, we must invest in our children's early years provision. I know that the cabinet secretary agrees with that, because I heard her

say it before, during and after the election campaign. Indeed, she said it again today.

Christopher Harvie (Mid Scotland and Fife) (SNP): If the proposal is to invest in children's early years provision, does that mean that we must wait another 15 or 16 years until skilled labour forces come on to the market?

Iain Gray: The point is that if we do not invest in early years provision now, we will be in exactly the same position 15 or 16 years from now, having exactly the same discussion. Of course, investing in such provision is not the only thing that must be done, but it is important and urgent.

The SNP promises another strategy in 2008. Perhaps we can hope for a plan by 2009 and action by 2010. The SNP loves to describe its Government as a whirlwind. We must now be at the eye of the storm where nothing much happens.

Skills is an area of endemic market failure. The Government must intervene to ensure that the needs of the economy and our people meet and match. Unfortunately, the SNP's strategy threatens to make skills an area of Government failure.

We are all searching for the silver bullet that will guarantee economic growth and prosperity. The SNP thinks that it is independence, but it is wrong. If there is a silver bullet, it is skills and education. They will drive our economic growth and allow us to meet the challenges of globalisation, compete with the emerging economies of the 21st century and prosper. Skills and education give our next generations the opportunity to be all that they can be, to raise their quality of life and that of their families, and to make real their hopes and aspirations. They ensure that we can build the houses that we need and power the prosperity that we want while we protect the planet. They ensure that we can have the future that we dream about. Without constantly improving, modernising and prioritising skills and training, the werewolves of lost opportunities, prosperity that passes by and frustrated potential will stalk our land unhindered, without the slightest interest in our country's sovereign status.

If there is a silver bullet, it is skills and education. That is why we cannot accept anything less than total commitment to a step change in the provision of skills and education in this country. We cannot accept organisational change without real purpose, aspirations without resources to back them up, or complacency where urgency is the imperative. That is just not good enough.

I move amendment S3M-443.2, to leave out from "and the call" to end and insert:

"believes it to fall short of the step change required in raising skill levels in Scotland, and calls on Scottish

ministers to urgently bring forward proposals to increase access for apprenticeships, expand vocational choices in the school system and ensure that all 16 to 18-year-olds have the opportunity for education, volunteering, training or employment and guarantee the funding required to ensure that our universities and colleges remain world class."

The Presiding Officer: I call Murdo Fraser, who has seven minutes.

14:59

Murdo Fraser (Mid Scotland and Fife) (Con): The Scottish Conservatives welcome the opportunity to debate the Scottish Government's skills strategy, which was published on Monday. However, at first glance, I was rather disappointed, as the new Government seemed to have inherited from the previous Administration an unhealthy affection for thick, glossy and colourful strategy documents. As we know all too well from the actions of the previous Administration, the delivery of policies too often does not match the investment in the publications that promote them.

However, I do not want to be too dismissive of the skills strategy. In general, there is a lot in the document that we welcome. We all understand the need for a high-skilled economy, and I agree with much of what Iain Gray said. In an ever-shrinking world, there are more and more competitive nations that are trying to take our business away from us. We have heard about the competitive nations of India and China turning out millions of highly skilled graduates who are looking to take our jobs. If we are to compete, it cannot be on the basis of low wages; it must be on the basis of our skills and expertise.

Scotland has always had a good record in having a well-educated and highly skilled workforce. We must work as hard as ever to maintain that competitive position, but we have problems in certain areas. Many employers complain about skills gaps in the economy and the difficulty in filling particular vacancies. More and more employers rely on new recruits from eastern Europe to meet their needs. The sad thing is that I speak to far too many employers who tell me that, when they take on young people from eastern Europe, they are impressed not only by the skill set that they bring with them, but by their work ethos, which, all too often, exceeds that of people from our shores. That is a depressing situation of which the Government needs to be aware.

Allied to that, we have a serious problem with youngsters in the NEET category, in respect of which Scotland fares badly in international comparisons. Much of the Government's skills strategy talks about education, which is to be welcomed. It is good to see a focus on the fundamentals of literacy and numeracy as well as on soft skills such as team working and

communication. Above all, our employers are looking for school leavers who can read, write and add up accurately, who can fit well into a working environment and who can relate to other people and customers. If they can do other things on top of those, that is welcome, but far too many of our school leavers lack those basic, essential skills.

Our support for the strategy is by no means unqualified and our amendment refers to two serious failings that have not been properly addressed. First, it was announced by the Government on Monday that there would be a merger of Careers Scotland and learndirect Scotland to create a new skills agency, although that proposal is not mentioned in the skills strategy document. Unlike the Labour Party, we welcome that proposal as far as it goes; the problem is that it does not go far enough. The Scottish Conservatives believe that we should have a new skills agency for Scotland that would combine the functions of Careers Scotland and learndirect Scotland, but which would also take on the skills and training functions that are currently exercised by Scottish Enterprise. We believe that it would make sense to bring together all the public sector skills responsibilities under one remit, not least from the point of view of streamlining Scotland's cluttered quango environment—an ambition that many people in the SNP Government hold dear.

It is a pity that that bold step has not been taken at this stage. Nevertheless, I remain hopeful that, as part of the on-going review of Scotland's public sector—in particular, the review of the functions of Scottish Enterprise by Ms Hyslop's colleagues—that will happen sooner rather than later. I was interested to hear Ms Hyslop's comments on the issue, although she gave no commitment. We await with interest the outcome of the discussions in Cabinet on the matter.

Our second concern relates to vocational education. We have long believed that we need to increase substantially the opportunity for all youngsters from age 14 to access vocational training. We have had many debates in the Parliament over the years about the benefits of such a move. Time does not permit me to expand on those benefits at length, but it would be good news for the youngsters involved, good news for employers and good news for our wider economy.

Mike Rumbles: How would my constituents in West Aberdeenshire benefit from the Tory proposal for skills academies when most of them have no choice about which academy they attend?

Murdo Fraser: There is no reason why, in a rural area such as that which Mr Rumbles represents, there could not be skills units in all high schools. We could have skills academies in urban areas where there was an element of choice and where people were able to move around; in a

rural area, the approach would have to be somewhat different.

The important point—

Jeremy Purvis: Will the member give way?

Murdo Fraser: Let me finish this point.

The important thing is that we move away from a one-size-fits-all education system to a more diverse system that provides greater opportunity. Where youngsters have a particular aptitude for, say, science or mathematics or technical subjects, why should we not be prepared to offer them the opportunity to access education in a different way from the current provision, given that that would provide benefits for them and for the wider economy?

Jeremy Purvis: Why not make every school a centre of excellence in the provision of secondary education rather than set up a new bureaucracy, new funding streams, new management procedures and new organisations to provide oversight? That is an incredibly burdensome approach.

The Presiding Officer: Mr Fraser, you have one minute remaining.

Murdo Fraser: Mr Purvis seems to have forgotten that he was part of a coalition that ran the Government of Scotland for the past eight years. If every school is not a centre of excellence at the moment, he should look to himself and to his party for the reason.

We want a diverse system in which different schools can excel in different subjects. That is the way to create excellence. The reality is that having comprehensive schools that provide the whole spectrum of subjects will not enable us to develop the excellence that would be possible in a smaller number of centres. That is a simple point about the practical delivery of policy.

Returning to vocational training, I am pleased that the skills strategy document pledges that the Government will address the capacity issues that act as a barrier to prevent young people from accessing vocational learning opportunities. The document also talks about expanding school-college partnerships. If those can be delivered on, that will be good progress indeed.

The Presiding Officer: You must wind up.

Murdo Fraser: As Mike Rumbles said in his earlier intervention, funding for further education colleges is an issue. I recognise that, if we are to expand further education provision, more funding will be required to make the system work.

Presiding Officer, I am already over time so let me conclude by saying that the skills strategy contains much that we welcome, although it also

has serious omissions. I would give the cabinet secretary six out of 10 so far. If the Scottish Government is able to deliver everything in its glossy strategy document, I may in time be prepared to revise my mark upwards.

I have pleasure in moving amendment S3M-443.1, to leave out from “and urges” to end and insert:

“believes that all young people should be given the opportunity to access vocational education from the age of 14; calls on the Scottish Government to consider the establishment of skills academies as part of a diverse education system, and, while welcoming the merger of Careers Scotland and learndirect Scotland, calls on the Scottish Government to go further and add the skills functions currently exercised by Scottish Enterprise to the remit of the merged body, in order to form a complete skills agency.”

The Presiding Officer: I would give Mr Fraser four out of 10 for timekeeping. Mr Purvis, you have seven minutes.

15:07

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I am starting to get concerned that the Presiding Officer has a marking mechanism for our various contributions.

We cannot succeed in the world without skilled, motivated and enthusiastic workers. Our society depends on ensuring that our most critical infrastructure—our people—is the subject of investment. There is no greater role for Government than to provide education and to support training so that our citizens have the skills to be active in our economy.

Years ago, young people in my constituency would have been pigeonholed as people who work in the mills, just as, in other constituencies, it would have been assumed that they would work down the pits. Today, the opportunities for school leavers and young people are almost limitless. Although the past eight years have been written off by Murdo Fraser today and by SNP back benchers last week, we introduced the schools-colleges review and provided record levels of funding for the school and college estate. We now have much closer working among schools, colleges and businesses. The business and skills agenda was a critical element of that, but it is given scant mention in the skills strategy document that is the subject of today's debate.

In my area, we have three new primary schools and a new secondary school. Some £30 million has been provided for a new co-located college and university campus that links in with secondary education. That is the type of ambition and excellence in schools that we want, Mr Fraser. We do not need to set up individual units within schools that would divide young people and remove opportunities, especially in rural areas.

Murdo Fraser: Mr Purvis will be aware that we already have a number of specialist schools in Scotland. For example, St Mary's music school in Edinburgh is a centre of excellence that takes pupils from across Scotland who come to Edinburgh to specialise and develop excellence in music. Would the Liberal Democrats take away the funding from that centre of excellence?

Jeremy Purvis: Mr Fraser well knows that our ambition is that every school should have the opportunity of providing excellence and opportunities for every pupil. The way forward is to link secondary schools with the tertiary sector and with the college estate rather than to halve the enterprise budget. That is a rather curious position, as it would draw money away from local authorities for providing such excellence.

Last week, Robert Brown described the Government's programme as being like that of John Balliol, the Toom Tabard—an empty coat. Today we are asked to endorse an empty vessel—a so-called strategy. The fact that the section defining its terms is longer than the section on funding left me cold. Sifting through management speak requires skills in itself, but have no fear—the Government has a call to action. Let me quote from it:

"We look to our providers and the Scottish Funding Council to work together to develop and implement strategies to deliver a step change in the skills utilisation of individuals."

Thank goodness for that.

Members will have their own favourite examples of gobbledegook from the document. Mine is on pages 33 and 34, where the Government shows its forensic understanding of the business world in Scotland. The document states:

"Choosing not to train may be the right ... decision for"

businesses. That sentence is followed shortly afterwards by the statement:

"Equally, choosing not to train ... might be the wrong decision."

Clearly the Plain English Campaign had nothing to do with the document.

The new Government's logo could easily sit alongside the John Lewis slogan of "Never knowingly undersold". The spin is that this is a visionary document, a call to action. The reality is that there are no targets, no timescales, no measures of success, no commitment to measure success, no commitment to progress reports and no funding pledges. Exactly how does the document qualify as a call to action? It does not even mention the SNP's ambitions on class sizes, nursery provision, replacing loans with grants and paying off all graduate debt, despite the fact that it covers early years and compulsory and non-compulsory education.

The strategy is delivery lite. There is no mention of how the skills function of local enterprise companies will be replaced after the Government abolishes them. There are no targets for widening access and no figures for productivity in the economy, which is connected with skills and development. Regrettably, we still have productivity levels that are 20 per cent below those of France, 17 per cent below those of the USA and 13 per cent below those of Germany. The strategy does not even attempt to redress that with firm commitments.

Fiona Hyslop: The member is almost five minutes into his speech. His amendment refers to the Leitch review of skills and its recommendations. Will he explain the Liberal Democrats' position? Which parts of the Leitch review should we be taking forward and which parts are we not pursuing? Will the member address his amendment?

Jeremy Purvis: I will certainly do so. However, it is right for me to highlight the deficiencies of what is termed a visionary document but is, in fact, an empty vessel. For example, we would expand the get ready for work schemes, instead of having a review that could lead to their abolition. Page 24 of the document sets out clearly:

"We will facilitate local design and delivery of learning for those who are furthest away from the labour market."

That will not be done by abolishing the existing schemes that do exactly that and removing the delivery of learning from local agencies.

The cabinet secretary asked about our response to the Leitch review. Ours is a local approach, based on local priorities, in a local setting, not a top-down, centralised approach. In our view, the solution is not to have an English-style, centralised single skills body that is located away from local partners. That is wholly counter to what the Government is seeking to do through outcome agreements with local authorities. Why does it not have outcome agreements with local enterprise bodies and local authorities to deliver its strategy, rather than one national skills body?

David Whitton (Strathkelvin and Bearsden) (Lab): Will the member give way?

Jeremy Purvis: I am afraid that I do not have time to take an intervention.

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

Jeremy Purvis: The strategy is big on setting up more quangos, which is something that we would not do. It will set up five new bodies or groups—new bureaucracies in a field that the Government says is too cluttered.

We have awaited the skills strategy for four months, and we expected that the Government would be specific about what it wants to do to expand provision of places in the college sector and to widen access. In part, that involves funding the sector properly. It is wrong for the cabinet secretary to have a volte-face from when she was in opposition, criticising Governments for not providing a clear indication of funding for the college sector. Now she says that it is irresponsible to give priority to expanding funding for our college and university sectors. Today we are asking the Parliament to vote to meet Universities Scotland's funding requirement of £168 million and the requirement for a 3 per cent real-terms increase in funding, year on year, for our college sector. The strategy will stop being an empty vessel and become real only if it includes actions that can be delivered and which we know can be successful. At the moment, it consists of proposals that do neither.

I move amendment S3M-443.3, to leave out from "the Scottish Government's" to end and insert:

"and regrets that the strategy contains no specific targets or indicators of success for improving skills in Scotland, fails to respond to the recommendations of the Leitch Review of Skills and makes no commitment to increased investment in further or higher education; calls on the Scottish Government to amend its strategy to include specific skills targets, including targets for modern apprenticeships and widening access, and details of how it will measure progress towards these targets and commit to report annually to the Parliament on that progress, and further calls on the Scottish Government to commit to providing an additional £168 million for Scottish universities and at least a 3% real terms annual funding increase for Scotland's colleges over the period of the spending review to ensure that the sectors can make an increased contribution to improving skills in Scotland."

15:14

Christina McKelvie (Central Scotland) (SNP):

I welcome the many positive signs in the skills strategy. Of course, I expect the Opposition parties to welcome most of them too, so that takes a load off my shoulders.

The absence from the strategy of artificial short-term targets, tick boxes and other bureaucratic afflictions strikes me as an excellent advance on previous approaches. Nothing has been as stifling to education or the provision of a highly skilled workforce as the desperation in recent years to collate reams of statistics about everything that happens in teaching and training. Nothing is more dispiriting to staff than filling in endless forms that add nothing to their efforts.

The mania for short-term targets, matched only by the frenzy for new schemes and crafty wheezes, fulfilled the need of some politicians to try to prove that they were doing something. I am

delighted that the short-term targets, schemes and wheezes and political interference are being removed from the provision of education and training in Scotland.

I am sure that that will be a refreshing change for providers. Teachers and lecturers can now get on with the job that they are there to do without having to remember to tick a box every time they have a new thought. Allowing that freedom for the providers ensures freedom for learners to take full advantage of the opportunities on offer. As the skills strategy is put into practice, we should see more opportunities being made available to more potential learners.

Jeremy Purvis: On the targets and ambitions that have been set, does the member propose that the funding council now reviews its strategic plan over the next three years? That plan is predicated on a number of deliveries and, as the cabinet secretary said in her strategy paper, seeking value for money requires targets to be delivered.

Christina McKelvie: If Mr Purvis has spoken to teachers in his area, I am sure he will understand that the bureaucratic affliction of ticking boxes is a nightmare for them. I welcome the fact that they do not have to do that any more.

Egalitarianism is one of the underpinning principles of SNP policy, but I also see it as an inherently Scottish trait—the lass o' pairts and her male peer are fine examples to follow. Egalitarian training and education systems should deliver equal access to opportunities for every trainee and scholar, which is why the abolition of the graduate endowment and a fairer student maintenance system are being pursued by the Scottish Government.

That egalitarianism should extend further; equality should extend across qualifications. That is why I welcome the commitment in the strategy to establish parity of esteem between vocational and academic qualifications. The Cabinet Secretary for Education and Lifelong Learning worked hard on that issue in the previous parliamentary session, particularly during the passage of the Further and Higher Education (Scotland) Act 2005. I welcome her commitment to ensuring that parity of esteem and I hope that she will continue to deliver on it.

I see no reason why a fully qualified joiner or plumber should be regarded as any less qualified than a fully qualified university graduate. Indeed, there are arguments for why a good plumber might be more welcome than a good philosopher, but equality and parity of esteem will do us for now.

The provision of a well-qualified and highly skilled workforce is a sure-fire way of ensuring a prosperous future for our nation, but that is not the whole story. Another valid point is that increased

employability of learners helps to address their social problems, some of which can seem almost insurmountable at times.

The cabinet secretary launched her skills strategy on Monday and then visited Motherwell College. While she was there, I am sure that she had time to learn about some of the work that the college is undertaking with prisoners the length and breadth of the country. She will have been impressed, as I am, with the work that the college is doing to help increase the knowledge and qualifications of inmates around the country. It is known that increasing inmates' skills can help to address their offending behaviour and thus reduce recidivism. The increase in employability and chances of finding gainful employment mean that many more ex-offenders can turn around their lives and move away from being a social problem towards making a valid contribution to society. I am sure that the Cabinet Secretary for Justice will be just as pleased with such a result as the Minister for Enterprise, Energy and Tourism will be.

Motherwell College deserves plaudits for the work that it does in Scottish prisons and the results that it achieves. I know that those plaudits have been received from others who work in rehabilitation, but it would be appropriate for Scotland's Parliament to add its weight to them. I am sure that gratitude comes in equal measure from those whose lives have been improved through the efforts of the college staff and I hope that other members agree that our thanks should be added to theirs.

There is a sense of hope and anticipation in Scotland just now and we have a moral duty to ensure that it turns into real results for the people of Scotland. The implementation of the skills strategy will help in that respect and I, too, congratulate the cabinet secretary on its publication.

The most important task that is faced by Scotland's politicians is how to prepare for the future, and I am delighted that this Scottish Government has taken to it with such relish.

15:20

Richard Baker (North East Scotland) (Lab): This Administration talks big about the Scottish economy, but now it must walk the walk. We in Scottish Labour realise that the key to economic growth is investing in the skills of Scotland's people. A step change in growth requires a step change in our skills strategy, and only that will deliver greater prosperity for Scotland. It will not happen through changing our constitution. We need a little less national conversation, and more action, to skill up our workforce and ensure that

Scotland can succeed in an increasingly competitive global marketplace.

As Iain Gray pointed out, we did not hear much about skills in the first days of this Administration. In this, as in many other areas, ministers have been short on detail, and I am not convinced that this strategy takes us much further forward.

Of course, it is right that the strategy should reflect the strong skills legacy that this Administration inherited, and that it should point out that Scotland is growing faster than the UK as a whole with regard to the number of people in the workforce who have higher education qualifications. Moreover, we can all agree on the need for increasing rates of productivity to match that achievement. Developing the Scottish credit and qualifications network and the enterprise in education initiative and delivering parity of esteem are also very important in enhancing skills—such approaches must certainly continue—but, among all the bland statements that Mr Purvis referred to in the document, it says of learning that

"Time spent going over old ground is time wasted."

However, that is exactly what the strategy does. Although we welcome its identification of areas of existing consensus, we need to hear what more will be done to upskill Scotland. Instead, we have to wait for further decisions about modern apprenticeships, new support mechanisms and the long-term early years strategy without any indication of the investment that will be made or its timing.

Fiona Hyslop: Does the member acknowledge the early action that we have taken on early intervention and support for children, and does he support my announcements today about the modern apprenticeships scheme?

Richard Baker: I wish only that the cabinet secretary had attached the same urgency to any of the other important measures that need to be taken to give the impression that the Executive has a sense of urgency about this key issue. Unfortunately, she has failed to do so.

As Jeremy Purvis was right to point out, although the skills strategy says that our colleges and universities will be asked to do more, it crucially does not mention the resources that they will have in that respect. In our manifesto, we said that we would increase funding by double the rate of inflation until 2011. There is no such commitment in this strategy, even though the Administration is quite happy to commit to the vast spend needed to abolish all graduate loans.

The document is right to reflect the tertiary education sector's crucial role in a skills strategy, which is why it is all the more surprising that this Administration has not continued to link the

enterprise and lifelong learning portfolios. The folly of that is reflected in the paucity of thinking in the strategy. The link was an important part of the previous Executive's strategy, which was based on growing a highly skilled knowledge economy. Ministers might now criticise our economic record, but our approach led to record employment and a level of sustained growth that for the first time in many years matched the rest of the UK.

We in the north-east are well aware that the fact that many areas of our economy, including manufacturing, are showing strong growth in itself creates skills challenges. Last night, representatives of the food industry, which is an important sector in our area, were in the Parliament to talk about skills development needs.

The strategy mentions working with trade unions. That is essential, as the trade union movement in Scotland has been at the forefront of encouraging work-based learning. The briefing that we received from Unison and others suggests that there needs to be much more consultation with the trade unions. In Aberdeen, the Amicus section of Unite has come forward with ambitious plans for an oil and gas skills academy. We were happy to support such plans in our manifesto, because we realise that, if we do not respond to the industry's concern that it will not be able to find enough people locally with the skills that are needed to do the required work, opportunities will be lost to people not only in Aberdeen but across Scotland and the industry's capacity to maximise potential growth in our area will be threatened.

Before the election, Alex Salmond appeared to acknowledge that and endorsed the union's proposals. However, his ministers have come before Parliament with a strategy that says nothing about skills academies, and the industry is now talking about going it alone with the proposal. I can understand its frustration at the lack of movement from ministers, but the involvement of public agencies will be required if the initiative is to progress. This is an area in which Government should be leading rather than following.

The strategy is hardly the great call to action that it calls itself; it is barely a whisper. It is short on ideas. Merging agencies will not make the difference. Concrete proposals and actions are required, but the strategy is well short on those. We have produced real proposals to meet the challenge.

Brian Adam: Where are they?

Richard Baker: We were not prepared to rest on our laurels—we proposed to increase the number of modern apprenticeships to 50,000 a year, to tackle the problems of the NEET group and to establish skills academies. Mr Adam can shout from a sedentary position, but he knows

about the demand that exists for an oil and gas skills academy in our area. It seems that this Administration is quite happy to rest on our laurels for us. That is why its strategy is totally inadequate.

We all share a vision of a Scotland whose people will be even more highly skilled in the future. In seeking to achieve that ambition, the SNP's strategy is fine as far as it goes, but it does not go nearly far enough and it will not deliver the step change on skills that we need.

15:26

Joe FitzPatrick (Dundee West) (SNP): I welcome the opportunity to speak in the debate and welcome the Scottish Government's publication of its skills strategy earlier in the week.

If the Parliament will indulge me, I will give a brief background to the situation in my constituency, to underline why I believe that the skills strategy is a valuable step in getting people into work and tackling the unacceptable levels of deprivation in parts of Dundee and elsewhere in Scotland.

One of the main themes of the election campaign in Dundee West was employment. In the past 18 months, Dundee has taken a massive jobs hit, losing more than 1,000 jobs. The labour market statistics that were published by the Office for National Statistics this morning show that, as a proportion of the resident working-age population, the claimant count—the number of people who claim jobseekers allowance—in Dundee West is 4.2 per cent, which is the highest rate in Scotland. The Scottish average is just 2.7 per cent. The unemployment rate in Dundee West is 6.7 per cent, which is above both the Scottish and the UK averages and is one of the highest rates in Scotland. Those figures provide a comparison between areas in Scotland and it is clear that my constituency is an area that needs a successful skills strategy more than most.

However, the headline figures do not tell the full story. If we flip over the question and ask how many people are working, the true extent of the problem is revealed. The employment rate in Dundee West is just 71 per cent, which is lower than the Scottish average and suggests that nearly 30 per cent of people are not in gainful employment. I acknowledge that some of those people may be on incapacity benefit or unable to work for other reasons, but the figure is still high.

The figures also fail to indicate the relatively high number of people who, although in employment, are in what most people would describe as low-paid employment, which adds to the deprivation levels in Dundee.

It is in that context that the loss of more than 1,000 jobs in Dundee in little more than a year should be considered. Tesco's decision to move its distribution depot to Livingston was followed quickly by the announcement that one of the city's biggest employers, NCR, was to shed more than 600 jobs, which was a particular blow to the city. Along with Dundee City Council, the then Executive put in place a programme to help those workers who were losing their jobs, which included the provision of help to retrain and to learn new skills that they could use to gain new employment.

Now is not the time to discuss the rights or wrongs of what happened—I pay tribute to Nicol Stephen for his involvement in trying to lessen that blow—but there was considerable disquiet among the workforce that obstacles remained in place that made it more difficult for them to access training. A number of constituents who worked for NCR have come to me for help. They wanted to work and were willing to retrain—they just wanted a chance. That is just a snapshot of what is happening in Dundee. I am sure that there are similar stories from around Scotland of people who want to get into work but who just do not have the opportunity to do so.

One of the startling statistics in the skills strategy emerged from the survey that was carried out by Futureskills Scotland, which outlines that one of the biggest challenges for many businesses is to attract appropriately skilled staff. When the survey was carried out, there were 76,700 vacancies, 30 per cent of which were skills shortage vacancies. The jobs are there; it is just that there is a mismatch in our skills base.

I remind members that, whichever figures we use, the unemployment rate in Dundee is one of the highest in Scotland. Comparison of the two sets of statistics tells us that more needs to be done to get those people who are out of work, many of whom are desperate to find a job, back into employment. We need to increase the employability of people in Scotland, by enabling them to gain new skills or to utilise and develop the skills that they have.

The most recent labour market statistics for Scotland indicate that 160,000 people who are classed as economically inactive want a job. I am pleased that in its skills strategy the Scottish Government acknowledges the importance of that wasted resource. The strategy provides a new agenda for skills and learning and will enable us to develop Scotland's skills policies in a way that addresses the country's requirements. The strategy encompasses lifelong learning, including early years provision, schools, further and higher education, work-related learning and informal learning opportunities. The Parliament should welcome such an approach.

The 16 to 19-year-olds who are not in education, employment or training are of particular concern. According to the labour market statistics, 12.4 per cent of all 16 to 19-year-olds in Scotland are in the NEET group. It is imperative that those young people are not left behind and it is essential that we give them every assistance. I am pleased that the Scottish Government is developing proposals that will help those young people. It is clear that making individuals stay at school when they do not want to be there is disruptive to the kids who want to be in school.

I support the motion and I am pleased that something is being done to tackle the skills shortage in Scotland. We need more participation in learning and training if we are to increase employment and economic activity, which in turn will increase productivity and lead to economic growth, helping to tackle deprivation in my constituency and throughout Scotland. I am pleased to support the Scottish Government's proposals, which represent a valuable step in the process.

15:31

Mary Mulligan (Linlithgow) (Lab): I very much welcome the opportunity to speak in the debate. Work is central to everyone's life. It gives us self-worth and a sense of who we are and it gives us the financial reward that supports our lifestyles. If we consider those benefits alongside the benefit to the community, we appreciate how important work is. The work that we do often depends on our vocational and more general skills, and educational qualifications offer a guide to how we might learn new skills to fit us for work.

In general, I welcome the skills strategy, but it needs to go further. There should be more provision for people who become disillusioned with school for whatever reason and do not have the certificates of educational attainment that would demonstrate their capabilities. Such people can achieve qualifications that provide that guidance for prospective employers through FE colleges. I have never doubted the worth of FE colleges, which was clearly demonstrated by West Lothian College after the closures of the Motorola and NEC plants in West Lothian a few years ago. As part of a task force, the college had the flexibility to respond to the needs of the redundant workers, many of whom had left school in the previous 10 years with few educational qualifications, mainly because well-paid jobs were available for which such qualifications were not required. The college responded with IT courses and courses to do with the service industries. The college provides for school leavers, but on that occasion it demonstrated that it could deliver lifelong learning

and work with employers to match skills to available jobs.

The service industries will continue to provide jobs. There are great opportunities in retail and in tourism, in particular in the hotel and catering sectors. The cabinet secretary will remember having an enjoyable meal last June in West Lothian College, where catering students were using their skills in a business setting. We need more such initiatives, so I challenge the cabinet secretary to say what commitment she will give to further investment in the FE sector. I see no such commitment in the strategy document. Colleges have worked hard to show their worth, so where is the Scottish Government's investment in their work?

Jeremy Purvis: The initiative that the member described mirrors the work that goes on at Beeslack community high school in my constituency. Is the member concerned that if we go down the route of having skills academies, we will draw funding away from such initiatives in schools and colleges, which we would like to be expanded, and direct it towards the setting up of new structures?

Mary Mulligan: It is not a case of either/or; there is a place for both.

My other concern relates to the much-vaunted merger of Careers Scotland and learndirect Scotland. I hope that the Scottish Government can say clearly what it hopes to achieve from that. Some cynics—of course, I am not one—might say that, when people do not know what to do, they reorganise. Staff need to be reassured about the matter. The briefing that MSPs received from Unison Scotland on behalf of Careers Scotland employees raised concerns that this is not the right reorganisation. It is clear that if change had to happen, it should have brought the careers service closer to education providers in order to support young people at an earlier stage. The careers service has a crucial role to play in guiding people in the choices that they make on education/training or jobs—or a combination of the two.

Fiona Hyslop: Does the member remember the Duffner report and the fact that Wendy Alexander, who is soon to be the leader of the Labour Party, took the careers service away from local authority control? Did she disagree with Wendy Alexander at the time?

Mary Mulligan: It is clear that if we are to support young people and not let them become part of the NEET group, we have to work more closely with them at an early stage. By moving Careers Scotland in the direction that the cabinet secretary suggests, we may lose that opportunity.

We need to look at people's skills, highlight their individual skills and talents and offer advice on

how they can develop those skills and talents and learn new ones. I ask the cabinet secretary to confirm the timescale for the merger and the financial package that will support it.

The skills strategy is fine as far as it goes. My criticism—I hope that it is viewed as constructive criticism—is that the Government could have said more. I would have liked more on the role of the voluntary sector in developing skills, on how we positively encourage people to develop their skills and on what financial support people can expect. Although the document says what employers, employees and training providers need to do, we should also be clear on the action that the cabinet secretary and the Government will take. We need action, not just discussion.

I put on record my strong support for an early years strategy that would give every child a strong start in life. The document should have told us what the Government plans are to help those who are nearing the end of their compulsory education and those in work who need to learn skills or to enhance existing skills. The cabinet secretary needs to respond to that challenge. The strategy is only a start.

15:38

Derek Brownlee (South of Scotland) (Con): There is genuine cross-party consensus on the importance of skills and of getting right the skills strategy—whatever that might be. Iain Gray put it rather well when he talked about the consequences of getting the strategy wrong and what that might mean for those individuals who are affected and for Scotland's potential.

Richard Baker articulated rather better than his Labour colleagues the inherent ironies in their position. I agree that we need a step change in delivering skills in Scotland, but if Labour Party members are saying that the previous Executive left behind such a strong legacy, surely it is right to question the need for a step change. There is an inherent conflict in defending the record of the previous Government and setting out the case for a step change.

Richard Baker *rose—*

Derek Brownlee: I think that we are about to hear the answer.

Richard Baker: The point that Mr Brownlee makes is pretty facile. We live in an increasingly competitive global marketplace. Of course, we will have to step up to the mark and deliver more in terms of skills. The point is pretty obvious.

Derek Brownlee: I am happy to agree that we should deliver more in terms of skills. However, Richard Baker's mention of a step change suggests that something went fundamentally wrong in the past.

Instead of dealing with the shortcomings of the previous Administration, I turn to the current Government's proposals. The two fundamental tests for any strategy, whatever the policy area, are whether it is the right strategy and, almost as important, how it is implemented and whether that is done appropriately.

Of course, strategies are by their nature high level and general and it is the detailed implementation that determines whether they are successful. The risk for any strategy, no matter how worthy or well intentioned it might be, is that implementation may be botched or not followed through. In the eight years for which many of those who now occupy the ministerial benches were in opposition, they spent a lot of time bemoaning the publication of strategy documents as an alternative to undertaking actions that were necessary to change Scotland. Those members must now be careful that they do not fall into the same trap.

The question that we must pose in assessing the strategy is whether, in four years, we will be able objectively to assess whether progress has been made in implementing it and whether it has made any difference at all. To do that, we need objective measures and timescales but, by and large, those are missing from the document that was published on Monday. That is less of a problem if we are simply considering a framework—if the document simply sets the scene—and if we get measures and timescales in due course. However, we must be sure that objective measures and timescales will be produced against which the implementation can be compared.

As many other members have said, the strategy is fine as far as it goes. If any criticism can be made, it is that it perhaps does not go far enough and is not radical enough. The strategy sets out 60 actions, although we are told that the list is not exhaustive. Some are for employers, some are for individuals and others are for Government agencies, but they are all aspirational and, as far as I can see, not one of them as formulated in the strategy document is measurable in any way by outcome or timescale. The actions perhaps spell out what a successful strategy might look like when it is delivered, but they do not tell us how we get there. As there is a long lead time in educational reform between a measure being agreed and its being implemented and then feeding through to results, we need that detail soon.

In making that point, I might sound as though I look favourably on some parts of the Liberal Democrat amendment. However, the cabinet secretary's comments on the financial measures that are proposed in that amendment were entirely

right, although perhaps Gordon Brown has been on the telephone to the Liberal Democrats to tell them something that he has not shared with his Labour colleagues. It would be surprising if any cabinet secretary were to commit to anything that will follow from the comprehensive spending review, for which we have to wait only a month.

I will move to some of the strategy's good features. One of the best things that is highlighted is the case study on the improvement in literacy in West Dunbartonshire, where an ambitious target was set to eliminate illiteracy in schools within a decade. As we know, the scheme is largely on track to meet the target. I have a simple thought, not just for the cabinet secretary but for all of us. If we could take that target out of West Dunbartonshire and apply it to the whole of Scotland, in relation not just to literacy but to numeracy and basic skills, just imagine what that could do to transform the opportunities of a generation of schoolchildren and, in time, to transform our nation's competitiveness.

The challenge for the Government is to move beyond the glossy pages and the warm words of the strategy document to a simple and focused approach. Much to my enjoyment, the cabinet secretary's colleague Jim Mather used to repeatedly berate ministers of the previous Administration for lacking a single worthy goal—I think that that was the way that he put it—or a single target to focus the mind. Imagine what the skills strategy for school education could achieve if it was not a basket of targets but one simple target that no child would leave Scottish education illiterate and innumerate, as so many do today.

As well as the importance of having a simple target, we can learn other lessons from the West Dunbartonshire experience. The experience there nails the lie that everything in education comes down to money or to the social background of the students. We cannot and should not accept the excuse that poverty is a reason for poor educational attainment. In one of the most deprived areas in Scotland, it has been shown that there is no reason why we cannot aim for and achieve universal literacy. Further, at an estimated cost of £13 per pupil per year, the West Dunbartonshire initiative, which works, is an awful lot cheaper than many that have failed. Let us have ambition in our objectives and take a long hard look at whether throwing money at problems is how they are solved or simply how those in power assuage their guilt about letting down the people who need them most.

15:44

Ian McKee (Lothians) (SNP): I am afraid that I seem to have caught the throat affliction that has been going round the chamber recently. I hope that members will bear with my voice.

In welcoming the Government's comprehensive skills strategy, I would like to concentrate on the pledges that it makes to deliver coherent funding support for all individuals and to promote equal opportunity for those trapped by persistent disadvantage. Not all Scottish local authorities can provide statistics showing the number of 16 to 19-year-olds who are not in employment, education or training, but the figures that do exist show quite clearly the link between deprivation and individual, legal economic activity. For example, in the most deprived 15 per cent of areas in Scotland, the level of NEETs stands at a massive 30 per cent, compared with the Scottish average of 8.6 per cent. In Glasgow, with its large pockets of deprivation, almost 30 per cent of all working-age people are economically inactive. If we are to promote equal opportunity for all our citizens to enter the skills market, areas of deprivation are a good place to start.

David Whitton: Will the member take an intervention?

Ian McKee: Yes, indeed.

David Whitton: I am happy to help Dr McKee to relieve his sore throat. Given what he is saying about the NEET group, does he welcome, as I do, Glasgow City Council's new initiative to create a skills academy for construction skills in the south side of the city? That initiative will target the very group that he is talking about, so will he ensure that the cabinet secretary, when she is in discussions with the Cabinet Secretary for Finance and Sustainable Growth, does not take away its funding?

Ian McKee: I am not familiar with the development of a skills academy in that part of the country, but I would be very happy to receive further information. Once I have assimilated that information, I will tell the member what action I will take.

David Whitton: I will be delighted to give the member the information.

Ian McKee: A major problem becomes apparent—what to do with people who are addicted to drugs when there is a clear link between problematic drug use and deprivation. In my experience, the quickest way for someone to get on to long-term benefit without further interview or formality is to admit to a drug problem. No one wants drug addicts in the office a moment longer than necessary. The drug addict is hastily ushered away and is often condemned as totally unemployable for years to come. But is that treatment appropriate? True, the chaotic drug user is a sad and sometimes frightening sight, yet the danger he or she poses is mainly to themselves rather than to others. They are often forced into a life of crime, but the crime is shoplifting,

housebreaking and prostitution rather than assaults on council officials or civil servants.

The drug user on a treatment programme is often perfectly capable of holding down a job. Someone stabilised on substitute therapy can lead a virtually normal life. I say "can", but three things hold them back: first, the lack of help from officialdom—and the rest of us, to be truthful—that I have already mentioned; secondly, the lack of a skill needed to gain employment; and last but not least, the corroding lack of the confidence and sense of self-worth that people need if they are to venture successfully into the world of work. If we are to help such folk back into being full members of society, we have to tackle all three obstacles. Just tackling one will not succeed.

We then have to demolish tiny but very practical obstacles towards that rehabilitation. For example, making a drug addict swallow a substitute medication such as methadone every day in the local pharmacy may make sense from one point of view, but it is not very practical if someone has to attend for skills training or work every morning before the shop opens.

Next, we have to consider people who are, or have been, in prison, whether or not they have a drug problem. Many organisations will not employ offenders on principle. That is perhaps not surprising because, as well as having a criminal record, 75 per cent of all prisoners leave prison without having education or training. There are UK Government programmes to help offenders into work, but the take-up rate has not been as high as expected—possibly because it is necessary to disclose to potential employers that a client is an ex-offender.

Research in England and Wales shows that only half of all prisoners have the reading skills that are required for 96 per cent of all jobs. There is no reason to believe that the Scottish prison population is any different. Offenders need more schemes for increased training opportunities in prison—such as those that Christina McKelvie described—combined with the opportunity to gain recognised qualifications that will assist in the quest for a job on release. They also need help from our overstretched probation services to overcome personal and external barriers to becoming employed.

Why should we worry about drug addicts and ex-prisoners? Apart from our moral duty to look after all our fellow citizens, it is in our own self-interest to do so: the more of them who can be helped into rehabilitation, the less likelihood there is of our suffering from the crimes that they might otherwise commit. The brutal fact is that we need the labours of every able-bodied member of our society if we are to build the prosperous Scotland

that we all wish to see. We need them in skilled work, not languishing on benefit.

It is amazing to find that the experts in what to do are all the people on the other side who presided over the skills sector in a way that resulted in a relative decline in Scotland's productivity. The skills strategy is a good start; let us support it and get on with the job.

15:50

Liam McArthur (Orkney) (LD): Prior to the summer recess, we were treated to a series of debates without motions. In some cases, such debates allowed for a useful exchange of ideas, although I am not entirely convinced that the purpose was not more to make life easier for SNP spin doctors, who were keen to talk up the lack of a defeat for their ministers. However, we now appear to be moving into the phase of strategies without substance.

There is undoubtedly consensus across the Parliament that the overall number of Government targets needs to be reduced, but the glaring absence from the skills strategy of any meaningful targets or measurements of success for improving skills in Scotland is deeply worrying.

Various members mentioned how central skills at all levels are to helping us to achieve the Government's stated objective of sustainable growth in the Scottish economy. Derek Brownlee made a point about the need for a step change, and I have always been struck by the suggestion that people who are entering the workforce now will go through multiple career changes, half of which will be in careers that do not yet exist. Therefore, it is disappointing that the minister has not been able to be a bit more specific about her intentions and the measures that the Government proposes to take.

As Murdo Fraser has made clear, Scotland's record on skills—particularly skills at the higher end—is comparatively good. The quality of our higher and further education establishments is, in many cases, world class and participation rates are high, although more still needs to be done to widen access. A widening of access will be one of many benefits when the UHI Millennium Institute finally secures university status. It will act as a driver for economic development throughout the Highlands and Islands and, in my constituency, reward the tremendous efforts that have been put in by Bill Ross and his staff at Orkney College.

Orkney College has proved itself remarkably adept at working closely with local schools and local businesses to ensure that the needs of students and employers are successfully met. However, meeting those demands is not straightforward, particularly for a smaller college. For instance, the demand for construction skills

has grown quickly over recent years, and the capping of growth in ring-fenced funding through so-called SUMs—student units of measurement—is putting real pressure on the college. Although there may be the option to send trainees south, that will not suit many local employers, who will be reluctant for their apprentices to leave the islands for weeks on end. Moreover, one of the college's notable successes over the years has been in providing people of all ages in the islands with an opportunity to further their studies without the need to leave and attend institutions further south.

I would welcome the minister's view on what can be done, perhaps on a time-limited basis, to help smaller colleges accommodate the occasional spikes in demand of that type. Although I note her remarks on the comprehensive spending review—which, I have to say, are in marked contrast to her clarion calls in opposition prior to the last spending review, when the previous Executive delivered record investment to universities and colleges in Scotland—I would also welcome clarification on the current Government's position regarding the creation of the university of the Highlands and Islands. It is critical to the continued success and development of the Highlands and Islands that UHI thrives and achieves university title at the earliest opportunity.

Fiona Hyslop: When I visited Inverness recently, I met representatives of UHI. I put on record the Government's support for the institute. It has great prospects and we look forward to its receiving university status when the due diligence that the Quality Assurance Agency for Higher Education must embark on is complete.

Liam McArthur: I welcome the cabinet secretary's remarks.

The problem with the Government's skills strategy is not what is in the document but the lack of detail on how the Government will achieve its objectives. Those are objectives that we all share—raising skill levels in a highly competitive knowledge economy and ensuring that the needs of those who are not in employment, education or training are more effectively met. The cabinet secretary could have been pretty confident of a positive, constructive response across the chamber to a genuine call for action. The challenges that we face in retaining our competitive edge in education and skills are only getting tougher. It is therefore disappointing that, instead of making a call for action, the cabinet secretary has simply asked us to watch this space.

15:55

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): A well-trained and highly motivated workforce is crucial to every economy in the

modern world. Scotland's workforce is currently well placed to compete in the modern world, with a skills base that is rising faster than in any other part of the UK, coupled with the highest level of employment in the UK. Those facts have been acknowledged by the Scottish Executive and have been highlighted by other members today.

Scotland has a well-trained, highly motivated workforce not by chance but by change—change by the previous Labour-led Administration. Labour's policies were to invest in our schools, colleges and universities, and to encourage them to work in partnership with industries large and small to tailor the skills that are needed in Scotland today and for the future. Those policies of change, which have put Scotland's skills base ahead of the competition, are now threatened by the Scottish National Party's skills strategy, which is full of warm words but is empty of any real measures for Scotland to build on our success.

A well-trained, motivated workforce is crucial to Scotland, and skills are central to growing the Scottish economy. The SNP has already split off skills from economic development in the Cabinet, by separating education from enterprise. Some people say that that is mad, and that the SNP appears to be rejecting joined-up thinking. Does the SNP also reject the importance of teaching our young people the skills that are necessary to compete in a modern, globalised world? The skills strategy has no commitment to investing in skills academies, thereby cutting off a real chance to raise skills levels in Scotland. Labour would create 100 skills academies to build on the work that is being done in schools and FE colleges, but not as an alternative, threat or challenge to FE colleges.

Fiona Hyslop: Will the member take an intervention?

Cathie Craigie: No, not at this point.

The SNP's skills strategy has no commitment to increasing the number of modern apprenticeships, which more than 34,000 young people have benefited from since 1999. The year-on-year increase in the number of modern apprenticeships since 1999 proves that security of employment and the development of skills can be achieved while increasing the number of available modern apprenticeships. Labour would boost the number to 50,000. That would be an improvement in both quantity and quality, as Iain Gray pointed out to the cabinet secretary earlier.

Gavin Brown (Lothians) (Con): The member stated that Labour would create 100 skills academies if returned to power. How many did it create when it was in government?

Cathie Craigie: Examples such as the one in Glasgow that David Whitton mentioned show that

we were on the right road—such developments were of great benefit to the people of our country.

The FE sector is critical to building Scotland's skills base. Sadly, the skills strategy contains no commitment to a properly funded further education sector. Before the cabinet secretary gets up again, I should point out that hiding behind the skills review is not sustainable. A properly funded FE sector can and does work to build the skills that are required to maintain Scotland's competitiveness.

In my constituency of Cumbernauld and Kilsyth, Cumbernauld College has its own dedicated training unit, which delivers a range of Government-funded programmes through strong and well-developed relationships with local employers. The unit gives students the opportunity to take up tailored job-centred training and gives them a chance to learn the skills that are necessary for Scotland to remain competitive. Cumbernauld College is one of many FE institutions in Scotland that are playing an enhanced role in skills development. The SNP must commit to a properly funded FE sector.

Trade unionists in my constituency are engaging in lifelong learning to enhance and improve their positions in their existing employment or to improve their qualifications and perhaps find their way into higher education. Rachael Bonner, a member of the Public and Commercial Services Union, is with us in the public gallery today. She is a PCS regional learning officer who is based at HM Revenue and Customs in Cumbernauld, and she was recently awarded the Scottish Trades Union Congress Helen Dowie award for lifelong learning. Some members may know that Helen Dowie was a lifelong trade unionist who invested considerable time and effort in promoting workplace learning. Sadly, she died two years ago, but I know that she would be delighted that Rachael Bonner is carrying on her tradition by encouraging, motivating and supporting trade unionists throughout Scotland to expand their knowledge and skills.

Trade unions, employers and teaching establishments are committed to training for the future. It is more than disappointing that the SNP skills strategy does not commit the Scottish Government to any real measures that will build Scottish skills. With no real commitment to investing in skills academies, increasing the number of modern apprenticeships or maintaining a properly funded FE sector, the skills strategy dismisses too many opportunities, in particular for young Scots. Investing in our future skills takes more than warm words; it takes innovation, hard cash and commitment. The SNP and its skills strategy fail on all those counts.

16:01

Aileen Campbell (South of Scotland) (SNP):

Like many members, I welcome this debate and I congratulate the cabinet secretary and the Government on producing "Skills for Scotland: A Lifelong Skills Strategy", which has gained a lot of support from business communities throughout the country.

The strategy and the motion rightly see training, education and employment as connected and interlinked. That all-encompassing approach, and the decision to streamline structures to make it easier for people to access learning and training, are to be welcomed, and smack of good, simple common sense. We are a small country, so it should be straightforward to match people with jobs and sort out areas of weakness.

I am glad that the strategy takes on board the need to ensure that everyone in Scotland has access to good advice and opportunities. That follows on nicely from last week's debate about the Crichton campus, when everyone in the chamber agreed that, if we truly want to rejuvenate our countryside, we must make education and training accessible to people in rural as well as urban areas.

However, we should not forget that many groups of young people in rural and urban areas remain alienated from training, learning opportunities and certain job sectors. That is why I am delighted that

"This strategy aims to promote equality of opportunity to those trapped by persistent disadvantage and to improve numbers of ... economically active"

people from different groups. It is regrettable that, despite this being the 21st century, discrimination persists in Scotland. I encourage the Government to consider that when it develops the strategy.

Last month, I was delighted to attend an event in Glasgow hosted by Positive Action for Training in Housing. PATH was set up with the charitable objective of developing and running positive action training programmes throughout Scotland using section 37 of the Race Relations Act 1976. It addresses the issue of the underrepresentation of black and minority ethnic communities in housing, social work and related professions.

PATH commissioned the University of Strathclyde's equality and discrimination centre, in collaboration with Professor Gus John, to conduct research into the career aspirations and influences of black and minority ethnic young people in Scotland. Young people were surveyed and the overwhelming response showed that careers guidance and counselling lacked an attention to black and minority ethnic young people. The respondents felt that services did not meet the needs of BME people in the community, at work or in education.

Survey respondents were still largely influenced in their choice of career by their parents. That is probably true of most young people, but what I took from the lecture on the survey was that young BME folk were disproportionately influenced by their parents in their career choice. It was not suggested that that was a bad thing, but rather that it perhaps narrowed their choices. That, and the fact that BME young people are not happy with the formal careers guidance that they receive, shows that Government and local authorities need to ensure that the careers guidance that they provide does not alienate a host of talented young people, but rather encourages them to enter sectors of the workplace that they might previously have discounted.

Hugh O'Donnell (Central Scotland) (LD): The member referred to the PATH report. Unfortunately, I see no mention of BME-specific issues in the Government's strategy—members have referred to other issues that it does not mention. Does Aileen Campbell agree that that is a shortcoming?

Aileen Campbell: No, I do not. As I said earlier, the Government will examine different groups and ensure that people with various abilities and of various races and faiths are encouraged to get into the employment sectors that they want to enter. The strategy covers that quite adequately. I was just raising an issue that was brought to me last month, because I thought that it would be worth while contributing it to today's debate.

David Whitton: I repeat what I said in my intervention during Dr McKee's speech. The new skills college that is being built in Glasgow will do exactly what Aileen Campbell is asking for: it will target groups such as the disabled, lone female parents and ethnic communities in order to give them skills. I would have thought that the SNP would support that.

Aileen Campbell: Like Ian McKee, I look forward to seeing the document that was mentioned and finding out more about the situation.

The PATH evidence showed that, if we want to raise the career aspirations of Scotland's young people, we need to ensure that parents who inform young people have more information as well.

I subscribe to the Government's agenda of a smarter Scotland. I also want Scotland to be fairer. To ensure that Scotland has a sustained, vibrant and successful future, we have to use all of our people. We cannot afford to have a country in which some people feel alienated. I know that the cabinet secretary will work to ensure that the aspirations and ambitions of everyone in the country are raised and that their skills, education

and training help them to get the jobs and careers that they want.

16:07

John Park (Mid Scotland and Fife) (Lab): As always, I am pleased to speak in a debate about the central role that skills play in relation to our economic well-being. It will not surprise anyone that I intend to focus much of what I say on the realities of the workplace.

This debate needs a bit of honesty, and I am going to be as honest as I can be. As Cathie Craigie said, the document has a lot of warm words and highlights a lot of good activity, but I would not describe it as a strategy. I would like it to contain much more. If meaningful and timely engagement with learning providers, business and, perhaps, the trade union movement had taken place following the cabinet secretary's announcement of her intention to launch this strategy three months ago, I am sure that we would have had a much more substantial document before us today.

This is not criticism for the sake of criticism. I am genuinely disappointed, because the strategy relates to an agenda that I support.

Fiona Hyslop: Is the member aware of the consultations that have taken place on modern apprenticeships, lifelong learning and Careers Scotland, all of which involved training providers, colleges and trade unions?

John Park: I am glad that there have been consultations, but they have not given us much in the way of meat in the strategy. I hope that the minister's further discussions with those groups will be more fruitful.

I would like to give an honest assessment of the workplace. We must examine much more closely the role of business in this agenda. Although Governments have recognised the importance of skills development in recent years, employers, in general, have not. There have been some good examples but, generally, they are not reaching the mark.

In recent years, industry in Scotland has witnessed a vicious cycle of low levels of workforce investment leading to skills shortages and disproportionately high wages in some sectors. If we are being honest, we must recognise that not enough training has been undertaken by employers and that there has been too much poaching of skilled staff for short-term gain.

The strategy talks about the need to stimulate employers, but we do not need to do that; we need to challenge employers in a way that will stimulate industry demand.

The SNP wants to reduce business rates to boost performance, and there is support for that across the chamber. However, as I have said before, we must ensure that the many millions of pounds that a reduction in business rates would bring are invested not in a new fleet of BMWs for executives but in improving workplace productivity. That is why this Government must incentivise skills development and reward companies that invest in their workforce by giving them favourable business rates. That would be a measure of real partnership.

What about people who are already in work? There is no doubt that making FE and HE more financially attractive to school leavers is laudable, but that must not be done at the expense of people who want to return to work and get back into learning.

As Iain Gray said, more than 70 per cent of the workforce will still be in work in 20 years' time. From my experience, I know that discussions about moving on happen in workplaces all over the country. I have had such discussions with colleagues—not since I have been in the Parliament, but in previous jobs. However, the reality is that for someone who has a job and is paying rent or a mortgage, and who may have a young family, entering part-time learning is daunting enough—they can almost forget it. As for full-time learning, they can forget that. What support will the strategy give people in such situations?

The strategy says that about 375,000 people moved between jobs or into employment in 2006. That figure will need to increase if we are to match the pace of economic change in the future, but it will not increase unless we make going into part-time or full-time learning easier for people.

I will not spend too much time on trade union learning, as I have rattled off some of the figures before, but with the minimum of dialogue with the trade union movement the strategy could have made several commitments. The Scottish union learning fund has been successful—there is lots of evidence on what it achieves and where it fits in—so why has no commitment been made to provide finances to expand it? That is a no-brainer.

What about apprenticeships? Employers are crying out for targets and for more support to bring in apprentices. Fife alone will have two of the biggest construction projects that Scotland has ever seen—the new Forth crossing and the building of two huge aircraft carriers. Where will the jobs come from? We need to invest in modern apprenticeships, so why has no commitment been made to have more apprentices? No one anywhere would disagree with such a commitment.

The document is not a strategy but a narrative of positive achievements and accepted orthodoxies about learning. I had hoped for something with more substance and a little more pizzazz. I hope that the cabinet secretary takes seriously and uses constructively Labour members' comments. There is a consensus in the Parliament that we want to make a difference to skills, but members are frustrated that we have not gone as far as we could. We all want Scotland to compete and grow but, as many have said today, the strategy could have been so much more.

16:13

Hugh O'Donnell (Central Scotland) (LD): My colleague Jeremy Purvis and others have highlighted some of the Government's strategy's more obvious general shortcomings, on which I do not intend to dwell. I am disappointed that the document is more akin to a party manifesto than to a strategy—it is full of well-intentioned rhetoric. As other members have said, it is a little short on detail. One advantage of having detail is that it allows a progress report to be produced that covers measurable progress, target groups, activities, partner progress, next steps, outcomes, measurable goals, objectives and results. That gives Opposition parties the opportunity to measure the success of what is done. The SNP legitimately used such tools to attack the previous Administration on several issues. The document that I am holding up is the review of the previous Executive's skills strategy. That is about accountability as much as anything else.

In this age of consensus, it is a bit harsh not to say something more positive, so I will say that I am pleased that the strategy does not mention the discredited English model of skills academies. I am particularly pleased about the five case studies that are success stories of the previous Administration.

I will pick up on several issues that show that the strategy is a little short on substance—perhaps more than a little. It contains an almost throwaway line about all-ages modern apprenticeships and resources. That begs a question about the security of the funding. As funding has not been mentioned, what will happen is questionable. I would like the cabinet secretary to deal specifically with that commitment.

Fiona Hyslop: In my speech, I talked about the expansion of modern apprenticeships. We need to consider where we can target resources. We made an age-specific manifesto commitment, which we can develop. However, strategy is about the vision of where we want to go; detailed policy is about delivery. The member should not confuse the detail with the strategy.

Hugh O'Donnell: I thank the cabinet secretary for that instruction.

The Government's strategy does not contain any specific references to additional support for learning, aside from a passing reference at the bottom of page 16. There are limited references to English for speakers of other languages courses for incoming communities, and I cannot find any specific references to ethnic minority and black communities.

Where are the details on the SNP's strategy? Where is the support for the thousands of young people with special educational needs and the support to address their desperate need for educational and work placements during the transition period when they leave special education schools or mainstream schooling?

One thing—which I think Iain Gray referred to—really puzzles me. The strategy says that the early years strategy, for which we will wait possibly a year or 18 months, is integral to the skills strategy. The approach does not seem to be particularly joined up. Will there be a review of the current proposals or will the early years strategy be a bolt-on?

Those are not the only skills to which the Government is not paying attention. Where is the commitment to review our teachers' skills sets to include environmental and outdoor education and enterprise as part of teacher training, so that those who are charged with educating our children in those vital areas can educate with confidence and greater knowledge? Where is the commitment to the greener Scotland agenda? How does the skills strategy join up with that agenda?

The Minister for Schools and Skills (Maureen Watt): Does the member recognise that the curriculum for excellence agenda addresses precisely the aspects that he has just highlighted? Does he recognise that all the things that he has mentioned, including skills, are embedded in the curriculum for excellence and the school agenda?

Hugh O'Donnell: That the new Government is progressing the previous Administration's work is more than welcome news.

The baccalaureates that the SNP manifesto mentions are not mentioned in the new strategy, and I saw no commitment to the skills for work programme in it. That programme was much praised in the report by Her Majesty's Inspectorate of Education that was published on 7 September, which stated:

"The findings in this report suggest that Scottish education is well placed to build on the good progress that has been made"

in the skills for work area

I am disappointed that not much has been said about articulation opportunities from higher national courses. The cabinet secretary may say that that is a policy matter rather than a strategic matter, but that is rather a neat get-out that is similar to the get-out relating to the comprehensive spending review.

There have been shortcomings in several areas, although we are beginning to see progress in some areas. We all look forward to seeing the policy details that the strategy will bring forward. I have not asked an exhaustive list of questions; rather, my questions have been indicative of a strategy that has more holes in it than a piece of Gorgonzola. It does not seem to address the issues. I look forward to further Government publications and announcements on the specifics of how it will progress its work.

16:19

Elizabeth Smith (Mid Scotland and Fife)

(Con): Members have unanimously made clear the importance of a skills strategy in developing a successful economy and more meaningful and fulfilling opportunities in education. In that respect, it is good that a skills strategy is now a priority on the Government's agenda.

As my colleagues Murdo Fraser and Derek Brownlee have said, the Conservatives will support the basic principles behind the cabinet secretary's announcement. We especially recognise the need for a much more coherent and consistent approach in delivering skills training. However, we believe that the strategy, as it stands, does not go nearly far enough in dealing with some of the fundamental issues. We therefore seek to use this opportunity to receive assurances from the cabinet secretary that she will address those issues as a matter of considerable urgency in the next few months.

First, with regard to basic skills in literacy and numeracy, the cabinet secretary has correctly identified that there is a need for far higher standards. That is self-evident from the worrying statistics on the number of Scottish schoolchildren—and, in some cases, university graduates—who leave education unable to meet the requirements of employers. Does the cabinet secretary accept that the situation will improve only if there is even greater emphasis on the three Rs in the primary 7 and secondary 1 and 2 curricula? Does she also accept that there must be much greater rigour in the school examination system to consolidate those basic skills?

The cabinet secretary will be only too aware of the fact that many people in the teaching profession—and, sadly, many employers—are deeply concerned about the dumbing down of the

knowledge content of exams and about the fact that pupils can arrive at the end of their school careers without the necessary skills to move into a 21st century workplace. The sizeable amount of money that Scottish businesses must spend from their training budgets on remedial training rather than on training for new skills is evidence of just how serious the problem is.

On the same theme, I urge the cabinet secretary to ensure that there is absolutely no slippage in the timescale for the curriculum for excellence, which is, as she says, an exciting new challenge for Scottish schools in dealing with many aspects of broadening the skills base and the adult responsibilities that go with that. In my view, the curriculum for excellence has much to offer Scotland. It is essential that subject teachers be given the necessary assurances that resources and information will be given as soon as possible to allow them to develop their own areas. If we can get the balance right between greater rigour in the exam system, which is much needed, and the creation of imaginative and responsible citizens, which is the vision behind the curriculum for excellence, the skills strategy will have a far greater chance of success.

Secondly, we believe that we should go much further down the road to formal vocational training and apprenticeships. We welcome the cabinet secretary's moves to improve the links between schools and colleges although it is, ultimately, merely tinkering at the edges. Will the cabinet secretary agree to consider the practice of other European countries of allowing pupils to leave school at 14 if they and their teachers accept that pursuit of an academic curriculum is neither appropriate nor relevant? Learning a trade or a craft should never be regarded as being somehow inferior to an academic education. It is time to recognise that far more youngsters would be much more able to get a meaningful focus if they were able to harness their talents outside an academic classroom. That would also go a long way towards dealing with the growing number of young people in the NEET category.

The key point is that we must ensure that the skills that are fostered are the most appropriate for the jobs that are available. We should be mindful of the 8 per cent of vacancies in the workplace that remain unfilled because applicants do not have the necessary skills, qualifications or experience.

Murdo Fraser has asked the cabinet secretary to rethink her hostile approach to skills academies—I hope that she will do so as soon as possible. They are a logical extension of some of the principles that she has set out and that we have underlined this afternoon. They would do much to enhance the opportunities for specialist training, especially

in areas such as technology, music and sport, in which Scotland potentially has so much creative energy. It is to be hoped that the reluctance to embrace the idea at the moment is not bound up with an obsessive attachment to a one-size-fits-all education system that, frankly, is increasingly out of date and is not meeting the needs of many youngsters in our society.

We agree with the cabinet secretary's desire to merge Careers Scotland and learndirect Scotland, but we urge her to go further and to create a single skills agency for Scotland that would not only take on the functions of those two existing bodies, but would incorporate the skills training that is currently undertaken by Scottish Enterprise. There is a clear need for streamlining, greater simplicity and much greater accountability.

I conclude by returning to my original point, which is to pledge the support of the Scottish Conservatives for a skills strategy as a priority of Parliament. We will support some of the basic themes that have been announced this week, but we are of the very strong opinion that there are still far too many missed opportunities to deal head-on with the problem that employers face as they seek a fully trained workforce that is capable of delivering greater economic progress for Scotland as a whole.

16:24

Ken Macintosh (Eastwood) (Lab): All the talk in the new parliamentary session is of how to reach agreement, of how to cross political divides and of a more consensual politics. In today's debate, there has been a lot of agreement—we all agree on the importance of the skills agenda. If we want to improve Scotland's productivity, advance our citizens' employability and grow our economy, we need to invest in developing people's skills. There is agreement across borders, too: our skills agenda is shared by our compatriots south of the border, where notably ambitious targets have been set.

Another thing that we can agree on is that, as a response to that pressing need and to the clamour for skills to move to the top of the political agenda, the new SNP Administration's skills strategy is wholly and entirely inadequate. That point has been made by nearly every member in today's debate. It would perhaps stretch credulity to say that there was mounting excitement leading up to the publication of the skills strategy, but the genuine expectations that existed have evaporated on sight of the document. Any sense of anticipation has been dashed. This is a shell of a document. As Jeremy Purvis said, it is an empty vessel.

Yes, the document outlines the scale of the challenge and it contains some policies that we

can agree with, but where is the beef? Where are the radical ideas to invigorate and enthuse? Where are the funding streams to support learning? I get the impression that the strategy is simply the outline document that officials had ready waiting for the results of the election—waiting for the political direction that would provide the real meat of the proposals. What has the SNP added to that? It has contributed virtually nothing except for the one supposed headline grabber, which is the proposal to merge Careers Scotland and learndirect Scotland. However, that proposal has been lifted from the pages of the Tory manifesto. Like Richard Baker, I do not believe that tinkering with our institutional structures is the key to delivering on skills.

I ask the minister to state what single idea or initiative the SNP has added that was not already in the pipeline. As with last week's programme for government, one gets the impression that the proposals contain some good things, but those things would have happened anyway under a Labour Government or progressive Administration. I am scratching my head and trying to see what the SNP has added. The SNP has pinched the Conservatives' idea of creating a new national quango—yes, that is right, the Conservatives' idea of creating a new quango—but the SNP lifted the wrong line from the Conservatives' manifesto. It has ignored the Tories' sensible support for Labour's skills academies. Whereas we promised 100 new skills academies, the SNP offers nothing. The document makes a brief mention of science but no mention of science academies.

Keith Brown (Ochil) (SNP): In his opening speech Iain Gray said that he was grateful that the document acknowledged the good things that the previous Administration had done, but the calls that have been made during the debate for a step change and for an urgent look at current provision suggest that there was some kind of failure in the past. More specifically, the fact is that 30 per cent of people in Glasgow are not economically active. Does the member accept that the endless and synthetic carping would be taken more seriously if members of the previous Executive acknowledged some of their failures?

Ken Macintosh: My point was that there is a genuine cross-party consensus, which I believe includes the SNP, that skills have gone to the top of the political agenda. We are now looking for action. As Iain Gray pointed out, the issue was highlighted by Jack McConnell in his opening questions to the First Minister and it has been raised repeatedly. We were repeatedly assured, "Don't worry—everything'll be addressed in the skills strategy." My point is that nothing has been addressed in the skills strategy. The strategy contains only a series of questions and vacuous aspirations.

All members in the debate have agreed that the strategy contains some good points, although there are not nearly enough of those. Among the policies that we will support are the emphasis on developing literacy and numeracy and—as Murdo Fraser pointed out earlier—the importance that will be given to encouraging core skills as well as so-called soft skills. We are also pleased at the strategy's endorsement of the sector skills councils and of the UK-wide approach that is taken to those organisations. It will come as no surprise to hear that Labour members very much welcome the support that the strategy gives to the work of the Scottish Trades Union Congress and the Scottish union learning fund.

We also agree on the importance of an early years strategy. I believe that the cabinet secretary is trying to build on the joint work of the previous parliamentary session's Education Committee and on the cross-party approach that was reflected in that committee's report. However, given the consensus that exists and the work that has already been done, it is disappointing that the strategy document contains only a promise to deliver an early years strategy at some time in 2008. If that strategy is as empty as the skills strategy that is the subject of today's debate, I wonder whether it will be worth waiting for.

However, I will take the opportunity to welcome what Fiona Hyslop said about modern apprenticeships in her opening remarks, which I could perhaps ask her to clarify. If I heard her right, I believe that she said that she is committed to expanding modern apprenticeships and that she will implement the recommendations of the modern apprenticeships review. If so, that is welcome.

However, there was no mention of a target; in fact, the cabinet secretary specifically shied away from an emphasis on volume. I do not believe that we overemphasise the number of modern apprenticeships, as she suggested—we stress the importance of quality. However, as my colleague Iain Gray highlighted, with 300 applicants for every apprenticeship that is offered, there is a clear demand for places that we need to meet. Labour's target of 50,000 modern apprenticeships provides not just an ambitious goal and an attempt to meet real demand, but a policy driver. Without such drivers, the fear must be that the Government's policy will simply drift.

I want to supplement the comments of my colleague John Park, who highlighted the importance of part-time learners. I point to the evidence that shows that individuals of all ages who want to improve their skills, in order to improve their employment prospects or to increase their earnings, do so overwhelmingly by studying part time, either at college or at university. In this

country there is already a divide between full-time students, to whom we give support, and those who study part time, who pay tuition fees, with only those on the lowest incomes receiving any financial support. The new Administration's proposals to abolish the graduate endowment will widen the gap between full-time and part-time students. They will create a disincentive to part-time learning, even though we cannot deliver the skills agenda without it.

Fiona Hyslop: Ken Macintosh and John Park have made good points about part-time students. We will shortly make an announcement about their position.

Ken Macintosh: I am pleased to hear that. I am sure that colleges, universities and the Open University await the announcement with anticipation.

Colleges are rightly identified as having a key role to play in any skills strategy. I join Christina McKelvie in paying tribute to Motherwell College, which has been recognised for its excellent work in retraining former offenders. However, where in the document is there any mention of funding for either further or higher education? There are real options before the new cabinet secretary: decisions are needed, and stakeholders are waiting to take their lead from the minister. Will there be additional funding? If so, how will it be delivered? For example, will the cabinet secretary improve the fee waivers that are on offer, or will she use individual learning accounts?

I was struck by the number of members who commented in similar terms on the failings of the skills strategy. Mary Mulligan said that it is fine as far as it goes. Derek Brownlee commented on the lack of timescales in the document and said that it does not go far enough, is not radical enough and shows a lack of ambition. Liam McArthur spoke about the glaring lack of any meaningful targets. My favourite comment was by Richard Baker, who quoted Elvis to say that we need “a little less conversation” and “a little more action”.

What will the cabinet secretary do to help 16 to 18-year-olds who are drifting into a life on benefits? Where are the commitments to education, volunteering, training or employment for young people? Universities get barely a mention, and yet again there is no recognition of anxieties that have been created in our universities by the new funding regime south of the border. Where is the sense of purpose or drive? Presiding Officer, it is sadly lacking.

16:33

The Minister for Schools and Skills (Maureen Watt): I welcome the opportunity to close this debate on the Government's plans for skills. The

Government has set out its strategy—what we want to achieve. How we will do it will come during engagement with all those who are involved with skills.

At the education debate in June, there was a call for the Government to build on the common agenda that clearly exists in Parliament. We were reminded that this is no time to stall on progress—firm decision making rather than more pilot projects or tinkering around the edges was called for. Today we have announced some bold, firm decisions on the way ahead—not tinkering around the edges. I am pleased that the strategy has been broadly welcomed by some members from all parties. Iain Gray said that he could not find fault with it, Murdo Fraser gave it a pass and Jeremy Purvis recognised the importance of working with colleges to deliver locally.

We can build a Scotland that is wealthier and fairer only if our people are equipped with the skills, expertise and knowledge for success. The strategy was welcomed across the board at its launch on Monday. We used the consultation that was undertaken previously when drawing it up.

Ken Macintosh: Will the minister give way?

Maureen Watt: Not at the moment.

People made it clear to us that they had had enough consultation on what should happen—they want action, which is why they have broadly welcomed the document.

This Government is building a self-confident and outward-looking Scotland. We want an ambitious nation in which there are opportunities for everyone to benefit and to make positive contributions to Scotland's prosperity. We do not want a Scotland that is just bumbling along: investing in our people's skills and ensuring that skills contribute as much as possible to sustained economic growth is central to that.

Iain Gray: It is entirely fair for the minister to say that investing in our skills is central to building a prosperous Scotland—almost every speaker has said that. Our complaint is that the strategy contains no guarantee of investment of any kind in the skills agenda.

Maureen Watt: That is not what I read in the strategy document, and it is not what the people outside Parliament have read in it.

In "Skills for Scotland", we acknowledge the central role of Scotland's colleges in economic development because of the diversity of individuals they serve, the range of opportunities that they provide and their breadth of partnership working. What is the point in building new skills academies—secondary moderns by any other name—when existing school, college and university links are willing to meet the skills challenge?

We recognise the importance to our knowledge economy of a steady supply of workers who are skilled to the highest levels. Reports for the Organisation for Economic Co-operation and Development show science and engineering to be among the UK's top skills shortages—that shortage is mirrored in Scotland. A steady flow of graduates and technicians is vital, so that industries in which we punch above our weight can continue to compete favourably. Our life sciences, creative industries, financial services and the energy sector, including renewables, all need smart, skilled Scots.

Scotland must continue to increase technology transfer from our world-class research base into viable products and processes. Skills development is needed here, too. Encouraging technology start-ups and assisting scientists and technologists in developing entrepreneurial and business skills—helping them to create and grow into our large companies of the future—will prove to be an ever-increasing priority.

Jeremy Purvis: In the cabinet secretary's introduction to the strategy, she says:

"Over the coming months we will be organising events and action built around our key tasks".

Will the Government publish a document containing baseline data on areas in which there will be measurable progress that can be identified as delivering what is in the strategy?

Maureen Watt: Christina McKelvie and Aileen Campbell pointed out the faults in a target-driven proposal. Ms McKelvie was right to say that targets are the wrong way to go about it. Do members of other parties really believe that voluntary organisations—such as the one in Aberdeen that Brian Adam and I came across, which tries hard to give employability skills to some of our most vulnerable youngsters—should have the funding cut from underneath them if they do not meet targets?

The priority of this Government is not to meet targets but to ensure that every young person has the skills to get into a meaningful job. Lots of money has been wasted in the past on churn, and on getting people get into jobs that are not meaningful to them. We recognise the importance of our knowledge economy for a steady supply of skilled workers for our public services as well as our private ones. Our ambitions for public services demand that we will continue to look to our colleges and universities to provide the next generation of the highest-skilled public sector workers, such as teachers, doctors and lawyers.

However, our strategy recognises that employer demand for skills needs to take place at all levels, and we will work with all those who are trying to achieve that aim: the unions that are committed to

supporting the learning of their members, which is highlighted in the document; sector skills councils, which are working to raise the level of skills in their sectors; and employers, who must be more demanding with regard to skills development.

We will continue to challenge the public services to make better use of their employees and to ensure that public services are improved for everyone. We also acknowledge the voluntary sector's contribution in providing skills, which is why we have not been prescriptive about the new body that has been announced today. We are determined to engage in conversation with all those who provide skills advice.

Our strategy also recognises that individuals move into the world of work from various starting points. In Scotland, we are fortunate to have invested heavily over the years in learning and training providers, who go a long way towards acknowledging the variety of needs that must be met. We also have excellent colleges and universities, as well as a strong third sector, community learning and development base, and private training provision. However, we are ambitious to use such assets better. We have outlined our plans to establish a task group to advise on how we can ensure that resources that are allocated for learning outwith institutions support the strategic direction that is set down by Government for community learning and development.

We also believe that the best way in which to ensure long-term employability is to inspire—not compel—children to stay in education or training after the age of 16.

Ken Macintosh: Will the member give way?

Maureen Watt: Not at the moment.

Good options and clear pathways out of school are essential for ensuring continuity and progression in learning and achievement. As I have pointed out already—and as Elizabeth Smith made clear in her speech—even primary 7 schoolchildren are making links with colleges and finding out the importance of their learning to the world of work. The point is that we must address the needs of lower-achieving young people who are at risk of disengagement.

Ken Macintosh: Given that the minister is winding up, will she address a point that was made by almost every member who spoke in the debate, and tell us why the strategy lacks timescales and targets for meeting young people's needs?

Maureen Watt: I have already answered that question. Target-driven approaches have not provided many young people with meaningful employment or courses. If they had succeeded,

the member's party might be sitting on the Government benches—which is not the case.

Learning is a powerful good in its own right and a necessary driver for self-development. However, learning and training are powerful enablers for much of what the Government wants to achieve with regard to developing our workforce, increasing demand for skills and increasing productivity. Through learning and skills development, workers, families and communities can prosper and the inequality that so blights Scotland can be reduced.

As a result, this strategy acknowledges that a greater national effort is required—it is a call for action. Although we have set out the strategy, we are not taking a top-down approach towards how it should be implemented. Instead, we are working with all our partners in the skills development and training agenda to ensure that we step up to the mark on skills for Scotland.

Foot-and-mouth Disease

The Presiding Officer (Alex Fergusson): The next item of business is an emergency ministerial statement by Richard Lochhead on foot-and-mouth disease. As the minister will take questions at the end of his statement, there should be no interventions. I will allow one question from each of the main parties and, depending on the time available, I might allow questions from other members.

16:44

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): It is with enormous regret that I make a statement to alert Parliament to a new case of foot-and-mouth disease in Surrey. Today's development comes only days after we were able to lift the few remaining movement restrictions that were implemented following the previous outbreak of disease, which was confirmed on 3 August. That had been an important step for our livestock industry and the red meat sector on their route back to normality.

Today's confirmation of disease is a gut-wrenching body blow for the Scottish livestock industry and the red meat sector. I have been in touch with many representatives of the industry throughout the day and will update them again at a stakeholder meeting at 6 pm this evening. Clearly, I and my officials will do everything we can to support the industry during such a devastating time. I must again pay tribute to the industry for its responsible and reasonable response to the latest developments.

There is considerable uncertainty as to the origins of the disease. I must stress that at this stage we do not know what strain of the foot-and-mouth disease virus is involved, so our actions must be precautionary. The Animal Health agency and officials from the Department for Environment, Food and Rural Affairs are conducting an immediate investigation into the source and strain of the virus concerned.

Given the uncertainty about the source and spread of the disease, I have, from 3 pm today, on veterinary advice, reintroduced a movement ban. Just as last week I indicated how we had learned lessons from the 2001 outbreak, I assure Parliament today that we will continue to learn from the most recent outbreak and, in the difficult days ahead, to apply what we have learned. It is ironic that, today, I was due to meet Professor Scudamore to discuss the scope of the review into the most recent outbreak. Although I met him briefly earlier, our discussion was focused on today's events.

Unlike the movement ban that was imposed as a result of the outbreak of disease in August, the ban that I have announced today will—on the firm basis of the veterinary advice that I have received—allow a number of movements to continue to occur. The movement of dairy cows across public highways for milking, the movement of animals for emergency veterinary treatment and the movement of animals direct to slaughter can, subject to the meeting of specific conditions such as supervision, all continue.

Scotland's islands will remain free of restrictions on movements within and between the islands, but no movements will be allowed between the islands and the mainland. All further movement restrictions will be kept under daily review and will be lifted as soon as possible.

The latest outbreak is extremely harrowing news and it will have a particular impact on animal gatherings, including markets. We acknowledge that it will have a huge impact on events that have been planned for the next few days and that the impact will be greater than simply the cancellation of those events. For example, the cancellation of the Kelso ram sale could have implications for next year's lamb crop. However, given the risk of disease spread from animals coming from and going to a number of separate locations, we cannot afford to allow such events to go ahead during a period of such uncertainty. I fully recognise the disruption that the measure will cause for the industry, but I know that it understands that it is an essential step.

As an immediate task, the Scottish Government's centre of epidemiological excellence at the University of Edinburgh and the Scottish Agricultural College have been commissioned to analyse movements to Scotland from Surrey and the immediate area, which will allow us to establish the likelihood of disease spread to Scotland. At this stage, I must continue to stress the uncertainty surrounding the source and spread of the outbreak. I reiterate that only such analysis can help us safely lift restrictions to maintain the long-term viability of Scotland's industry.

The Scottish Government is actively working to protect Scotland's livestock sector and to minimise disruption. My officials have been working with stakeholders throughout the day to keep them informed of developments and to ensure that they are able to take precautions and appropriate steps to protect their interests. At 12.30 this afternoon, the Scottish Government foot-and-mouth helpline was activated, the number for which is 0845 1553366. Regular updates are available on the foot-and-mouth pages of the Scottish Government website. I encourage members to pass those

details on to their constituents so that they can be kept fully up to date.

As with any outbreak, there will be increased incidences of reporting of disease due to the increased vigilance of our livestock keepers. All such reports are investigated by our veterinary professionals. Members may be aware of a reported case today at Lanark market. I assure colleagues that that reported case is being investigated and that we will pass on any further information as soon as possible, although I emphasise that a number of cases of foot-and-mouth in Scotland were reported last month and all proved to be negative. We continue to encourage all livestock keepers in Scotland to report any suspicion of disease in their livestock.

The Scottish Government's emergency room procedures have again been activated and the Scottish Government continues to work closely in partnership with the other United Kingdom Administrations. I have been in regular contact with DEFRA ministers today and I participated in the 3 pm Cabinet Office briefing room—COBR—call, which was chaired by the Prime Minister. During the call, I alerted the Prime Minister to this statement and outlined our response in Scotland. I thank DEFRA for its prompt response to the most recent outbreak, and particularly for the swiftness of its alert to my officials. I will continue to remain in contact with DEFRA during the coming days.

The new outbreak is very unwelcome and of real concern. There is the maximum level of uncertainty about the source and spread of the disease. I assure members that the Scottish Government is treating the matter extremely seriously and will continue to do all that it can to minimise disruption in Scotland. Restrictions will be lifted as soon as it is possible and safe to do so and I will do my best to ensure that members are kept up to date with developments.

The Presiding Officer: We have about eight minutes for questions, so I will call a member from each of the main parties and then see where time has taken us.

Sarah Boyack (Edinburgh Central) (Lab): As the cabinet secretary said, the new outbreak will be a tremendous blow to everyone who is involved in the industry. People were just getting back to business as usual after the most recent outbreak. Will the cabinet secretary keep the Parliament fully informed on all developments and his work with UK ministers to prevent further spread of the disease, as he did during the summer outbreak?

In the light of the situation in Lanark, will the cabinet secretary also agree to meet me and the local member, Karen Gillon, tomorrow, to update us on the information that he has and to tell us

what action he intends to take? I realise that there is a developing situation in that regard.

I welcome the cabinet secretary's commissioning of research into restrictions on cattle movements. Will he share the findings with the Parliament as soon as they are available? Precautionary action needs to be taken, but it must be taken on the basis of good evidence.

Richard Lochhead: I thank Sarah Boyack for her constructive comments and questions. I intend to keep the Parliament informed at every opportunity. I have already raised with my officials the prospect of a briefing for members tomorrow at some point.

On the reported case in Lanark, we will ensure that the relevant members are made aware of the results as soon as they become available, which we hope will be later today. I will make every effort to keep all members up to date on developments during the coming days.

John Scott (Ayr) (Con): I thank the cabinet secretary for the advance copy of his statement and I declare an interest, as an affected farmer.

I put on the record my dismay that foot-and-mouth disease has returned and express my fear that the outbreak is unlikely to be confined to Surrey, given the incubation period of the disease. The disease has almost certainly been in the affected group of cattle for some time. Given the proximity of the M3 and the M25, which are only a few hundred metres away from the affected area, the potential for spread is enormous.

I welcome the cabinet secretary's prompt response to the Parliament, the COBR meeting and the ban. I regret to say that I fear that even if the disease is again contained in the south of England, the movement restrictions that are now in place will cause further damage to the most vulnerable parts of Scotland's livestock industry—lamb, pork and beef production.

Will the cabinet secretary assure us that action will be taken to reduce the problems that occur if there is a shortage of winter keep? Will he also assure us that everything possible will be done to sort out the huge problem of the livestock that are at marts throughout Scotland as we speak—from Castle Douglas and Lanark to Dingwall?

Richard Lochhead: We are taking action to ensure that animals at sales can return to their farms or go to the place of their buyers, to minimise disruption. Work on that is in hand as we speak.

On the wider impact on the agriculture sector in Scotland, we will meet stakeholders at 6 pm, as I said. Of course we will discuss all the implications that they face in the days and weeks ahead.

If there is one piece of good news, it is perhaps that restrictions south of the border in the Surrey area, in the previous surveillance zone, were lifted only at the weekend, so research on animal movements in that area can at least be restricted to the period from the weekend until today.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I thank the minister for the four-minute notice of his statement. If such a situation arises again, might he possibly give greater notice?

The First Minister (Alex Salmond): Unbelievable.

Mike Rumbles: Never mind that the First Minister is saying "unbelievable"; that is what happened and it is not on.

It is essential to identify quickly whether this is a new strain of the foot-and-mouth virus or whether it matches that which was being worked on at the Institute for Animal Health at Pirbright and the previous outbreak. We need to know whether this is an entirely new outbreak so that we can take the appropriate action. We need to know those facts as quickly as possible. I would appreciate the minister confirming that he will follow up quickly on what he has said.

Richard Lochhead: I had hoped that the member would appreciate that we felt that it was very important to bring this urgent statement to the Parliament at the current time.

The important investigations into the strain of the outbreak are on-going. We all want to be made aware of that fundamental piece of information as soon as possible. I hope that it will come in the next day or two. We need to have that information as soon as possible. Those investigations are, of course, a priority for DEFRA at the current time.

Alasdair Morgan (South of Scotland) (SNP): I received a copy of the statement only two minutes before the cabinet secretary gave it to the Parliament, but I am not complaining: I realise the pressure he is under.

The dismay in the agriculture community will be tempered by the speed and efficiency with which the Government acted at the time of the previous outbreak. I am glad that the cabinet secretary is consulting on the likelihood of the spread of the disease to Scotland. If the outcome of the consultation is favourable, is there a possibility that he will consider moving more quickly to lift movement restrictions within Scotland?

Richard Lochhead: Two issues are involved: first, the ability to announce relaxations as soon as we put the movement ban in place today will mean minimal disruption for some sectors of the industry at least; secondly, the wider review. I had a discussion today with Professor Scudamore, who

is, of course, highly respected. He is determined to take on board issues such as those that Alasdair Morgan raised.

Liam McArthur (Orkney) (LD): I echo John Scott's concerns and welcome the fact that movement on and between islands will be permitted. As the cabinet secretary is aware, Orkney and Shetland are in the midst of the major cattle and lamb sales, at which time a stock boat is hired for a limited period to assist in the process. Will the cabinet secretary assure me and Tavish Scott that he will make urgent arrangements to extend the stock boat contract? Will the transport needs of the farming industry in Orkney and Shetland be fully met?

Richard Lochhead: I thank Liam McArthur for his important point. I would be happy to discuss the issue with him after the statement, to see how we can take the matter forward.

Alasdair Allan (Western Isles) (SNP): I join other members in thanking the cabinet secretary for his statement and for his speedy response to the situation. I, too, wish to draw attention to the situation in the islands and, in particular, to concerns about this second disruption to the life and work of crofting communities. Will the cabinet secretary indicate, even at this early stage, what his attitude is to allowing crofters to move livestock to sales on the mainland at some stage in future? What is his attitude to the unusual situation that the islands have in that respect?

Richard Lochhead: I thank Alasdair Allan for his question. Our ability to reduce the restrictions will greatly depend on the veterinary advice that I will, understandably, have to take on board. It will also depend on the outcome of the investigations into the tracing of animals from the area that is currently the subject of the new surveillance zone.

The Presiding Officer: I apologise to the members I have been unable to call. Time is against us.

Mike Rumbles: On a point of order, Presiding Officer, and considering the serious nature of the issue, surely the more serious the issue, the more notice MSPs on the front benches should receive, so that they can interrogate the Government. Will you look into the protocols that have been established over the past eight years, as they no longer seem to have effect?

The Presiding Officer: I do not need to do that, Mr Rumbles. How cabinet secretaries and ministers go about that procedure is entirely up to them.

Business Motions

16:59

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-460, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revised business programme.

Motion moved,

That the Parliament agrees the following revision to the programme of business for Thursday 13 September 2007—

delete

2.55 pm Ministerial Statement: Broadcasting

and insert

2.55 pm Ministerial Statement: The Case of Angus Sinclair—[*Bruce Crawford.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S3M-454, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 19 September 2007

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Ministerial Statement: NHS Waiting Times

followed by Scottish Government Debate: European Treaty

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 20 September 2007

9.15 am Parliamentary Bureau Motions

followed by Scottish Government Debate: Managing the Risks of Flooding in Scotland

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time—
Health and Wellbeing;
Rural Affairs and the Environment

2.55 pm Scottish Government Debate: Penal Policy

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 26 September 2007

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Scottish Government Business

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 27 September 2007

9.15 am Parliamentary Bureau Motions

followed by Scottish Liberal Democrats Business

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time
Finance and Sustainable Growth;
Justice and Law Officers

2.55 pm Scottish Government Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business—[*Bruce Crawford.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S3M-452, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for legislation.

Motion moved,

That the Parliament agrees that consideration of the Abolition of Bridge Tolls (Scotland) Bill at Stage 1 be completed by 16 November 2007.—[*Bruce Crawford.*]

Motion agreed to.

Parliamentary Bureau Motion

17:00

The Presiding Officer (Alex Fergusson): The next item of business is consideration of a Parliamentary Bureau motion. I ask Bruce Crawford, on behalf of the Parliamentary Bureau, to move motion S3M-453, on rule 10.6.5.

Motion moved,

That the Parliament agrees that, for the purpose of allowing up to 10 minutes to debate motion S3M-445 on Thursday 13 September 2007, the second and third sentences of Rule 10.6.5 of Standing Orders be suspended.—[*Bruce Crawford.*]

The Presiding Officer: The question on the motion will be put at decision time.

Decision Time

17:01

The Presiding Officer (Alex Fergusson): There are five questions to be put as a result of today's business. The first question is, that amendment S3M-443.2, in the name of Iain Gray, which seeks to amend motion S3M-443, in the name of Fiona Hyslop, on the Scottish Government's skills strategy, 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)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Foulkes, George (Lothians) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)

Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 42, Against 77, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The second question is, that amendment S3M-443.1, in the name of Murdo Fraser, which seeks to amend motion S3M-443, in the name of Fiona Hyslop, on the Scottish Government's skills strategy, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)

Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 16, Against 103, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The third question is, that amendment S3M-443.3, in the name of Jeremy Purvis, which seeks to amend motion S3M-443, in the name of Fiona Hyslop, on the Scottish Government's skills strategy, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Boyack, Sarah (Edinburgh Central) (Lab)
 Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)
 Hume, Jim (South of Scotland) (LD)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)

Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 15, Against 104, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S3M-443, in the name of Fiona Hyslop, on the Scottish Government's skills strategy, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 47, Against 72, Abstentions 0.

Motion disagreed to.

The Presiding Officer: The next question is, that motion S3M-453, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, on rule 10.6.5, be agreed to.

Motion agreed to.

That the Parliament agrees that, for the purpose of allowing up to 10 minutes to debate motion S3M-445 on Thursday 13 September 2007, the second and third sentences of Rule 10.6.5 of Standing Orders be suspended.

Land Reform (Scotland) Act 2003

The Deputy Presiding Officer (Alasdair Morgan): The final item of business is a members' business debate on motion S3M-187, in the name of Sarah Boyack, on land reform and the will of Parliament. The debate will be concluded without any question being put.

Motion debated,

That the Parliament is concerned about the decision by Perth Sheriff Court to grant a declarator to Ann Gloag, owner of the Kinfauns Castle estate, which has the effect of denying the statutory right to roam over parts of the estate that was previously allowed under the Land Reform (Scotland) Act 2003; notes that Perth and Kinross Council and the Ramblers Association opposed the declarator and gave evidence to the court that such a declarator would be contrary to the intention of the Act; believes that this decision undermines the clear will of the Parliament which legislated for the widest possible access to the countryside and that the court judgement ignores the significance of the Scottish Outdoor Access Code approved by MSPs to accompany and inform the operation of the Land Reform (Scotland) Act 2003, and considers that the judgement should be examined and appropriate action taken to give proper effect to the land reform legislation and, if necessary, guidance issued to the courts on the status of the access code.

17:07

Sarah Boyack (Edinburgh Central) (Lab): I thank all my colleagues who signed the motion. The motion was written in the immediate aftermath of the Kinfauns judgment and it reflects the concern, among people who are committed to campaigning for improved access, that the implementation of the Land Reform (Scotland) Act 2003 could be undermined.

I wanted to lay down a marker, in these early days since the judgment, to enable those of us who remain strong supporters of the principles of the act to put our views on record in the Scottish Parliament. The Kinfauns judgment has inspired this debate, but I want to focus on the principles of the judgment rather than on the specifics—even though I have concerns and questions about them.

The Land Reform (Scotland) Act 2003 was one of the most important acts to be passed by our new Parliament. It was a symbolic act: it reflected the importance of access to our land in our culture and in our identity. For Labour members in particular, it was one of the founding principles of our party in Scotland.

The act delivered public access to the countryside and the right to roam; it delivered the right for communities to buy the land around them when it comes up for sale; and it delivered the right for crofters to buy their croft land at any time. For those who were on the case, the bill that led to the act was a marathon. It took up a huge amount

of parliamentary debate: there were heated debates in committee on the details, and there was lengthy debate in the chamber. It was important that we got it right then and it is important that we defend its principles now.

The act has transformed communities. It has brought practical benefits to crofting communities, and the right to buy has transformed fragile communities and offered the chance to revitalise and develop sustainable communities. Crucially, the third part of the act has brought access to Scotland. It has already boosted tourism and enabled people to access our wonderful, beautiful countryside. Wild camping, rambling, walking, cycling, canoeing, horse-riding—a host of activities is now much easier. Access to our forests is getting people on to paths. Mountain biking is flourishing, with areas such as Glentress near Peebles and Laggan in the Cairngorms benefiting from the economic development that has come from the act.

However, there are tensions across Scotland that Scottish ministers have to be aware of. The status of the access code is critical. The code was developed because it was simply not possible to put all the details into the act, but, more than that, there was a desire to ensure that the code had wide buy-in and commitment from all who would be affected. It was not a normal statutory instrument.

There was lengthy consultation, with a wide range of views being debated over time and discussed in the Justice 1 Committee and the Environment and Rural Development Committee. We knew then that the code would be critical to the successful implementation of the act. It was clear to us that it was intended to be used as the main source of evidence in determining whether access rights were to apply to land or water in any declarator sought in a sheriff court under section 28 of the act. It was intended to guide not only responsible access, but the areas of land that the act covers. I ask the minister to address the code's status in his closing speech.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will Sarah Boyack give way on that point?

Sarah Boyack: I would really like to get on.

There is also the issue of consistency across local authorities; the relationship between access and planning legislation; and the question whether local authorities have allocated sufficient resources to implement their duties under the act, in particular the establishment of the core path network. I would like the minister to address those issues in his closing speech.

I ask the minister to consider the cost of access to justice under the act, because that is clearly

now an issue arising from the Kinfauns case. A charity has tested the application of law in the public interest and has lost. In the process, it has had costs awarded against it. In a rather personalised briefing, the crisis managers Media House note that the Ramblers Association Scotland has not appealed the case. To be frank, I am not surprised. It is a charity, it took £20,000 for it just to get to court and it faces costs of up to £144,000 being claimed against it.

The cost of justice is now an issue. Does the minister agree that that is likely to put off charities, communities, individuals and, importantly, local authorities from testing the legislation if community access is being restricted? Surely the Parliament cannot accept that. Will the minister agree to consider the concept of protective costs orders? Their introduction would require an amendment to the Land Reform (Scotland) Act 2003, but it would protect those who act in the public interest to test access laws from being subject to excessive costs. A case would have to be tested first to determine whether it was in the public interest, but at least such orders would allow people to bring cases to the table and test the act. PCOs are in place in England and Wales. Surely they offer the minister one remedy to investigate.

We cannot allow the implementation of our access legislation to be determined solely by those who have access to the money to get to court. I stress to the minister that the Kinfauns case is not the only dispute of which I am aware. I visited a number of areas throughout Scotland during the summer with the Ramblers Association and I know from talking to colleagues that there are other disputes in other constituencies.

I can understand it if the minister, as a new minister, does not want to give instant commitments. However, I wrote to him earlier this summer and, as time goes on, we need to reflect on the impact of the Kinfauns judgment, how it will be viewed and how it will influence decisions throughout Scotland. It will certainly influence the implementation of the Land Reform (Scotland) Act 2003 and, therefore, I ask the minister to consider its implications carefully. In a cross-party spirit, I ask him to consider reporting back to us by the end of the year. What issues does he feel need to be considered? I accept that he does not want to interrupt his legislative programme, but more than one committee is ready and willing to examine his comments.

I thank colleagues for taking the time to be present at the debate. I sincerely hope that it will be followed by action from the Scottish ministers and that we will have proper post-legislative scrutiny from the Scottish Parliament. The Land Reform (Scotland) Act 2003 was an iconic and symbolic act, but it exists to make a difference and

I would hate for the many organisations that worked with the Scottish Parliament and previous ministers to get the act right to feel that their efforts were being undermined.

17:14

Roseanna Cunningham (Perth) (SNP): I ought to declare a personal interest, as I spend virtually all my allocated holiday time with a pair of walking boots on, actually walking—indeed, this summer I did the great glen way—so access issues are always at the forefront of my mind, even when I am trying not to be concerned with work.

I congratulate Sarah Boyack on securing the debate. It is good that we are having the discussion. She may remember that, when the initial judgment was made in the Kinfauns case, I raised it with the First Minister because of my concerns, which were expressed quite openly at the time. In my view, the judgment gives cause for concern, and people are right to express it.

There is a tendency to forget that the contentious area at the heart of the case was only 4 acres of woodland, and that there was no argument about the other 8 acres of the total enclosed area of 12 acres. Personally, I am surprised that it can be argued that 8 acres is insufficient to provide privacy. Like other members, I suspect, I have to make do with considerably less than 8 acres to provide for my own household privacy. That area seems quite large. Even allowing for some differential need, as we probably must, the concept of privacy surely cannot be infinitely elastic.

It is clear that some planning and development control issues need to be addressed. Planning departments have been able to take on board the new culture that ought now to be in place following the passing of the Land Reform (Scotland) Act 2003. As a member whose constituency mailbag is chock-a-block with letters voicing objections to planning proposals and decisions, I am well aware that planners are something of a law unto themselves; other members might have a similar experience. Clearer guidance to planners might be required. I hope that the minister will reflect on that in his winding-up speech. However, the more general questions and concerns about planning probably need to be addressed separately from those concerning the legislation on land reform, as I suspect that they go further and deeper than the contents of the 2003 act.

There are problems with the potential cost implications of contesting declarator actions, judging by the final expenses bill in the Kinfauns case. I agree with Sarah Boyack. If clarity is a public good in such circumstances, a serious look needs to be taken at that aspect of the case for

the sake of the public good. The Ramblers Association made a reasonable suggestion about protective costs orders, which the minister might wish to discuss with the Cabinet Secretary for Justice. I would not want that suggestion to be ruled out of order without any consideration. There is a huge issue of costs, and we do not want cases not to be brought for want of a proper decision.

I am conscious of the forward work programme to June 2008 that has been developed by the Rural Affairs and Environment Committee, of which I am convener. For a number of reasons, we have decided not to scrutinise the Land Reform (Scotland) Act 2003 during that immediate period. The 2003 act concerns more than just access. Significant issues are emerging regarding the community buyout sections of the act, both those concerning the community right to buy and those concerning the crofting community right to buy.

A major buyout is proceeding in my constituency; I refer to the Comrie Development Trust's purchase of the Ministry of Defence property at Cultybraggan, a former prisoner of war camp, which includes a handy bunker—I have always thought that I could come up with plenty of good uses for that. The deal has just been done. My close involvement with that buyout has highlighted to me the need to review some aspects of the relevant sections of the 2003 act.

As I have said many times in the chamber over the past eight years, I have long been a critic of the piecemeal approach to legislation. I have never much cared for miscellaneous provisions bills. We eventually end up at the consolidation bill stage, by which point, in my experience, no one really knows what on earth is going on, and people lose track of what a piece of legislation means.

So far, there has been one disappointing access case. We have no idea what the result of the Snowie case in Stirlingshire will be, nor when it will come. The Kinfauns case does not bind the sheriff in the Snowie case. This is where there is an issue about how elastic the privacy concept can be allowed to be. If the Snowie application, which seeks 40 acres of land for privacy, is successful, and if other cases follow, a review of the 2003 act's access provisions will clearly be necessary. I am strongly of the feeling that that should take the form of proper post-legislative scrutiny, which should encompass the whole act. I confidently expect that that will happen in the lifetime of the present Government; I am pretty sure that it will happen during the lifetime of the Rural Affairs and Environment Committee this session.

17:20

Bill Aitken (Glasgow) (Con): I congratulate Sarah Boyack on securing this debate—I know that the issues that she enunciates mean a great deal to her, and I congratulate her on the way in which she presented her case.

I am forced to recall the long and weary days of 2002 and 2003, when the Land Reform (Scotland) Bill was debated in committee and in the Parliament chamber. I still have the scars on my back from that particular exercise. Some hard words were said—there were some extreme statements from members on the other side of the debate. For my part, I merely described sections 1 and 2 of the bill as

“a land-grab of which Robert Mugabe would have been proud”—[*Official Report*, 23 January 2003; c 17377.]

and I compared the then Executive's policies to ones that would have been carried out in North Korea, Albania or Cuba.

Mike Rumbles: Will Bill Aitken tell us whether that land grab has actually taken place?

Bill Aitken: It is early days yet, but I am sure that there are many who are working on it.

Sarah Boyack said one thing with which I have to take some issue. She said that the act “delivered public access” to the land. Let us be clear that part 3 of the act—over which there were some differences of opinion—was not totally unacceptable to anyone who considered it. The generally held view is that access to land should be maximised. We Conservatives would certainly not condone a situation in which a landowner who required a pair of binoculars to see people walking on his land would be able to prevent that from happening—of course we would not. The act did not deliver access to the land for the simple reason that in many respects access already existed. It did not have to be legislated for; it was there as a result of want and usage over many centuries.

The only controversial aspects—I recall explaining this in detail at the time—were the circumstances in which privacy could be affected and in which Scotland could lose out on the income that places such as Skibo castle generate through hosting celebrity weddings and the like. I know that that is a small issue, but a lot of people would be put off by a lack of privacy. There was a consensus that much of what was included in the act was already in existence and that there were no great issues to address.

Of course, I warned the Justice 2 Committee in session 1—Pauline McNeill will no doubt confirm this—that in the course of events, legal judgments would be required about what was reasonable in respect of the concept of privacy.

I admit that I have never visited Kinfauns castle estate, so I do not know its layout or its situation. However, a sheriff was asked to make a determination and he, like any judge, applied the law and doctrine of what was reasonable. In this case, Sheriff Fletcher at Perth clearly decided that what was reasonable was not what the Ramblers Association Scotland regarded as reasonable. That is a matter for him alone to determine, subject of course to appeal to the Court of Session. I know that Sarah Boyack is entirely well intentioned, but she is on rather dangerous ground by seeking to interfere with the freedom of movement of a particular sheriff.

I listened with interest and concern to what Sarah Boyack said about the Ramblers Association being hit with a fairly large bill for costs. The Ramblers Association presented its arguments in a reasoned and measured manner when it came before the Justice 2 Committee in session 1; it is an organisation for which I have considerable respect. However, I say to Sarah Boyack that the costs that it faces are exactly the same costs that any organisation, company or individual would face in taking legal action. There is always a risk that an action will be lost and, if so, a consequence could be an award of expenses.

Roseanna Cunningham: Does the member recognise that if wealthy landowners know that all that they have to do is go to court to seek a declarator, which organisations will simply not be able to contest because the costs of contesting it will be so enormous, that will lead to an extremely unbalanced situation with regard to the way in which the legislation works?

Bill Aitken: I recognise the difficulties, but I see no way around them. The fact of the matter is that justice is always obtained at a price, particularly when one engages highly paid Queen's counsel in order to advance one's views in whatever court is involved.

There are real dangers here, on two grounds. The first arises from Sarah Boyack's suggestion that the question of costs should be dealt with by involving public funds in some way. Where would that end? The second arises from the view that is inherent in the motion, which is that the judgment of the sheriff was wrong and that Parliament should in some way overrule it. It is for the Court of Session to overrule the sheriff, if it considers it appropriate to do so, and there will be two bites of the cherry in that regard.

The intentions behind the motion are entirely honourable and worth while, but they are misguided.

17:26

Pauline McNeill (Glasgow Kelvin) (Lab): The title of today's debate is "Save the Land Reform

Act and Restore the Will of Parliament". I like that. The debate has raised an important and topical issue. In some ways, I would have preferred to have a proper debate on the subject, but I nevertheless welcome the members' business debate that Sarah Boyack has secured.

It has become my aim in life to get Bill Aitken to sign my copy of the Land Reform (Scotland) Act 2003. He has mellowed somewhat since the days when I enjoyed his company in the Justice 2 Committee, when he would argue strongly on the opposite side from me about the importance of that piece of legislation. He is right to say that Scotland has always enjoyed a progressive approach in relation to accessing the countryside. However, the point that is being made in this debate is that we must defend Parliament's decision to give the public a statutory right to roam and enjoy peacefully Scotland's land, scenery and environment. I believe that it is the right of every Scot to see the beauty of the Scottish countryside and that, therefore, it was right for us to enshrine that in law.

I convened the committee that dealt with stages 1 and 2 of the Land Reform (Scotland) Bill. It was a radical piece of legislation, which included the right to buy land and the crofting right to buy. It was right that it was dealt with by a committee whose remit concerned justice as I believe that it concerns issues of civil and property rights.

I enjoyed the time that I spent with Bill Aitken, Stewart Stevenson, Scott Barrie and others, arguing over the fine detail of the legislation. It is important to look at the legislation in the context of other acts of Parliament. There was a huge debate about what should be contained in the act and what should be contained in the guidance. It was agreed that it was not appropriate to put all the detail in the act, which is why the code is important. The minister needs to consider carefully the application of the code.

We all knew that the act would be challenged, and Bill Aitken is right to say that it includes provisions that give people the right to take matters to court. However, if I had thought for one minute that those provisions were not going to be accessible to people and that, as Roseanna Cunningham said, they might be prohibitively expensive to pursue, I would probably have thought further about including certain provisions.

I am sure that Bill Aitken will recall that the committee received many letters from landowners who were concerned about the possibility that the act would interfere with their ownership rights. Mohammed Al Fayed wrote to the committee threatening to leave Scotland if we dared to pass the act—I pass no comment on that. However, many other landowners wrote to the committee to support the ideas behind the act.

It is essential to note the Scots law maxim that what is not expressly forbidden is allowed, so we have a common-law right to roam, which preceded and sits alongside the statutory right.

Sarah Boyack is right to say that although the Kinfauns judgment is the context for the debate, the debate should be wider. I ask the minister to consider two issues. First, I ask him to examine closely the court's approach to the role that the access code plays. Having dealt with the Land Reform (Scotland) Bill at stages 1 and 2, I know that the code was clearly intended to be the guide to the act. If the minister is not satisfied that that was reflected in the judgment, I ask him to look into that further.

On the level of privacy that the court decided to allow, the judgment adds to sections 6 and 7(5) of the act something that is not there. Nothing in the act says that a judge should consider the personal circumstances of the occupier of a house. If that is to be part of the interpretation of article 8 of the European convention on human rights, on the right to privacy, which Roseanna Cunningham talked about, I am worried that my right to privacy and the right to privacy of Roseanna Cunningham or Mike Russell will be interpreted differently in court. I ask the minister to consider that.

We gave access officers the responsibility to make determinations—a determination was made in this case—using their skills and local knowledge. We must rely on them to make such judgments, which is why we have put resources into that.

Too many times in the past, when a dispute has arisen over land on which people can exercise their access rights, landowners have called the police, thinking that it was a criminal matter. I hope that we can nail down the fact that it is not a criminal issue but a civil matter until someone commits criminal behaviour. We want the access forums and not the police to be used to determine rights over land—we always intended that to be the case.

The debate has been good and I look forward to listening to other speakers. I finish by saying that the Ardverikie estate, which I have visited, has the largest inland beach in the country. If it were fenced off—as land was fenced off in the Kinfauns case—and the court agreed to that, the public would have no access to and would never see our largest inland beach. We must guard the legislation carefully. It is Scotland's land.

17:32

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): We in Scotland do not have a statutory right of access: we have a statutory right of responsible access. We do not have a right to

roam. The Land Reform (Scotland) Act 2003 is one of the best acts of the Scottish Parliament. Unfortunately, the motion is somewhat misguided and misleading and, to an extent, it misrepresents the act. I have no great urge to say that, but it is true. Pauline McNeill's remark that we have

"a statutory right to roam"

is untrue.

Pauline McNeill: I never said that.

Mike Rumbles: You did.

I appreciate that Sarah Boyack admitted that the motion was written in haste soon after the Kinfauns court case.

Sarah Boyack: No; I said that it was written in "the ... aftermath" and not "in haste".

Mike Rumbles: I apologise if the word "haste" was not used, but that is the impression that the member gave me.

Contrary to what the motion says, Parliament should not be unduly concerned about the sheriff court's decision in the Ann Gloag case. That is the first of several cases that will inevitably come before the courts. The ruling does not deny individuals their statutory right of responsible access to the countryside and to suggest otherwise is incorrect. The act makes it clear that the curtilage of an individual's home is exempt from the right. However, the act is not clear about the definition of that curtilage, for the good reason that to define it in law is impossible. I disagree with Pauline McNeill: reasonable privacy for one household is not reasonable privacy for another—it depends on the property's size and layout.

Pauline McNeill: If Mike Rumbles is arguing in favour of a judgment that considered the person who resides in the place in question, does he not think that if Parliament had intended that to be a determining factor over curtilage, it would have said so in the act? The act does not say that.

Mike Rumbles: I agree. The issue is a good issue for an appeal, which is where it should be included. As legislators, we were clear about the matter at the time. We passed the legislation knowing that if there was ever any dispute about the curtilage of a home, it would have to be addressed by case law. Raising the issue after the first court case and saying that the court findings are in breach of the legislation is therefore a little strange. That is simply not the case.

The motion calls for action to be taken

"to give proper effect to the land reform legislation".

That, too, is a rather strange request because that is exactly what has happened. The law on the curtilage of the home has been tested, and one

party in the case and some members of the Scottish Parliament do not like the result.

The motion states:

"the court judgement ignores the significance of the Scottish Outdoor Access Code",

but it does no such thing. That code states that

"Although the Code provides guidance on access rights and responsibilities, it is not an authoritative statement of the law. Only the courts can provide this."

It goes on to say that

"The main places where access rights do not apply are:

- houses and gardens, and non-residential buildings and associated land".

Those are the first places that are mentioned. I am not criticising Perth and Kinross Council or the Ramblers Association—I like a lot of what that association does—but it was right and proper for the case to have been heard.

The motion is unnecessary, misguided and an overreaction to a legitimate test of the act. I ask the minister to recognise that in his response to the debate.

17:37

Rob Gibson (Highlands and Islands) (SNP): I refer members to my register of interests. I am a member of the Scottish Crofting Foundation.

I congratulate Sarah Boyack on securing the debate. Unlike Mike Rumbles, I think that it is essential that Parliament deal with the way in which the Land Reform (Scotland) Act 2003 is working, and that the motion is an excellent means by which to do so.

Sarah Boyack talked about the symbolism of the act and how it has made it possible for people to access land. We must continually refine words into certainties. Like devolution, the legislation in question is not an event; it is a process. That process will be tested in the courts, but it will also have to be reviewed in Parliament.

Coming, as I do, from outside Perthshire, it strikes me that there are interesting aspects of the access code. All managers should manage land and water responsibly for access, so a section of the access code describes how they should do so. However, I wonder whether, as we develop the legislation, we should test how many landowners have made it possible for people to access parts of their land in an acceptable fashion from the point of view of the general public and from that of protecting people's right to privacy. If we are to extend the debate, I would like to see how things work. I say that because the Scottish Crofting Foundation has been circulating a letter to its members that states:

"Under the Land Reform (Scotland) Act 2003, local and National Park authorities are obliged to produce, by February 2008, plans for a 'system of paths sufficient for the purpose of giving the public reasonable access throughout their area'."

The letter goes on to say:

"It is very important that crofters and grazings committees that might be affected by the designation of Core Paths are involved at an early stage of the consultation procedure."

It seems to me that we are talking about the rights of landholders as well as rights of access, and that there must be a means to balance those rights. Open crofting land is not the same as a wood at Kinfauns, but access circumstances might affect a crofter as much as they affect Ann Gloag. I like to think that the law could take account of such things and that application of the law would be sensitive to small landholders in particular.

It is clear from the way in which the courts are working that proprietors who wish to make land available for development under other parts of the land reform legislation are now happy to send Queen's counsel to the Scottish Land Court and to outbid people who might object to that. So, the argument that there is one law for the rich and one law for the poor comes into play with regard to other aspects of land transfer at the moment. That matter must be seriously addressed. Parliament may have to consider whether it is equitable for someone to have to tackle a QC who is paid so much and who could land them with huge costs.

Part 3 of the 2003 act, which concerns the right to buy, has been shown to be considerably flawed from the point of view of communities outside as well as inside the crofting areas, as Roseanna Cunningham mentioned. The question of interposed leases was understood before the land reform laws were passed, but was not adequately dealt with during that period. As I said at the beginning, symbols are all very well, but it will take several slices of work by Parliament to turn symbols into certainties. If the Justice Committee has the space and the time to review the matter, that will be helpful. However, I am also looking for the minister to say how the Government will take on board what the previous Administration said about there being a need for post-legislative scrutiny of the land reform legislation and what the Government is going to do about it.

It is not a case of focusing just on the Gloag-style access grab, which is what I would summarise the motion as being about. The issue is not the need to save the land reform legislation; it is about developing it in a fashion that will satisfy more people than are satisfied at present. Because of the inequity of the problem of people trying to appeal issues such as this, whether they are organisations or individuals like ourselves—I

have about a third of an acre of curtilage—we are looking to the Government for help in sorting out the problems. I hope that the minister can help us. In developing the land reform legislation, we may be able to learn from the Kinfauns case. In the meantime, I look forward to the minister's response.

17:43

Peter Peacock (Highlands and Islands) (Lab):

As Sarah Boyack and Pauline McNeill said, the cause of land reform has long been advanced by the Labour Party. The Land Reform (Scotland) Act 2003 is an historic and symbolic piece of legislation. In the early years of Parliament, it was symbolic of the power of Parliament and of devolution. Free from the influence of the landed interests in the House of Lords, suddenly we could make advances that would not have been possible in past times. The act is also a symbol of the intention to give individuals and communities opportunities that they did not previously have, and to right some historical wrongs by rebalancing the interests of those who live on the land with the interests of those who have historically owned the land. It also rebalances the interests of those who want access to the land with the interests of those who have historically owned it and managed it largely for their own interests. The latter point is the issue that Sarah Boyack has brought to Parliament tonight.

It seems to me that the 2003 act reflected and took inspiration from earlier struggles for land reform—the land raids of times past. I vaguely remember Rob Gibson and me being involved in some enterprise to erect a plaque to commemorate one of those raids. Also, in more recent times, we have seen the struggles of the Assynt crofters and the people of the island of Eigg who, before the legislation was passed, were successful in their efforts to buy their own land. The act also reflects the acts and campaigns of the campaigners over many years who felt that they had been denied access to Scotland's land, and it gave individuals the right of access to the land that Pauline McNeill described a moment or two ago.

What a transformation we have seen. As Sarah Boyack said, access is beginning to open up in new and interesting ways, and we are seeing more and more communities using the act to buy their land. That is no longer exceptional behaviour; it is now the normal behaviour of communities across the Highlands and Islands, in particular, but also potentially throughout the rest of Scotland. That is a dramatic change from the situation that existed 10 years ago.

Rob Gibson: Does the member agree that some bodies might be hindered if the Big Lottery

Fund makes it difficult for people to buy land that is Government property?

Peter Peacock: I will come to that specific point in my later remarks.

A transformation in the local economy is also evident in many localities where people have been successful in purchasing their land. Such communities now have more economic activity, more land available for housing and an increased population—we need only look at what has happened in Gigha. In some of those communities, people also now have more liberal access to the land than was ever the case previously. The aspirations of communities are being better met, opportunities are being created and life has been put back into many communities. So far, therefore, the land reform legislation has been a major success.

However, as Pauline McNeill hinted at and as Rob Gibson and Roseanna Cunningham said, good legislators should also involve themselves in post-legislative scrutiny to ascertain whether the will of Parliament has been met in all its respects. The Land Reform (Scotland) Act 2003 was a very complex act which, as Mike Rumbles and Bill Aitken pointed out, has been subject to interpretation by the courts. Sarah Boyack's motion raises an important issue about whether the will of Parliament is now being met. I completely accept the right of people to go to court to defend their interests as they see them but, post such court judgments, we have an obligation to ask ourselves whether the interpretation that case law has given to the act is actually what Parliament intended. In this particular case, I think that we are now at odds with that interpretation.

Perhaps, as Roseanna Cunningham suggested, more water has still to flow under the bridge before the legislation should be reconsidered, but I sincerely hope that the Rural Affairs and Environment Committee will engage in such post-legislative scrutiny during this parliamentary session in order to check that Parliament's intentions on access and on a range of other issues are being effected under the act. When we engage in that scrutiny—as I hope we will—I believe that we should also consider four other issues that I will briefly highlight.

Without wishing to add to the arguments that were well made by Sarah Boyack about the results of Kinfauns case, I strongly support her point—also made by Roseanna Cunningham and Rob Gibson—about the costs that are involved in such cases. I am sure that, with good will, we can make good progress on that front.

However, the first of the four points that I want to make concerns the timescales for land purchase under part 2 of the act. Those timescales are

demanding: experience has shown that they are very tight indeed. They are also out of sync with the decision-making requirements on funders who support such land purchases, so the timescales need to be revisited.

Secondly, interposed leases—which Rob Gibson touched on—need to be considered. Although the recent Land Court decision clarified certain aspects of the law, we now have the problem that the value of an interposed lease that affects a significant activity—for example, a wind farm proposal—can be substantially greater than the value of the land itself. There is also an increased risk that the activity that is governed by such a lease will never happen. We need to look at the implications of that situation.

Thirdly, there is a definitional issue, which might seem slightly pedantic, about the difference between a crofting community body and a community body. Currently, a community cannot set up a single company under both part 2 and part 3 of the act. Communities have suggested that we need a different definition so that people can use both part 2 and part 3 of the act to register an interest under the right-to-buy provisions of part 2.

The points that I have made are illustrative of a wide range of other points that I will, given the time constraints tonight, need to make on a future occasion, but important questions also need to be asked about access, funding and the public sector accounting convention, which Rob Gibson mentioned in his intervention. That means that, in effect, public land is more problematic to secure than private land. We need to look at the implications of that.

Finally, Labour Administrations have since 1999 ensured an adequate supply of cash—perhaps I should describe it as a growing supply of cash, given that supply is never adequate—to allow communities to buy land. However, that funding guarantee will come to an end within 18 months. In terms of the planning cycles, that is a very short timescale for buying land. I hope that the minister will move quickly by giving an absolute guarantee tonight that he will ensure that funding beyond 2009 either continues in its present form or is made available as an outcome of the spending review.

The Deputy Presiding Officer: Before calling Robin Harper, I ask a member to move that the time for debate be extended by up to 20 minutes to allow us to complete the debate.

Motion moved,

That, under Rule 8.14.3, the debate be extended until 6.10 pm.—[*Pauline McNeill.*]

Motion agreed to.

17:49

Robin Harper (Lothians) (Green): I apologise to the minister for the fact that I will have to leave the chamber well before 6 o'clock, because I am hosting a group of people who are in the Parliament to talk about environmental mediation.

Much work has been done on environmental mediation over the past eight years. It could do a great deal to prevent cases such as the Kinfauns case from getting to court and to address the issues that Rob Gibson raised. It could bring landowners into the fold with the Ramblers Association and others, so that they start to talk about arranging access to their properties rather than wait for people to want to walk through them and then put up fences, lock gates and provoke the kind of legal action that the Ramblers Association had to take at Kinfauns. Will the minister consider setting up a Government environmental mediation service? It would be a lot cheaper in the long run than what happens at the moment.

The alarm bells are ringing in my mind, as my attention has been drawn not only to the Kinfauns judgment but to a judgment in Dunblane, where a community group called the Holme hills group wanted to buy some land that Stakis Ltd also wanted. Although to many people the case for a community buyout seemed to be absolutely sound, Stakis won. Ann Gloag and Stakis have a lot of money. Will there be one law for the rich and another for the poor under the 2003 act as it operates at present?

It has also been drawn to my attention that in the Borders, south-west of the Moorfoot hills, many paths have been closed off by a local landowner. People have objected for the past two years, but so far nothing has happened because there is no heavy local interest in keeping the paths open—but walkers have a general interest in the area. The paths are marked on Ordnance Survey maps and are included in advice issued by the Ramblers Association. People who want to access the Scottish countryside have a general interest in using them. The same thing may be happening in other parts of Scotland. If there is no big local community interest in a path, landowners may get away with closing it off because it is not often used.

I congratulate Sarah Boyack on bringing her important motion to the chamber. I have absolute sympathy with Bill Aitken's concern about politicians interfering in the law, but when a sheriff makes an outrageous judgment it is our public duty to complain and to say what we think of it. The Kinfauns judgment is not the first judgment by the sheriff concerned that has been challenged. I have before me a copy of a press release dated 23 July 2003, in which John Swinney criticised

Sheriff Fletcher for an extraordinary judgment in which he found a defendant not guilty simply because the trial had gone on for a long time.

Mike Rumbles: Does the member agree that the proper place for such matters is the court of appeal? It is not for politicians, who have not been in court, to decide what is right and wrong—that is a matter for the appeals process.

Robin Harper: Politicians are not deciding what is wrong or what is right—they are expressing their concerns. It is right that we should do so. As Sarah Boyack pointed out, one reason for our venting our concerns about such cases is that the Ramblers Association is not in a financial position to challenge the Kinfauns judgment.

I have covered everything that I wanted to cover, except for two big points that I will draw to the minister's attention in future: first, we still do not have a cadastral register of land in Scotland, so we do not know who owns every scrap of land in the country; secondly, local authorities throughout Scotland do not have proper registers of the common-good land—to which the public have absolute right of use—that is at present in their care.

17:55

Murdo Fraser (Mid Scotland and Fife) (Con): I congratulate Sarah Boyack on securing this debate and allowing us to discuss important areas of the law and how the courts interpret it. Like Roseanna Cunningham—although I suspect that this may be the only point of agreement between us this evening—I preface my remarks by declaring an interest: I am a walker and a climber. Indeed, I am pleased to say that, this summer, I officially became a half-Munroist, when I passed the 142 mark. I still have a long way to go though. I have also long had an interest in access and the balance of rights between those who own the land and those who wish to exercise access over it.

I should preface my remarks by saying that I have no brief for Ann Gloag, and nor, for that matter, for Perth and Kinross Council. Further, I have no brief for the Ramblers Association, although I pay tribute to the work of the association, with which I have been pleased to work on a number of issues, among them opposing unwanted and unsuitable wind farms in many parts of Mid Scotland and Fife. We are currently working on opposition to aspects of the Beaulieu to Denny power line, on which the local public inquiry is on-going.

Sarah Boyack's motion is defective in four areas. First, as Mike Rumbles said, there is no such thing as a statutory right to roam. When the Parliament passed the Land Reform (Scotland) Act 2003, it was clear that what we were creating

was a statutory right of responsible access. Secondly, the motion says that the declarator applies to parts of the estate where access was previously allowed under the act, as if to suggest that Ann Gloag sought to change the status quo, but that was not what the case before Perth sheriff court was about; the declarator is about Ann Gloag seeking to determine whether access rights existed over that particular piece of land and whether she was entitled to protection of reasonable privacy that exists under the act. It is not true to say that the judgment took away a right that already existed.

The third area in which the motion is defective is that it says that the decision of the court

“undermines the clear will of the Parliament”.

That may be a statement of opinion, but it is veering towards being insulting to the sheriff in this case, whose job is to take the law as passed by Parliament and apply it to a set of facts and a set of circumstances and come to a conclusion. I do not conclude that he undermined the clear will of Parliament. If the will of Parliament had been clear, he would not have been able to reach the decision that he did in this case.

Fourthly—Mike Rumbles also made this point—the motion is defective because it states that the court's judgment

“ignores the significance of the Scottish Outdoor Access Code approved by MSPs”.

The act makes it clear that the code is for guidance on whether access has been exercised responsibly, not whether access rights apply. The application of access rights is set out in the act, not in the access code.

In a parliamentary democracy such as ours, we in the legislature pass laws, and we rely on the courts to interpret them. To do that, we must have faith in the ability of the courts. Other members have already made the point that we have a mechanism for appeals to higher courts, to try to reach judgment on difficult circumstances.

I accept that it is quite proper for a Parliament to look again at legislation if it feels that a pattern of court judgments is developing that goes against the intention of legislators at the time the act was passed, but I find it ludicrous that we should propose a review of the situation after one judgment—which, for that matter, was made in a sheriff court, sets no precedent and against which no appeal has been made. It is far too early for such a move.

Sarah Boyack: I thank the member for letting me make a brief intervention. I should point out that I avoided going into the details of the case because I did not think it appropriate to do so in Parliament. Does the member accept that the

implication of the judgment is not only that people will not be able to appeal these cases but that they will not even be able to get them to court because of financial concerns? We might not see a flurry of cases because people will not be able to afford to take them to court. Surely we can all agree that we need to find a solution to that worrying situation.

Murdo Fraser: The member has, like other members, raised a legitimate concern about the cost of access to justice, but we should not restrict that issue to cases under the Land Reform (Scotland) Act 2003; it goes right across the board.

I reiterate that it is—to put it mildly—premature to raise concerns about the act on the basis of a case that has been determined in the sheriff court, that sets no legal precedent and against which there has been no appeal. Although I understand the member's motivations for lodging this motion, it is seriously defective. We should not rush to take action on the basis of a court judgment that we do not like.

18:01

The Minister for Environment (Michael Russell): I, too, congratulate Sarah Boyack on securing this debate. I fully acknowledge the issue's importance and the fact that it should be addressed, and I hope that what I have to say goes some way towards reassuring her.

This Government enthusiastically supports the statutory right of responsible access to most land and inland water for recreation, passage and other purposes throughout Scotland, which is the exact provision set out in part 1 of the Land Reform (Scotland) Act 2003. The Parliament's clear will during the passage of the Land Reform (Scotland) Bill—and as confirmed after its enactment in 2003—was that the widest possible access should be available to all in Scotland. Indeed, the bill was passed by 101 votes to 19—and I note without comment that of those 19 only nine remain members of this Parliament. That might say something about what has transpired in the intervening period.

As far as we are concerned, the 2003 act is important and we want to support it in every possible way. I should say in passing that not only members of the Labour Party regarded the legislation as important and as a founding principle in the approach to land. Many people in my own party and in others—although probably not the Tory party—were passionate about passing it. We should pay tribute to all those people and make it clear that we will work hard on this important legislation.

However, we have to judge the situation on the evidence before us and ask ourselves some

evidence-based questions. Peter Peacock made a good point in highlighting issues that should be considered in any post-legislative scrutiny. Two questions, in particular, should be examined. First, does the legislation have any loopholes that need to be closed urgently? Secondly—and this is the real question that must be addressed—does the legislation require to be improved in any way? We should not simply base our approach on a knee-jerk reaction—no matter how justified it might be—to a single case that, as members have said, does not set a precedent.

We also have to consider such matters responsibly. The word “responsible” has been used several times this evening and, 10 years after the devolution referendum, we should reflect that the Parliament has not only rights but responsibilities, one of which concerns the leadership of debates. As a result, I regret a little the fact that the phrase

“Save the Land Reform Act”,

which is in the title of the motion, and which Pauline McNeill welcomed, is not exactly accurate. Language about reviewing, developing or protecting the Land Reform (Scotland) Act 2003 should have been used, because the act does not need to be saved; it is operating well.

Before I say any more about that, let me clear up some of the issues that have been raised during the debate. My friend Roseanna Cunningham mentioned planning. She will be pleased to know that the new Government is already fully addressing that issue. As regards the future provision of planning guidance to local authorities, a draft of Scottish planning policy 11, which is entitled “Open Space and Physical Activity”, will shortly be sent to ministers. I can tell members that it states that access rights will be a material consideration in determining applications for planning permission and that local authorities will have a duty to uphold access rights over most land and inland water. The planning issue is being addressed.

Expenses are another issue that has been raised repeatedly. However, it is important to acknowledge that that issue does not apply exclusively to disputes under the Land Reform (Scotland) Act 2003. It would be perfectly in order for any member to suggest that protective costs orders, which protect organisations that act in the wider public interest in England, should apply in Scotland and that the relevant legislation should be developed in Scotland. We could have a good debate about that. However, it is not the purpose of the 2003 act to address that issue, so I cannot deal with it. Another reason why I cannot deal with it is that, at present, there has been no final determination of the costs. It is important to state that clearly.

Peter Peacock: I am slightly disappointed by how timid Michael Russell is being. He is not normally timid on such matters. I accept his point that a final determination remains to be made, but if it comes out as matters stand at present, does he accept that in land reform and land ownership cases—in which, almost by definition, the people who own large tracts of land tend to be extremely wealthy and those who have, for example, community interests in buying or accessing land or individual interests in accessing land do not have the same degree of wealth—the Government can, in some circumstances, play a role in supporting people to exercise their right to challenge in the courts?

Michael Russell: Of course. I have always strongly supported the principle that there should be equity, but we should remember that there is a legal obligation on local authorities to fight such cases. It is not simply a question of David versus Goliath; other bodies are involved and we should remember how they are involved. Although I am sure that he does not mean to, Mr Peacock slightly misrepresents the situation. Given that he is a man who is well known for his caution, it is a privilege indeed to be described by him as timid.

I turn to the access code. Much has been made of what the judgment said about the code. In his determination, the sheriff concluded that the code was relevant in court proceedings for the provision of guidance. That is exactly what the code was meant to do. It is not possible to complain about a piece of legislation on the ground that it does what it was intended to do. The code exists to provide guidance, but the code is not the legislation. If that position were to be changed, it would be up to the Parliament to change it.

The previous Administration made a commitment to review the Land Reform (Scotland) Act 2003 in its totality. I am grateful to some members for raising other issues in the act, which is not just about access. Mr Peacock, Roseanna Cunningham and Rob Gibson all raised issues that need to be reviewed. As a Government, we will continue with that commitment. I hope to be able to bring some ideas about review to the Parliament shortly.

I would also be happy to talk to committees such as the Rural Affairs and Environment Committee about review. However, we will talk about post-legislative scrutiny. We must not lead anyone in Scotland to believe that a piece of legislation that is working well—all the analysis of the act shows that that is the case—needs to be saved. More people are taking the opportunity to visit the countryside and more people are, like Mr Fraser, halfway to bagging all their Munros. In those circumstances, let us celebrate what the act has achieved and let us improve it if we can. Knee-jerk

reaction is always wrong, and it is wrong in the present circumstances.

Meeting closed at 18:10.

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

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Wednesday 19 September 2007

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

Meetings of the Parliament annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at Document Supply.

Published in Edinburgh by RR Donnelley and available from:

Blackwell's Bookshop

**53 South Bridge
Edinburgh EH1 1YS
0131 622 8222**

Blackwell's Bookshops:
243-244 High Holborn
London WC1 7DZ
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh.

Blackwell's Scottish Parliament Documentation
Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

Telephone orders and inquiries
0131 622 8283 or
0131 622 8258

Fax orders
0131 557 8149

E-mail orders
business.edinburgh@blackwell.co.uk

Subscriptions & Standing Orders
business.edinburgh@blackwell.co.uk

Scottish Parliament

RNID Typetalk calls welcome on
18001 0131 348 5000
Textphone 0845 270 0152

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers