



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Thursday 1 July 2010

Session 3

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Thursday 1 July 2010

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Scottish Parliament

Thursday 1 July 2010

[The Presiding Officer *opened the meeting at 09:15*]

Business Motion

The Presiding Officer (Alex Fergusson): Good morning. The first item of business is consideration of business motion S3M-6694, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Crofting Reform (Scotland) Bill.

Motion moved,

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

Groups 1 and 2:	20 minutes
Groups 3 and 4:	40 minutes
Groups 5 to 7:	1 hour
Groups 8 to 10:	1 hour 20 minutes
Groups 11 to 14:	1 hour 45 minutes
Groups 15 to 17:	2 hours 5 minutes
Groups 18 to 21:	2 hours 25 minutes—[Bruce Crawford.]

Motion agreed to.

Crofting Reform (Scotland) Bill: Stage 3

The Presiding Officer (Alex Fergusson): The next item of business is stage 3 proceedings on the Crofting Reform (Scotland) Bill. In dealing with amendments, members should have the bill as amended at stage 2, the marshalled list and the groupings, which I have agreed as Presiding Officer. The first division will be a 30-second division, following a five-minute suspension. Thereafter, there will be a voting period of one minute for the first division after a debate and the voting period for all other divisions will be 30 seconds.

We are incredibly tight for time, so, to begin with, I ask no speaker to speak for more than one minute.

Section 2—General functions of the Crofting Commission

The Presiding Officer: We start with group 1. Amendment 2, in the name of Peter Peacock, is grouped with amendments 144, 4, 123 and 124.

Peter Peacock (Highlands and Islands) (Lab): I believe that the crofting commission should retain a role in the development of crofting. It is a unique body and the future of crofting is a central part of its concern. It seems wrong to pass in its entirety the development function to Highlands and Islands Enterprise at a time when the crofting commission is to become democratically elected. I believe that the commission should retain a role in development, albeit one that is defined in its strategic plans. It would be regrettable, to say the least, if in years to come we wanted the commission to do something only to discover that it was not legally empowered to do so. Retaining the development role and defining it through the strategic plan seems sensible. Amendments 2 and 123 seek to deal with that by leaving the development function with the commission.

Amendment 124 was drafted in the same spirit as the amendments about development. I seek clarification from the Minister for Environment about the provisions in the Crofters (Scotland) Act 1993 that the bill will delete. Should they be continued? They cover matters to which even the Government is committed. I look forward to hearing what the minister has to say about that.

Amendment 4 is a probing amendment that seeks to ensure that what the commission is currently doing to hold maps is permissible under its powers.

I move amendment 2.

Karen Gillon (Clydesdale) (Lab): Amendment 144 seeks to place within the functions of the

crofting commission a role in supporting population retention in the crofting counties and in the newly designated areas. It is similar to an amendment that I lodged at stage 2. I thank the minister and her officials for their support for the amendment. Population retention is absolutely crucial to the crofting counties if we are serious about crofting for the future and amendment 144 is part of that, so I hope that members will support it.

Alasdair Allan (Western Isles) (SNP): I support Karen Gillon's amendment 144. Although it is at one level symbolic, it is also more than that. From the beginning of the bill, it will remind the commission that part of its statutory function is to have regard to

"the desirability of supporting population retention ... in the crofting counties".

Ms Gillon's amendment is useful in that it will remind the commission that it is there not only to serve individual crofters, but ensure the future of the wider communities around them and to take decisions that benefit not only individuals but the wider community. It will also serve to give crofting the status that it deserves in our wider economic strategy for the Highlands and Islands.

Liam McArthur (Orkney) (LD): The Scottish ministers decided to remove the development function from the commission and hand it to HIE. Like many others, the Liberal Democrats had concerns about that approach, but we recognise that at this stage it serves little useful purpose to try to reverse the decision. However, Peter Peacock's amendments in this group usefully make explicit the crofting commission's on-going interest in and responsibility for the development of crofting in the crofting counties. I think that that view is widely held across the parties and I hope that Peter Peacock's amendments will be supported.

Karen Gillon's amendment 144 is also helpful in underscoring what we all believe is one of the principal achievements of crofting: sustaining communities by retaining population in some of the remotest areas. I recall the minister accepting that general principle at stage 2 and I hope that, like the other amendments in the group, amendment 144 will be agreed to.

John Scott (Ayr) (Con): I welcome Karen Gillon's amendment 144, which deals properly with the desirability of supporting crofting—something to which I know the whole Parliament aspires.

Peter Peacock's amendments 123 and 124, which seek to return development powers to the commission, are perhaps bolting the stable door after the horse has gone, as the development functions have already been given to Highlands and Islands Enterprise. If the bill is passed today,

we will give the commission significantly more regulatory powers and, indeed, more work to do, perhaps not with adequate funding. I do not believe that the commission needs even more work. Its core burden will be regulation and enforcement; HIE should be left to get on with development. I do not support amendments 2, 123 or 124.

The Presiding Officer: Due to members' diligence, I can offer the minister two minutes to wind up.

The Minister for Environment (Roseanna Cunningham): Thank you, Presiding Officer. I will take Peter Peacock's amendments first and then Karen Gillon's.

As members said, the Government has already transferred crofting development to Highlands and Islands Enterprise. That transfer took place on 1 April 2009. We considered that crofting communities would benefit more if the function became the responsibility of the agency whose primary responsibility is the social and economic development of the Highlands and Islands. We believe that the commission can best contribute to development by ensuring that crofting is properly regulated and that croft land is occupied and used. I therefore urge members to reject amendments 2 and 123.

Amendment 4 is pointless. There is nothing to prevent the commission from requesting a map and nothing to prevent a person from declining the commission's request, so I do not see how the amendment would take us forward. As for amendment 124, it would overburden the commission with a number of ancillary duties rather than focusing it on regulation.

On the other hand, I welcome Karen Gillon's amendment 144, which is a revised version of an amendment that she lodged at stage 2. It will ensure that the commission has explicit regard to supporting population retention in the crofting counties, which I believe we all support.

The Presiding Officer: I call Peter Peacock to wind up and either press or withdraw his amendment.

Peter Peacock: I do not have a lot to say, Presiding Officer. I am glad that the minister said that amendment 4 is pointless. I was hoping to establish that it is permissible for the commission to do what I describe in the amendment. I will say no more than that.

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

Members: No.

The Presiding Officer: There will be a division. As it is the first division of the day, there will be a five-minute suspension.

09:22

Meeting suspended.

09:27

On resuming—

The Presiding Officer: We come to the division on amendment 2.

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)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (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)
 Hume, Jim (South of Scotland) (LD)
 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)
 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)
 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)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (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)

Against

Adam, Brian (Aberdeen North) (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)
 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)
 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)
 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)
 Lochhead, Richard (Moray) (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)
 McGregor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 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)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 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)

The Presiding Officer: The result of the division is: For 58, Against 64, Abstentions 0.

Amendment 2 disagreed to.

Amendment 144 moved—[Karen Gillon]—and agreed to.

The Presiding Officer: We come to group 2. Amendment 3, in the name of the minister, is grouped with amendments 5 to 25, 28, 30, 32, 33, 35, 36, 38 to 41, 46, 49 to 51, 54, 55, 57 to 62, 64, 66, 67, 83, 85, 86, 92, 192, 94 to 98, 109 to 114, 125 to 129, 227, 130 to 134, 137, 138 and 140 to 143. I draw members' attention to the pre-emption information that is given in the list of groupings.

Roseanna Cunningham: Before anyone gets started on the number of these minor technical drafting amendments, I point out that many of them will tidy up non-Government amendments that we supported at stage 2 on the basis that we would need to fix some of the drafting at stage 3. Others are technical changes and corrections to minor drafting errors, and some are minor consequential to other Government amendments. In the interests of time, I propose not to go through each of the minor amendments in the group—members will be delighted to hear that—but to offer to expand on any amendment on which a member wishes further clarification.

I move amendment 3.

John Scott: The amendments in group 2 are essentially technical and drafting amendments, all of which we will support. In due course, we will be happy to consider voting on the amendments en bloc, if that is helpful.

Peter Peacock: The Labour Party strongly opposes the bill's proposals for a new crofting register. We will come to the detailed debate on that in group 4, under which we will try to remove the register from the bill. A number of amendments in group 2 touch on that. However, given that we will have the opportunity to vote down the register shortly, at this stage in the proceedings we will not impede the Government's technical amendments to the register.

Amendment 3 agreed to.

After section 2

Amendment 4 not moved.

09:30

The Presiding Officer: We now come to group 3. Amendment 145, in the name of Peter Peacock, is the only amendment in the group.

Peter Peacock: I lodged an amendment at stage 2 to allow for a debate on the concept of community planning in crofting. Regrettably, the

debate focused on the question of maps and mapping, and the proposal was seen as an alternative to the second crofting register. In fact, community planning in a crofting township is a community development matter. The process is in its infancy, but the recent Camuscross report, which a number of members are aware of, demonstrates its potential. I am aware that the Scottish Crofting Federation intends to continue that process and encourage that in the future.

This is, in part, a question of land use, and local work could feed in to inform local plan development by the local authority and may have implications for local land for housing, for example. In part, such a planning exercise may assist the commission with regulatory issues that concern absenteeism and neglect, croft reorganisation and the like. I propose that the commission should be involved, with others, in supporting a community development process and should set out in its strategic plan how it will do that.

I move amendment 145.

John Scott: It is with regret that I am unable to support amendment 145 as it would duplicate much of what is already agreed in the bill and would only further complicate things. If the Rural Affairs and Environment Committee had come to a view at stage 1 that mandatory community mapping was a good idea, we might have been in a different place today.

Roseanna Cunningham: Amendment 145 is a new version of Peter Peacock's failed amendment at stage 2 that sought to require the compilation of community maps and plans. It appears that we have dropped the maps, held on to the plans and changed their purpose. They are now supposedly for the crofting communities' benefit rather than the commission's.

Peter Peacock seems unable to come to terms with the fact that responsibility for crofting development already rests with Highlands and Islands Enterprise. It has already developed its growth at the edge approach, which does a vast amount of what he is talking about.

Peter Peacock spent much of his time at stage 2 trying to scare everyone about the resource implications of getting the commission to do no more than its regulatory job properly—*[Interruption.]*

The Presiding Officer: Order.

Roseanna Cunningham: Yet here he is suggesting that we lump this completely uncoded, unresourced and potentially extremely burdensome requirement on the commission. The proposal would simply take us backwards rather than forwards, and the amendment should be rejected.

Peter Peacock: I am deeply grateful for the minister's gracious remarks about my amendment. *[Laughter.]* However, I fully intend to stick to my guns because I believe that I am right and the Government is wrong.

The Presiding Officer: The question is, that amendment 145 is 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)
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 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)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
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 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)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
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 Mulligan, Mary (Linlithgow) (Lab)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (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)

Against

Adam, Brian (Aberdeen North) (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)
 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)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
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 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
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 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)
 Lochhead, Richard (Moray) (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)
 McGregor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
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 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 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)

The Presiding Officer: The result of the division is: For 59, Against 65, Abstentions 0.

Amendment 145 disagreed to.

Section 3—The Crofting Register

Amendment 5 moved—[Roseanna Cunningham]—and agreed to.

The Presiding Officer: We move to group 4. Amendment 146, in the name of Peter Peacock, is grouped with amendments 147 to 174, 179 to 189, 193 to 197, 93, 200, 225, 201, 226, 204 to 220, 228 and 221 to 224. I draw members' attention to the pre-emption information on the groupings paper.

Peter Peacock: I lodged a series of amendments in this group to try to remove the whole of part 2 of the bill, which now runs to dozens and dozens of pages of complex procedure with which crofters will have to comply.

Part 2 establishes a second register of crofts; it does not replace the existing register. The new register will require precise maps of croft boundaries to be produced. Those maps are designed not to assist with regulatory applications, necessarily, but to record the croft holding on a national register that will be held in Edinburgh. Many things will trigger the requirement for a map, whether the crofter believes that map to be necessary or not.

This second and compulsory register that is proposed by the Government could take up to 40 years to complete, and has little or nothing to do with better support for crofting. It is argued that it will provide certainty on croft boundaries for all time, but to what effect? Where there is uncertainty about a croft boundary that is material to one of the interests, the matter can ultimately be settled by the Land Court, which is something that the new register's provisions simply repeat. The fact that the committee convener had to use her casting vote on no less than 18 occasions to force the Government's measure through demonstrates the depth of the division on this matter.

Amendment 93 is different in character from the other amendments in the group. The minister has said that the Government's policy is not to commence the register for one year following the creation of the computer database, which itself will take some 18 months or more. The minister has added that there could be a further delay in commencement of a further year. In theory and in practice, there could be further and indefinite delays to the commencement, which puts the matter down the road by a number of years. Who knows what might happen in that time, as circumstances change? In that context, given that commencement could be a number of years away, I believe that the Parliament should have a chance

to assess the case for commencement at that time, so amendment 93 seeks to make that commencement subject to affirmative order. That is the democratic thing to do.

I move amendment 146.

Rob Gibson (Highlands and Islands) (SNP): In evidence to the Rural Affairs and Environment Committee, Sir Crispin Agnew said:

"A map-based register of crofts is essential. All land in Scotland goes on to the land register, and it seems anomalous that crofting titles do not appear on that register."—[*Official Report, Rural Affairs and Environment Committee*, 10 February 2010; c 2354.]

In fact, in each of the past 10 years, around 500 cases of decrofting have led to registration of land.

I find it odd that a Labour Party that spent the 1990s attempting to get a register for the land of Scotland should exempt crofts from that approach, and should make it more difficult to administer crofts in a manner that is fit for the 21st century. Many arguments have been aired around this issue before, and I am sure that we will hear more, but the nub of the matter is that many of the experts—the Scottish Rural Property and Business Association, the National Farmers Union Scotland, the National Trust for Scotland and the Scottish Crofting Federation—say that there is a need for a land register. The fact that the land registers take time to build up should not stop us from starting the crofting register. We must oppose the removal of the crofting register from the bill.

John Scott: Group 4 is entirely about removing map-based registration from the bill. As we believe map-based registration to be in the long-term best interests of crofting—as do the organisations that Rob Gibson mentioned—we cannot support the amendments. Because of implementation and construction timings, the new register will not be in place for a number of years—perhaps not until 2012 or 2013—which gives those who wish to prepare for the registration facility a window of opportunity to do so.

The register will introduce a level of certainty into many crofters' lives about the boundaries of their properties, whether tenanted or owner-occupied, and will, over time, create secure titles to all crofts. Some crofters will dispute boundaries with their neighbours during that process, but I believe that most will amicably agree boundaries with their neighbours, where they are not already accurately established.

I believe map-based registration to be essential. The Conservatives will not be able to support the 72 amendments in the group.

Liam McArthur: The amendments that were lodged by Peter Peacock and supported by me concern the part of the bill around which the most

significant controversy and on-going disagreement exists. Like Peter Peacock, I will not oppose the Government's amendments to part 2, as I support the intention of removing the entire part through the amendments in this group.

I acknowledge the steps that Roseanna Cunningham has taken to jettison a significant proportion of the toxic inheritance that was bequeathed to her by Michael Russell, but I am disappointed that she remains unpersuaded of the need to reconsider the cost of and need for a map-based register, held by the Registers of Scotland. The Crofting Federation and the SRPBA now believe that the plans are costly and unworkable.

The committee's stage 1 report noted that the NFUS and the National Trust also

"expressed reservations about the approach to registration set out in the Bill, instead expressing a preference for community-led mapping".

It has become increasingly clear, as the SCF has highlighted, that the proposed register is for the benefit of anyone but the crofters, who are being asked to pay for it. The Government has estimated that the capital costs will amount to up to £1.5 million, with project and on-going costs to be borne by crofters. The case for such a proposal was never particularly strong. In the current climate, pursuit of such a register seems verging on reckless.

Many of the objectives that the Government seeks to achieve through its costly register could be secured by extending and expanding the scope of community-based mapping. As the chair of the Crofters Commission, Drew Ratter, made clear in evidence,

"A crofting tenancy is not really a territorial unit; it is, essentially, a bundle of rights and duties ... an understanding of exactly where the boundary lines go has never been desperately important."—[*Official Report, Rural Affairs and Environment Committee*, 23 February 2010; c 2452.]

Exactly so.

I urge the minister and her colleagues, as well as John Scott, Jamie McGrigor and other Tory members, to think again. In the name of austerity, if not common sense, ditch these plans now. A bill that contains such a register is not one that I or my Liberal Democrat colleagues can support.

Maureen Watt (North East Scotland) (SNP): The previous Labour-Liberal Democrat Administration set up the committee of inquiry on crofting—the Shucksmith inquiry. That inquiry said:

"An accurate and current Register of Crofts is a prerequisite for effective regulation of crofting."

The majority of respondents to our consultation who expressed a view on a register said that they

wanted one and, this morning, Patrick Krause of the SCF said that there was a need for a register. It seems ridiculous that Peter Peacock wants hill tracks but not crofts to be mapped. If we are to have effective regulation of crofting, we need crofts to be mapped.

Dave Thompson (Highlands and Islands) (SNP): The Government has listened throughout the passage of the bill and various changes have been made.

The hokum about a second register is just that. The first one is basically an administrative list; it is not a register in the sense of the proposal that we are considering, which is for a new, accurate, legal, map-based register that will have long-term benefits for crofting.

On the radio this morning, Patrick Krause of the SCF—contrary to what Liam McArthur has just said—supported the case for change and for a map-based register. Crofters are not keen to pay for it, of course, but the cost of registration has been reduced by the Government from £250 to between £80 and £130; again, it has listened.

As with agriculture in general, the real problem for crofting is its general viability, as Patrick Krause also said on the radio this morning. That will be dealt with on another day. It is being looked at through the less favoured area support scheme, the Scotland rural development programme and single farm payments. Last night, I was at a meeting of the cross-party group in the Scottish Parliament on crofting, at which the crofting counties agricultural grants scheme was mentioned.

The Presiding Officer: I must hurry you.

Dave Thompson: We will deal with those issues as we make progress.

Roseanna Cunningham: Professor Jim Hunter said that it would be a huge step forward to have a register, particularly a map-based register. Sir Crispin Agnew said;

"A map-based register of crofts is essential."

Keith Graham, retired principal clerk to the Scottish Land Court, said

"I welcome the general principle behind a definitive map-based register".

Jonathan Hall of the NFUS said:

"The NFU Scotland is firmly of the opinion that we need a definitive map-based register—there is no doubt that that is essential."

Even Jean Balfour of the SRPBA said:

"We support map-based registration in principle."

The SCF said:

"The SCF strongly supports an effective crofting register."—[*Official Report, Rural Affairs and Environment Committee*, 10 February 2010; c 2354, 2357, 2385, 2386.]

The National Trust for Scotland, a landowner, said that it welcomed the creation of a new map-based crofting register, which it believed was essential for the future of crofting.

In the face of all that evidence, Labour and the Liberal Democrats are trying to destroy a proposal to create, for the first time, a proper, accurate, legal, reliable and map-based register of land held in crofting tenure. The existing crofting register is administrative only. The case for such a register and the benefits that it will bring is compelling.

The Government has listened to some of the concerns that have been expressed about the crofting register and has responded with incentives to encourage communities to come forward with group registrations and a commitment to delay the mandatory trigger points for a year, which will give those communities three years to prepare group registrations. The first mandatory trigger cannot come in until 2013.

To ensure that the register will deliver those benefits, we must allow for a fair challenge to first registration and registration must become mandatory if the voluntary approach does not deliver enough registrations. The benefits to crofters and society in the long term significantly outweigh the costs. The bill will meet the most basic requirement—it will provide clarity about what land is croft land and who has the rights and responsibilities for that land. Please oppose the Labour-Liberal Democrat amendments.

09:45

Peter Peacock: As I said, there is a fundamental disagreement here that is evident from the debate.

The minister quoted various people in support of the register, but I do not believe that she quoted a crofter, and it is the crofters who are telling me loudly that the register is impractical in a variety of ways. The costs and bureaucracy that the bill builds around it are unnecessary. Although John Farquhar Munro is not able to be here today, for understandable reasons, I refer members to what he said during the stage 1 debate. There is a man who understands crofting thoroughly and fully, and I commend what he said when he said that the register is unworkable, unnecessary, bureaucratic, costly to crofters and costly to the public purse. That is why we should reject it.

The Presiding Officer: The question is, that amendment 146 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)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (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)
 Hume, Jim (South of Scotland) (LD)
 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)
 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)
 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)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (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)

Against

Adam, Brian (Aberdeen North) (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)
 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)
 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)
 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)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (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)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 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)

The Presiding Officer: The result of the division is: For 59, Against 66, Abstentions 0.

Amendment 146 disagreed to.

Section 4—First registration

Amendments 6 to 15 moved—[Roseanna Cunningham]—and agreed to.

Amendment 147 moved—[Peter Peacock].

The Presiding Officer: The question is, that amendment 147 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)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (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)
 Hume, Jim (South of Scotland) (LD)
 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)
 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)
 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)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (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)

Against

Adam, Brian (Aberdeen North) (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)
 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)
 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)
 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)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (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)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 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)

The Presiding Officer: The result of the division is: For 59, Against 66, Abstentions 0.

Amendment 147 disagreed to.

Section 5—Registration of events affecting registered crofts

Amendments 16 to 21 moved—[Roseanna Cunningham]—and agreed to.

Amendment 148 moved—[Peter Peacock].

The Presiding Officer: The question is, that amendment 148 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)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (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)
 Hume, Jim (South of Scotland) (LD)
 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)
 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)
 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)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (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)

Against

Adam, Brian (Aberdeen North) (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)

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)

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)

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)

Lochhead, Richard (Moray) (SNP)

MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)

MacDonald, Margo (Lothians) (Ind)

Marwick, Tricia (Central Fife) (SNP)

Mather, Jim (Argyll and Bute) (SNP)

Matheson, Michael (Falkirk West) (SNP)

Maxwell, Stewart (West of Scotland) (SNP)

McGrigor, Jamie (Highlands and Islands) (Con)

McKee, Ian (Lothians) (SNP)

McKelvie, Christina (Central Scotland) (SNP)

McLaughlin, Anne (Glasgow) (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)

Neil, Alex (Central Scotland) (SNP)

Paterson, Gil (West of Scotland) (SNP)

Robison, Shona (Dundee East) (SNP)

Russell, Michael (South of Scotland) (SNP)

Salmond, Alex (Gordon) (SNP)

Scanlon, Mary (Highlands and Islands) (Con)

Scott, John (Ayr) (Con)

Smith, Elizabeth (Mid Scotland and Fife) (Con)

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)

The Presiding Officer: The result of the division is: For 59, Against 66, Abstentions 0.

Amendment 148 disagreed to.

Section 5A—Persons responsible for applications for registration

Amendment 22 moved—[Roseanna Cunningham]—and agreed to.

Amendment 149 moved—[Peter Peacock].

The Presiding Officer: The question is, that amendment 149 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)

Brankin, Rhona (Midlothian) (Lab)

Brown, Robert (Glasgow) (LD)

Butler, Bill (Glasgow Anniesland) (Lab)

Chisholm, Malcolm (Edinburgh North and Leith) (Lab)

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)

Curran, Margaret (Glasgow Baillieston) (Lab)

Eadie, Helen (Dunfermline East) (Lab)

Ferguson, Patricia (Glasgow Maryhill) (Lab)

Finnie, Ross (West of Scotland) (LD)

Foulkes, George (Lothians) (Lab)

Gillon, Karen (Clydesdale) (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)

Hume, Jim (South of Scotland) (LD)

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)

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)

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)

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)

Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)

Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)

Scott, Tavish (Shetland) (LD)

Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (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)

Against

Adam, Brian (Aberdeen North) (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)
 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)
 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)
 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)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (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)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 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)

The Presiding Officer: The result of the division is: For 59, Against 66, Abstentions 0.

Amendment 149 disagreed to.

Section 6—Applications for registration

Amendment 23 moved—[Roseanna Cunningham]—and agreed to.

Amendment 150 moved—[Peter Peacock].

The Presiding Officer: The question is, that amendment 150 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)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (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)
 Hume, Jim (South of Scotland) (LD)
 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)
 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)
 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)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (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)

Against

Adam, Brian (Aberdeen North) (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)
 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)
 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)
 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)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (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)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)

Smith, Elizabeth (Mid Scotland and Fife) (Con)
 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)

The Presiding Officer: The result of the division is: For 59, Against 66, Abstentions 0.

Amendment 150 disagreed to.

Section 7—Acceptance of applications for registration

Amendments 24 and 25 moved—[Roseanna Cunningham]—and agreed to.

Amendment 151 moved—[Peter Peacock].

The Presiding Officer: The question is, that amendment 151 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)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (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)
 Hume, Jim (South of Scotland) (LD)
 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)
 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)
 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)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (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)

Against

Adam, Brian (Aberdeen North) (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)
 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)
 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)
 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)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (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)
 Neil, Alex (Central Scotland) (SNP)

Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 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)

The Presiding Officer: The result of the division is: For 59, Against 66, Abstentions 0.

Amendment 151 disagreed to.

Section 8—Completion of registration

The Presiding Officer: We come to group 5. Amendment 26, in the name of the minister, is grouped with amendments 27, 29, 31, 34, 37, 52, 63, 115, 121 and 122.

Roseanna Cunningham: Now that we have agreed that the register is here to stay, we can move on to group 5, which contains procedural amendments arising from further discussions with the Registers of Scotland following stage 2. The amendments make changes to the procedures for issuing registration certificates and notification of changes to the register and clarify the date on which the challenge period starts in relation to first registration.

The result of amendments 26, 27, 29 and 52 is that the keeper of the registers will now issue a certificate of registration only in relation to the first registration of a croft. Whenever the register is subsequently amended, the keeper will issue written notification of the change.

Amendment 31 provides that there is no need for the keeper to issue a fresh certificate at the end of the challenge period. Amendment 37 therefore removes the requirement for a person who is challenging a first registration to notify the keeper of that challenge.

Amendment 34 is a consequence of John Scott's stage 2 amendment to alter the start date of the challenge period.

Amendments 63, 115, 121 and 122 make consequential changes to the provisions on the registration of common grazings and land that is held runrig.

I move amendment 26.

Amendment 26 agreed to.

Amendments 27 to 29 moved—[Roseanna Cunningham]—and agreed to.

The Presiding Officer: Amendment 152, in the name of Peter Peacock, has already been debated with amendment 146.

Peter Peacock: As the voting pattern is now well established, I propose not to move most of my amendments. There are one or two exceptions, but that is my general intention.

Amendment 152 not moved.

Section 9—Completion of registration: further provision on first registrations

Amendments 30 and 31 moved—[Roseanna Cunningham]—and agreed to.

Amendment 153 not moved.

Section 10—The registration schedule

Amendment 154 not moved.

Section 11—Notification of first registration

Amendments 32 to 34 moved—[Roseanna Cunningham]—and agreed to.

Amendment 155 not moved.

Section 11A—Power of entry etc where Commission is applicant

Amendment 35 moved—[Roseanna Cunningham]—and agreed to.

Amendment 156 not moved.

Section 12—Challenge to first registration

Amendments 36 to 38 moved—[Roseanna Cunningham]—and agreed to.

Amendment 157 not moved.

Section 12A—Resumed and decrofted crofts

Amendments 39 to 41 moved—[Roseanna Cunningham]—and agreed to.

Amendment 158 not moved.

Section 14—Rectification of the register

The Presiding Officer: We now come to group 6. Amendment 42, in the name of the minister, is grouped with amendments 43 to 45, 47 and 48.

Roseanna Cunningham: Amendments 42 to 45 are minor drafting amendments. Amendments 42 to 44 ensure that the keeper can rectify mistakes in the register that result from mistakes that are made by the commission when it is the applicant and is registering a croft for the first time. Amendments 45 and 48 ensure that the commission may be liable for costs that are

incurred through the renotification of the first registration of a croft when it makes a mistake.

Amendment 47 provides that the keeper is not liable in indemnity where a person should have known at the time of registration of a mistake in the register, or where the loss is due to the person's own fraud or carelessness. It also prevents indemnity claims where there is a boundary discrepancy on the register that falls within accepted map discrepancy levels.

I move amendment 42.

John Scott: This group of amendments, which covers sections 14 and 14A on rectification of the register, are to be welcomed, as it appears that they further tidy up the process of registering and indemnities attached to the registration process if and when mistakes are made. Of course, we hope that mistakes will be few and far between, but at least an enhanced process will be in place to rectify and indemnify those mistakes if they occur.

Amendment 42 agreed to.

Amendments 43 and 44 moved—[Roseanna Cunningham]—and agreed to.

Amendment 159 not moved.

Section 14A—Rectification following first registration

Amendments 45 and 46 moved—[Roseanna Cunningham]—and agreed to.

Amendment 160 not moved.

Section 15—Indemnity in respect of loss

Amendments 47 to 49 moved—[Roseanna Cunningham]—and agreed to.

Amendment 161 not moved.

Section 16—Rules and fees

Amendments 50 and 51 moved—[Roseanna Cunningham]—and agreed to.

Amendment 162 not moved.

Section 17—Appeals

Amendment 163 not moved.

After section 17

Amendment 52 moved—[Roseanna Cunningham]—and agreed to.

Section 18—Meaning of “croft” etc

Amendment 164 not moved.

Section 19—Registration of new crofts

Amendment 165 not moved.

Section 19A—First registration of common grazings

10:00

The Presiding Officer: We now come to group 7. Amendment 53, in the name of the minister, is grouped with amendments 56 and 116 to 120.

Roseanna Cunningham: This group of amendments tidies up the provisions on the registration of common grazings.

Amendment 53 mirrors the section that the bill inserts into the 1993 act that makes provision about the effect of registration in the crofting register. Amendment 56 makes consequential changes to avoid duplication in new section 51B of the 1993 act.

Amendment 116 restricts the information that is to be included in the registration schedule of a common grazing to avoid duplication of information in the register. Amendments 117 and 118 are consequential to it.

Amendment 119 removes the requirement for information about a landlord or landowner of a croft to be entered into the common grazing registration schedule.

Amendment 120 mirrors the drafting changes that amendment 32 made to section 11.

Now that everybody is absolutely clear on that, I move amendment 53.

Amendment 53 agreed to.

Amendment 54 moved—[Roseanna Cunningham]—and agreed to.

Amendment 166 not moved.

Section 19B—Registration of events affecting registered common grazings

Amendment 167 not moved.

Section 19C—Applications for registration: common grazings

Amendment 55 moved—[Roseanna Cunningham]—and agreed to.

Amendment 168 not moved.

Section 19D—Registration of new common grazings

Amendment 56 moved—[Roseanna Cunningham]—and agreed to.

Amendment 169 not moved.

Section 19E—Application of Act to common grazings

Amendment 170 not moved.

Section 19F—Transfer of land containing crofts: offences

Amendments 57 to 62 moved—[Roseanna Cunningham]—and agreed to.

Amendment 171 not moved.

Section 19G—Change of landlord: offences

Amendment 172 not moved.

Section 19H—Transfer of land on which common grazing is situated: offences

Amendment 173 not moved.

Section 19I—Lands held runrig

Amendments 63 and 64 moved—[Roseanna Cunningham]—and agreed to.

Amendment 174 not moved.

Section 20—Duties relating to residency, misuse and neglect of crofts

The Deputy Presiding Officer (Trish Godman): We now move to group 8. Amendment 175, in the name of Liam McArthur, is grouped with amendment 178.

Liam McArthur: The Government made a welcome concession at stage 2 to increase from 16km to 32km the maximum distance from his or her croft within which a tenant or owner-occupier crofter must ordinarily be resident before the matter is brought to the commission's attention. That limit is no more than a trigger for the commission, which can then consider the reasons for such an arrangement and whether further steps are required.

We all acknowledged that, although any figure was likely to be somewhat arbitrary, extending the distance was justified to reflect changing circumstances, not least the distances that people are now able and prepared to commute.

The idea of separate trigger distances for different parts of the crofting counties was briefly considered but rightly rejected as overly bureaucratic and unworkable. However, I remain concerned that an as-the-crow-flies judgment on the distance that might suggest that a crofter is technically absent is less easy to make in island communities, particularly in the absence of causeways or direct ferry links.

I acknowledge that Shetland and the Western Isles may be less affected by that than Orkney, but I invite the minister to offer what reassurances she can that the commission will be alive to the risks and will have mechanisms that might enable

cases in my constituency to be picked up, even if the 32km trigger has not been activated.

I move amendment 175.

John Scott: Although I share Liam McArthur's concerns over the problem of distance in island situations and support his views, I suspect that his anxiety is unnecessary—I certainly hope so—in as much as the crofting commission will have discretion in all situations anyway.

The arbitrary 32km for which we have all plumped is only a trigger, and I certainly expect the commission to be understanding about crofters being ordinarily resident in island situations, such as those that Mr McArthur describes.

Roseanna Cunningham: Amendments 175 and 178 propose that the Scottish ministers be able to specify by order islands for which the duty of tenant and owner-occupier crofters to reside on the croft or within 32km of it should be replaced by a reference to being ordinarily resident on the island.

The Government fully recognises the unique position of islands, and I fully expect the commission to take island situations into account when considering cases where crofters live more than 32km from their crofts. For example, if a crofter lives more than 50km away from the croft as the crow flies and 30km of that is across the sea, but he regularly goes by boat to work his croft, that would be something for the commission to take into account in considering whether to grant consent for the crofter to be absent.

However, Liam McArthur's amendments do not address that. They would simply allow ministers to exempt certain islands from the residency requirement. Therefore, I am not convinced that they would achieve what he might have intended; instead, the door might be opened to permitting absenteeism on large islands, where it should be tackled. The 32km residency requirement is a trigger for the commission to consider whether there are any issues relating to the absence that need to be addressed. The commission will retain the flexibility to consider each situation in which a person is outwith the residency distance.

I hope that that reassurance is sufficient for Liam McArthur to withdraw amendment 175.

Liam McArthur: The minister is entirely wrong: the amendments have achieved a purpose. I welcome her reassurance that the commission will have the utmost flexibility in taking account of situations in island areas. I know that John Scott raised the issue at stage 2, and I welcome his comments. However, in light of what the minister had to say, I do not propose to press either amendment in the group.

Amendment 175, by agreement, withdrawn.

The Deputy Presiding Officer: We move to group 9. Amendment 65, in the name of the minister, is grouped with amendments 176, 68 and 177.

Roseanna Cunningham: Amendments 65 and 68 respond to an issue that Peter Peacock raised at stage 2. They replace the requirement for tenant and owner-occupier crofters to cultivate or put to another purposeful use every part of the croft with a requirement that every part of the croft that is capable of being cultivated or put to another purposeful use is put to such use. That means that areas that obviously cannot be put to such use—for example, there may be a large rock in the middle of the croft—may reasonably be excluded. Of course, any use that the croft is put to is always subject to any overriding statutory protections.

I am happy to add my name to the list of supporters of amendments 176 and 177, as I recognise that the intention is to safeguard suitable environments for corncrakes. I have no difficulties with that.

I move amendment 65.

John Scott: Amendments 176 and 177 seek to remove the control or eradication of irises from the measures considered in the context of the separate duty to keep the croft in a fit state of cultivation. I welcome the support of Peter Peacock and Liam McArthur on the matter. My aim is to help to preserve corncrake-friendly habitats. I also welcome the support of the Royal Society for the Protection of Birds. Perhaps I should have gone further by seeking to preserve whins and rushes where appropriate, as they can also provide important habitats for other farmland birds as well as corncrakes.

I am also not certain whether the preservation of such bird and vegetation species will be regarded as putting crofts to purposeful use. Perhaps the minister could explain the position on that and how the proposals in the bill are to be reconciled with the Government's current conservation policy.

Peter Peacock: I take the rare opportunity to thank the minister for lodging her amendments on the cultivation of crofts. I agree with her. The clarification is helpful. I also thank her for accepting John Scott's amendment on the cultivation of irises for the reasons that she has given. I welcome that acceptance.

Liam McArthur: A feature of the scrutiny process is that we get to stage 2 and then rattle through to stage 3. Some of us have had misgivings about that with respect to not just the Crofting Reform (Scotland) Bill, but the Flood Risk Management (Scotland) Bill and the Marine (Scotland) Bill. Such an approach has its risks, not least in limiting the scope for establishing in more detail the implications of amendments that are

often perfectly well intentioned, but which would benefit from a more considered kicking of the tyres. I have had a hand in lodging around 70 stage 3 amendments to this bill, so I recognise that I am on rather shaky ground in that respect.

Shaky—not to mention aggressively strimmed—ground is what the yellow iris would have found itself on had not the beady eye of someone in the RSPB spotted its bracketing with vermin and harmful weeds as things to be summarily eradicated. I understand that the iris's guilt by association was inherited from previous legislation. I confirm my support for amendments 176 and 177, in John Scott's name, and seek reassurance from the minister that what the bill proposes will have no bearing on those who have been in receipt of grants over the years that were in part aimed at cultivating the growth of irises for biodiversity purposes.

Roseanna Cunningham: I do not think that there is anything that I can usefully add at this point. I will come back to John Scott and Liam McArthur on the specific issues that they have raised.

Amendment 65 agreed to.

Amendment 176 moved—[John Scott]—and agreed to.

Amendments 66 and 67 moved—[Roseanna Cunningham]—and agreed to.

Section 21—Duties of certain owner-occupiers of crofts

Amendment 68 moved—[Roseanna Cunningham]—and agreed to.

Amendment 178 not moved.

Amendment 177 moved—[John Scott]—and agreed to.

The Deputy Presiding Officer: We move to group 10. Amendment 69, in the name of the minister, is grouped with amendments 70 to 73 and 88 to 91.

Roseanna Cunningham: These amendments relate to owner-occupied crofts. Amendment 69 replaces the reference to the sale of an owner-occupied croft with a reference to a

“transfer (whether or not for valuable consideration)”.

It will require an owner-occupier crofter to apply to the commission to divide a croft before transferring title to any part of it, either through a sale or a transfer for no value. There will be no more ending up with umpteen owners of different parts of an owner-occupied croft, making accountability for that croft extremely difficult.

Amendments 70, 71, 72 and 73 are consequential to amendment 69. Amendments 88

and 89 insert references to new subsections 4A and 4B inserted by amendment 90, and amendment 90 disapplies subsections 1A and 1B of section 29A, which relate to the registration of short leases, as short leases do not need to be registered under section 5, and do not trigger first registration under section 4.

Amendment 91 applies the rights and regulations of the common grazings that would normally apply to the owner-occupier crofter where a right in a common grazing is let to a tenant on a short lease of the croft under section 29A. That mirrors the present position for tenant crofters and their sub-tenants.

I move amendment 69.

Amendment 69 agreed to.

Amendment 70 moved—[Roseanna Cunningham]—and agreed to.

Amendment 179 not moved.

Amendments 71 to 73 moved—[Roseanna Cunningham]—and agreed to.

Before section 23

The Deputy Presiding Officer: We move to group 11. Amendment 1, in the name of John Scott, is grouped with amendments 74, 75 and 87.

John Scott: Amendment 1 would oblige crofters to make an annual declaration that they are complying with the duties set out in part 3 of the bill. My hope is that that will encourage crofters to carry out their duties and thereby reduce neglect. Further, it would provide intelligence on cases that might require investigation and failure to return a completed and signed form might trigger such an investigation. In addition to ensuring that a croft is being put to purposeful use by an owner-occupier, amendment 1 would also oblige short or long-term tenants to use their croft purposefully. Failure to return the form annually and to abide by the declaration made therein might also attract a range of penalties, such as a fine not exceeding level 1 on the standard scale—that is to say, up to £200—which is a similar sanction to that in the Agriculture Act 1947 for the non-return of the agricultural census form.

I will support Rob Gibson's and Elaine Murray's amendments, which further seek to encourage purposeful use of crofts.

I move amendment 1.

Elaine Murray (Dumfries) (Lab): The committee was concerned about how suspected breaches of duty in respect of absenteeism and neglect might be progressed. For example, when we were in Sutherland we heard about a crofter who was aware of neglected crofts in her township

that she would have been keen to work, but neither she nor the grazings committee were sure how the situation could be tackled. The committee also heard somewhat contradictory evidence from witnesses—Andrew Thin of Scottish Natural Heritage wanted the crofting commission to be under a statutory duty to investigate suspected breaches of duty whereas Drew Ratter was concerned that the commission should not be required to act as

“a private detective agency ... inspecting 18,000 crofts at regular intervals”.—[*Official Report, Rural Affairs and Environment Committee*, 23 February 2010; c 2459.]

There were three amendments on the issue at stage 2—from me, John Scott and Rob Gibson—none of which was mutually exclusive. Indeed, our amendments today are not mutually exclusive either. The minister was sympathetic to the intentions of all three amendments but had reservations about the wording, so they were withdrawn to allow the members to discuss with the bill team how they might be progressed. I am grateful to the bill team for revised amendments 74 and 75, which I hope will now receive the minister's support.

Amendment 74 would place a duty on the commission to investigate a suspected breach of duty reported in writing by a grazings committee, grazings constable, assessor or member of the crofting community in which the croft is situated, unless it considers that the complaint is frivolous or vexatious. Amendment 75 is a consequential technical amendment.

John Scott's amendment 1 would require crofters to provide the commission annually with information. At stage 2, John Scott suggested that that could be tied in with the agricultural census. That was a neat solution, but it has not survived into his stage 3 amendment. Nevertheless, I am happy to support amendments 1 and 87 as well as my amendments 74 and 75.

10:15

Rob Gibson: The belief that at the heart of the bill is the need to tackle neglect and absenteeism has led Elaine Murray, John Scott and me to try to provide an opportunity for people who live in the crofting communities to take responsibility for ensuring that the Crofters Commission is left in no doubt about the problems.

In evidence to the committee, the commission said that it saw the potential for substantial misuse and neglect, because about 14,000 of the 18,000 crofts are occupied and between 8,000 and 10,000 are worked. About 5,000 apply for integrated administration and control system agricultural support. The problem of neglect may be widespread.

We have mentioned the extremely detailed report from Camuscross, which was not agreed to by every member of the community there. It is important to find a way to trigger the production of such reports in a simple form on

“the condition of the common grazing ... the condition of every croft of a crofter sharing in the grazing ... the condition of every owner-occupied croft of an owner-occupier crofter sharing in the grazing”

and

“any other matter the Commission may require.”

My amendment 87 would trigger such a report every five years—that differs from the previous approach. It is important to add the proposed mechanism to allow people to discuss locally the way forward to avoid neglect in the future.

The cherished view of the land leaguers of the 19th century was to ensure that every productive piece of land was put to good use and placed at the disposal of those who were able and willing to till the land, as Alexander Mackenzie said in the 1880s.

Today, our aim is to have active crofting. The active crofters to whom I have talked believe that such reports will help with that process. I urge members to support amendment 87 and the other three amendments in the group.

Liam McArthur: I echo the comments of Rob Gibson, Elaine Murray and John Scott. The amendments go to the heart of what we have sought to do throughout the bill. With few exceptions, people take the view that the commission should be empowered and properly resourced to deal more proactively with issues of absenteeism and neglect.

At stage 2, all three amendments on the subject suffered from shortcomings, all of which have been addressed at stage 3, so we will support all the amendments in the group. I encourage the minister to keep the measures under review. They go to the heart of what we seek to achieve.

Roseanna Cunningham: I congratulate the three members on their wise and well-drafted amendments, with which I agree totally. Each member has explained the intent and purpose of their amendments clearly. I take on board Liam McArthur's comments, and I urge Parliament to support all the amendments in the group.

Amendment 1 agreed to.

Section 23—Enforcement of duties of crofters and certain owner-occupiers

Amendments 74 and 75 moved—[Elaine Murray]—and agreed to.

The Deputy Presiding Officer: We move to group 12. Amendment 76, in Elaine Murray's

name, is grouped with amendments 77 to 82, 84 and 135.

Elaine Murray: Amendments 76 and 77 are alternatives, to give members a choice, so I will not move them en bloc. They represent the rewording of an amendment that I lodged at stage 2 and relate to a different section from the stage 2 amendment.

Section 20 permits a crofter to engage in or refrain from

“an activity for the purpose of conserving ... the natural beauty of the locality of the croft; or ... the flora and fauna of that locality”,

without being in danger of falling foul of their duty not to neglect their croft. That could create a loophole that could be used to excuse neglect if the crofter claimed that he or she refrained from an activity to preserve the habitat of a species, for example, unless an arbitrator could give advice on whether such action was appropriate.

Amendment 77 states that the commission should not conclude that a crofter is in breach of their duty if it has requested a conservation body such as SNH to confirm whether refraining from or engaging in the activity contributes to the conservation of the natural beauty of the locality or its flora and fauna, and that that has been confirmed by the organisation. In addition, amendment 76 requires the commission to take evidence from the crofter or owner-occupier crofter on

“planning and management relating to the activity being engaged in or refrained from”.

That is in addition to the advice of the conservation body.

At stage 2, the minister was concerned that my amendment would require all crofters who were engaged in conservation to have a plan that was approved by a conservation body. I trust that the wording of amendment 76 is now clear in setting out that all that the crofter is required to do is to provide

“evidence of planning and management”.

The advice of the conservation body will be requested separately by the commission. I hope that that removes concerns about overburdening crofters. If not, amendment 77 is similar to amendment 76, but does not require evidence of planning and management from the crofter.

Amendments 76 and 77 help to address the concerns that John Scott expressed in speaking to group 9 amendments, regarding purposeful and meaningful use in respect of the control of, for example, iris and other plants for the protection of corncrakes and other farmland birds. A crofter could present that sort of evidence to demonstrate

that they were not neglecting their croft. I hope that the revised amendments, in particular the fuller provisions of amendment 76, receive the support of members.

I move amendment 76.

Roseanna Cunningham: I am afraid that, despite the revisions that Elaine Murray has made since stage 2, I still cannot support amendments 76 and 77. They are unnecessary. If a crofter can demonstrate that they are doing something or refraining from doing something in a planned and managed manner for the purposes of nature conservation, that is already enough to prevent the commission from taking action against them for misuse or neglect of the croft.

In reaching its decisions as to whether or not crofters are complying with the duty, the commission is already free to consult whoever it wants, including SNH, about the activity that crofters are or are not undertaking. However, the effect of amendments 76 and 77 would be to fetter the discretion of the commission to take action on misuse or neglect. SNH, or any other conservation body, would need to state only that the planned and managed activity or inactivity was contributing to a nature conservation purpose—to any extent—and the commission would be unable to conclude that the duty not to misuse or neglect the croft was being breached. There would be no test of material or significant contribution. Furthermore, there would be no link between the conservation purpose of the crofter's activity or inactivity and the contribution to a conservation purpose that is perceived by SNH. Therefore, if the crofter stated that they were protecting corncrakes, and SNH stated that butterfly habitats were being protected, the commission would be unable to act. Even if SNH concluded that corncrake habitats were being damaged by the crofter, but also concluded that butterflies were thriving instead, the commission could not act.

Amendments 78 to 80 and 82 ensure that enforcement action by the commission to terminate a crofter's tenancy or to require letting proposals from an owner-occupier crofter cannot be taken against crofters and owner-occupier crofters for being absent from the croft where they have received consent from the commission to be absent. Amendment 81 clarifies that new section 26A(1B) of the 1993 act applies only to short leases of tenants of owner-occupier crofters under new section 29A of the 1993 act. Amendment 84 provides that the commission cannot take enforcement action to require an owner-occupier crofter who is in breach of their duties to let their croft where the owner-occupier crofter has applied for consent to let the croft whether on a short lease or to a tenant crofter.

Amendment 135 provides that where a crofter has sublet the croft under section 27 of the 1993 act, the crofter is deemed to comply with their duties if the sub-tenant complies with them. The exception is, of course, the duty not to misuse the croft. Also, where the commission has consented to the crofter being absent, the crofter is deemed to comply with the residency duty in new section 5AA of the 1993 act. The landlord will then be unable to apply to the Scottish Land Court to seek removal of the crofter on the grounds of breach of duty.

Alasdair Allan: I speak in support of amendment 135 in the name of the minister, an amendment that goes a long way to reassure constituents and clarify points that they have raised with me about the role of sub-tenants in the bill. Many crofts are, of course, worked under long-standing and, at times, fairly informal arrangements in which a sub-tenant puts the croft to what the bill defines as "purposeful use". One of the early misconceptions about the bill was that it was hostile to the continuation of such arrangements. It has to be said that some of the language in the Shucksmith report made it understandable why such ideas took hold.

In a sense, amendment 135 simply restates a provision that it is contained elsewhere in the bill and in other contexts, but it clarifies that the commission must regard the crofter, wherever he or she lives, as complying with the legislation if he or she has a sub-tenant in place who is putting the croft to good use or if the crofter has permission from the commission to be absent for a legitimate reason. Amendment 135 highlights an important principle of the bill, and I commend it to Parliament.

Elaine Murray: I neither accept nor fully understand the minister's objection to my amendments. All that my proposed measures do is require the commission to seek from the crofter a reason why they are refraining from activity and then to check with an appropriate conservation body that the course of action is appropriate. It is simple. I do not understand the objection, and leaving the bill as it is might create a loophole that a solicitor could use in the future with regard to crofting legislation. We will be talking about loopholes again later, but there is one in the bill that my amendments in this group would help to close.

The Deputy Presiding Officer: The question is, that amendment 76 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 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)
 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)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (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)

Against

Adam, Brian (Aberdeen North) (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)
 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)
 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)
 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)
 Lochhead, Richard (Moray) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 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)

The Deputy Presiding Officer: The result of the division is: For 55, Against 64, Abstentions 0.

Amendment 76 disagreed to.

The Deputy Presiding Officer: I call amendment 77.

Elaine Murray: I hope that amendment 77 is more acceptable.

Amendment 77 moved—[Elaine Murray].

The Deputy Presiding Officer: The question is, that amendment 77 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 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)
 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)
 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)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (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)

Against

Adam, Brian (Aberdeen North) (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)
 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)
 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)
 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)
 Lochhead, Richard (Moray) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
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 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 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)

The Deputy Presiding Officer: The result of the division is: For 56, Against 64, Abstentions 0.

Amendment 77 disagreed to.

Amendments 78 to 85 moved—[Roseanna Cunningham]—and agreed to.

Amendment 180 not moved.

Amendment 86 moved—[Roseanna Cunningham]—and agreed to.

Amendments 181 to 183 not moved.

After section 23

Amendment 87 moved—[Rob Gibson]—and agreed to.

Section 24—Letting of owner-occupied crofts

Amendment 184 not moved.

Amendments 88 to 91 moved—[Roseanna Cunningham]—and agreed to.

Section 30—Enlargement of crofts

Amendments 185 to 187 not moved.

Amendment 92 moved—[Roseanna Cunningham]—and agreed to.

Section 30A—Enlargement of common grazings

Amendments 188 and 189 not moved.

Section 31—Obtaining Commission approval or consent

10:30

The Deputy Presiding Officer: We move to group 13. Amendment 190, in the name of Peter Peacock, is grouped with amendment 191.

Peter Peacock: Family assignments have been a matter of debate throughout the bill's passage, with the argument for giving the commission the ability to refuse to grant a family assignment being based on ensuring equality of treatment between different types of crofters. It has also been argued that it would be perverse to grant an assignment if someone was going to be an absentee and then pursue them under the absentee provisions.

Although I understand that argument, I still believe that breaking the family assignment is a big, serious step, and amendment 190 seeks to add a small step to the procedure in recognition of the fact that something serious might be about to happen. Under the amendment, the commission would be required to tell the crofter when it was minded not to grant a family assignment. The crofter would then know which way the wind was blowing—so to speak—and would be given 28 days to make formal representations to the commission about the potential decision. The commission would then have to consider any such representations before making its final determination.

It might well be the case that such a step would throw up nothing new, but it might also be the case that something new and material would emerge from the process. It would certainly signal to all parties that this was a big step that would

require the fullest consideration before any final determination was made. In that sense, the amendment seeks to add a small but important step to the process.

I move amendment 190.

Liam McArthur: The committee debated the issue in some detail at stages 1 and 2. In many respects, the practical implications of the Government's proposal had perhaps a superficial appeal, with ministers seemingly trying to avoid a situation in which a croft was passed to a family member who was quite clearly absent and, more pertinent, had no intention of rectifying the situation by moving back to or near the crofting township. However, the significance of Government being seen to interfere with the assignation of a croft to a family member was perhaps underestimated. Whatever the well-intentioned motives, I suggest that such a move was likely to set alarm bells ringing. Amendments 190 and 191 are, as Peter Peacock admitted, modest, but they strike the right balance and will help ministers to avoid falling into the trap—or, more relevant, avoid placing the commission in the invidious position—of second-guessing what a crofter should do with regard to assigning his or her croft to a family member.

John Scott: Amendments 190 and 191 are not quite what I expected Peter Peacock to lodge on maintaining the family link in crofting by assignation. Although I am keen for the next generations to follow on from their forebears, amendment 190 would not necessarily achieve that. I am persuaded that freedom of choice for crofters to assign their properties or parts thereof to whomsoever they wish is reasonable, and amendments 190 and 191 would make that process more complicated. I regret to tell Peter Peacock that I am, therefore, unable to support amendments 190 and 191.

Roseanna Cunningham: Amendments 190 and 191 seek to require the commission to consult the crofter if it proposes to refuse an application to assign a croft to a member of the crofter's family and to allow the crofter 28 days to submit further representations on the proposed decision. Of course, such a decision would be made because the commission was not satisfied that the absenteeism issue would be dealt with.

In effect, the amendments seek to create an additional procedural step for the commission in dealing with family assignation at a time when Peter Peacock has also been arguing about commission resources. They also seek to ensure that crofting legislation continues to contain the kind of inequalities among crofters that this Government is attempting to remove. This Government believes that all regulatory applications to the commission—assignation or

otherwise—should be treated equally, fairly and reasonably, whether they are family or non-family transfers. The amendments would not add much to the existing commission policy, which is to allow assignations to be made to either family or non-family members, even if they are unable to comply with the duties immediately, so long as they undertake to comply within a reasonable timeframe and put interim arrangements in place to ensure that the croft is worked.

I therefore urge Parliament to reject amendments 190 and 191.

The Deputy Presiding Officer: I call Peter Peacock to wind up and indicate whether he will press or withdraw amendment 190.

Peter Peacock: I will press amendment 190.

The Deputy Presiding Officer: The question is, that amendment 190 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 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)
 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)
 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)

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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (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)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Keith (Ochil) (SNP)
 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)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 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)

The Deputy Presiding Officer: The result of the division is: For 55, Against 62, Abstentions 0.

Amendment 190 disagreed to.

Amendment 191 moved—[Peter Peacock].

The Deputy Presiding Officer: The question is, that amendment 191 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
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 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 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)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
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 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)

Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Keith (Ochil) (SNP)
 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)
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 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
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 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
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 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 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)

The Deputy Presiding Officer: The result of the division is: For 54, Against 62, Abstentions 0.

Amendment 191 disagreed to.

Amendment 192 moved—[Roseanna Cunningham]—and agreed to.

Section 31A—Bequest of crofts

Amendments 193 to 197 not moved.

Before section 32

The Deputy Presiding Officer: We come to group 14. Amendment 198, in the name of Liam McArthur, is the only amendment in the group.

Liam McArthur: Amendment 198 mirrors closely an amendment that I lodged at stage 2. The minister and committee colleagues will recall the concern that I raised, based on evidence that we took at stage 1, particularly during our visit to Shetland, about instances where good-quality land was used and even actively zoned for housing or other developments when adjoining common grazing land or land of lesser agricultural value was exempt from development. Those concerns were voiced by the Scottish Crofting Federation and the NFUS, which called for a similar presumption against development as exists in relation to prime agricultural land. That does not mean, as my amendment 198 makes clear, that there could never or should never be any housing or other development on such inby land. Such a suggestion is a red herring. Such development would be permitted only where it could be shown to meet an essential purpose or established need, such as in relation to a village hall or primary school, to which the minister referred during a debate at stage 2.

At that meeting, the minister also expressed concern that

“primary legislation should not direct the detail of policy”.—
 [Official Report, Rural Affairs and Environment Committee,
 2 June 2010; Col 2764.]

I am bound to say that I found that statement rather incongruous. Perhaps the minister will expand on her concerns during her remarks this morning. I acknowledge the work that is being carried out with Shetland Islands Council and Western Isles Council to look at how inappropriate development on croft land could be reduced.

I acknowledge the assurance that the minister gave in a letter to the committee last week that planning regulations will be amended so as to

“introduce a requirement to consult with the Crofters Commission in respect of significant developments on croft land that are contrary to the development plan”.

Both those initiatives are welcome, but before deciding whether to press my amendment to a vote, I will listen carefully to what the minister has to say.

I move amendment 198.

John Scott: Although I agree with Liam McArthur's sentiment to protect inby land, I am not persuaded that amendment 198 is necessarily the best way of achieving it. The amendment would take flexibility away from the commission and local authorities in relation to determining at a local level what is in the best interests of communities. I know that local decision making is important to Liam McArthur, given his recent stance on the Marine (Scotland) Bill. I hope that, in future, Government and planning guidance notes the particular value of inby land to crofters and crofting and that that is reflected in planning decisions that are reached.

Peter Peacock: I support the intent of Liam McArthur's amendment 198. As he rightly said, we picked up in various communities that we met a lot of concern that the best agricultural ground for crofting, which is scarce in some communities, should be protected and not zoned for housing or other development. That ought to be at least a consideration in the planning system, and, as Liam McArthur said, amendment 198 strikes a sensible balance in that regard.

Like Liam McArthur, I recognise that, following the consideration of amendments at stage 2, the minister recently gave assurances about what the Government will do in a letter to the committee. I welcome those assurances as a significant step in the right direction, but I agree with Liam McArthur that amendment 198 would strengthen the position even further. I look forward to hearing what the minister has to say.

Roseanna Cunningham: As I said to the committee at stage 2 in relation to a similar amendment that Liam McArthur lodged, primary legislation should not direct the detail of the policy. I fully recognise the value of protecting inby land in order to preserve crofting and I agree that development plans need to reflect that, but there might be occasions on which some development on inby land is in the interests of the whole crofting community. The example that I gave at stage 2 still applies: in some cases, for practical, environmental, financial and other sound planning reasons, hill and rough grazing land might be unsuitably remote for a new village hall or primary school.

As some members will know, both Shetland Islands Council and Comhairle nan Eilean Siar have raised the issue of protecting crofting areas—particularly their most productive land—and the Government's planning officials have

already offered to work with those councils and others to develop plans to protect the best croft land from inappropriate development. At stage 2, I gave an undertaking that we would draw on those experiences to inform the next review of Scottish planning policy. It is vital that the commission, Government planners and local authorities work in partnership to achieve what is best for local circumstances.

I therefore ask Liam McArthur to withdraw amendment 198 in favour of my assurance that the partnership approach that I suggested at stage 2, and which I reiterate today, will address the issues.

Liam McArthur: I welcome the comments of both John Scott and Peter Peacock. John Scott came dangerously close to reopening the debate on planning that we had during our consideration of the Marine (Scotland) Bill, but I welcome his acknowledgment of my stance in support of local decision making in the circumstances that we are discussing. The approach in my amendment does not waiver from that. Amendment 198 makes it explicit that the presumption may be departed from where

"the development is for an essential purpose or to meet an established need and no other site is available; or ... good reasons can be shown as to why the development or use of land proposed cannot be carried out on common grazing land".

That approach will deal well with the concerns that the minister and John Scott have set out.

Although I welcome the progress that we have made on the matter since stage 2, I am inclined to press amendment 198.

The Deputy Presiding Officer: The question is, that amendment 198 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Margaret (Glasgow Baillieston) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Finnie, Ross (West of Scotland) (LD)
Foulkes, George (Lothians) (Lab)
Gillon, Karen (Clydesdale) (Lab)
Glen, Marlyn (North East Scotland) (Lab)
Gordon, Charlie (Glasgow Cathcart) (Lab)

Grant, Rhoda (Highlands and Islands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
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 Kerr, Andy (East Kilbride) (Lab)
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 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)
 McInnes, Alison (North East Scotland) (LD)
 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)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (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)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Keith (Ochil) (SNP)
 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)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)

Lochhead, Richard (Moray) (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)
 McGregor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 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)

The Deputy Presiding Officer: The result of the division is: For 56, Against 61, Abstentions 0.

Amendment 198 disagreed to.

10:45

The Deputy Presiding Officer: We move to group 15. Amendment 199, in the name of Karen Gillon, is the only amendment in the group.

Karen Gillon: It would be fair to say that few members have had much involvement with crofting before today. As committee members, we were probably in a similar position previously, when crofting was—if we are honest—not very high on our list of priorities. However, as we visited the crofting counties, we became more aware of crofting's vital role in Scotland. Crofting is a unique form of land tenure that has served us well for many years and has helped to retain populations in some of our most fragile and remote communities. From those visits, we have gained a far better understanding of how different communities are facing changing economic situations—[*Interruption.*]

The Deputy Presiding Officer: One moment, Ms Gillon. There is far too much noise.

Karen Gillon: And we learned how important the overall economic situation is to crofting. If a crofter is unable to get a job, that has a huge impact on the crofter's ability to run a croft effectively and is often a key factor in neglect or absenteeism.

If Parliament is serious about its role in enabling the future viability of crofting, members must be fully engaged with crofting and be aware of the facts. Consequently, amendment 199 seeks to place on ministers a duty to lay before the Scottish Parliament once every four years a report on the economic condition of crofting and the measures to support crofting that the Government and the crofting commission have taken over that reporting period. Such a report would allow those facts to be placed in Parliament's hands and allow Parliament fully to consider crofting's development, any constraints that it faces and the support that the Government and the commission have provided.

At stage 2, the minister argued that such a report would be unnecessary, as the bill already requires the crofting commission to produce an annual report. However, the report on the economic condition of crofting would be more than that, as it would detail what had been done by the Scottish ministers as well as by the commission. The four-yearly report would fit in with the election periods and would leave Parliament and crofters with a better idea of what had been achieved and what the challenges were for the future. I believe that amendment 199 is necessary, and I hope that members will support it.

I move amendment 199.

John Scott: Amendment 199 is a worthwhile amendment that is entirely compatible with amendment 144, in the name of Karen Gillon, which has already been agreed to. A strategic, four-yearly progress report would be of value to the future development of crofting. The requirement to produce such a report would exercise the minds of the Government and the commission to show that a difference had been made in each four-year reporting period. Of course, how such a vehicle might be used to drive forward crofting in years to come would be determined by the approach of future Governments. Although I appreciate that the commission will be required to lay annual reports before Parliament, I believe that a high-level report that was produced less regularly—and not necessarily at great expense—would inform future politicians' potential legislative programmes.

We will support amendment 199.

Roseanna Cunningham: I still do not think that the proposed report is necessary. The crofting commission will already be required to produce annual reports, to which ministers will be able to add any comments that they consider appropriate. Before producing its annual report, the commission will be required to consult HIE and relevant local authorities, which is very widely indeed. In my view, amendment 199 will add an additional, unnecessary bit of bureaucracy.

However, I see that it is quite clear that I will be defeated on amendment 199, so we will not resist amendment 199.

The Deputy Presiding Officer: Does Ms Gillon want to press amendment 199?

Karen Gillon: I welcome the minister's reluctant acceptance of the inevitable. Our job is to look at what Parliament and Scottish ministers are doing, and that is exactly what the four-yearly report will do. Perhaps that is why ministers are so reluctant to accept amendment 199.

Amendment 199 agreed to.

Section 33—Subordinate legislation

Amendment 93 moved—[Peter Peacock].

The Deputy Presiding Officer: The question is, that amendment 93 be agreed to. Are we agreed?

That is agreed.

Amendment 93 agreed to.

The Deputy Presiding Officer: I call amendments 94 to 97, in the name of the minister—

Roseanna Cunningham: Sorry, we said no to amendment 93.

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): We said no.

The Deputy Presiding Officer: One of the clerks heard it, but I can assure you that I did not hear it, so perhaps you should shout a wee bit louder next time.

The question is, that amendment 93 be—

Members: No! [*Interruption.*]

The Deputy Presiding Officer: As I had already called amendments 94 to 97, as far as I am concerned the vote has been taken. [*Interruption.*]

Roseanna Cunningham: I appreciate that you did not hear me say no, Presiding Officer, but the clerk did and so did members here. I really must ask that the vote be taken on amendment 93.

The Deputy Presiding Officer: I am sorry, but I am in the chair. The clerk said that she heard it after I had called the next amendments. I did not hear you—[*Interruption.*]

Alasdair Allan: On a point of order, Presiding Officer.

The Minister for Parliamentary Business (Bruce Crawford): On a point of order, Presiding Officer.

The Deputy Presiding Officer: I call Alasdair Allan.

Alasdair Allan: With the greatest respect to the chair, Presiding Officer, we are not responsible if the only person in the chamber who did not hear was you. *[Interruption.]*

The Deputy Presiding Officer: Can I just answer that? That was not a point of order—*[Interruption.]* If members would quieten down, they might hear something. That was not a point of order, but I was not the only one up here who did not hear. There are three people sitting here; two did not hear.

Karen Gillon: On a point of order, Presiding Officer. Under standing orders, I understand that, as you have called another vote, we should therefore proceed and the vote stands.

Bruce Crawford: On a point of order, Presiding Officer. I realise that this is a difficult situation—I fully understand that. However, you have just conceded yourself that a member of the clerking team heard a no being called in the Parliament. Therefore, there is only one conclusion that can be drawn—that a no was clearly called from the Parliament. In those circumstances, you must accept that.

The Deputy Presiding Officer: I am sorry, Mr Crawford, but it is not clear. That is the problem: it is not clear—*[Interruption.]* I have moved on. I did not hear it, and I intend to move on.

Bruce Crawford: Under these circumstances, Presiding Officer, I call for an adjournment.

The Deputy Presiding Officer: I do not see any reason for an adjournment, as I have already called the next set of amendments. I did not hear it, and I am moving on.

I call amendments 94 to 97—*[Interruption.]*

Tricia Marwick (Central Fife) (SNP): On a point of order, Presiding Officer.

Alasdair Allan: On a point of order, Presiding Officer.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): On a point of order, Presiding Officer.

The Deputy Presiding Officer: I am not sure who was first but, if it is the same point of order, I call Tricia Marwick.

Tricia Marwick: No was clearly said, but the point of order is this, Presiding Officer. You may have gone on to the next set of amendments, but Ms Cunningham did not move them. Therefore, no vote has been called and you are quite within your rights to go back to amendment 93 and take a vote on it.

The Deputy Presiding Officer: No, that is not the case—*[Interruption.]*

Alasdair Allan: On a point of order, Presiding Officer.

Mike Rumbles: On a point of order, Presiding Officer.

The Deputy Presiding Officer: I call Alan Alexander again.

Members: Alan Alexander?

The Deputy Presiding Officer: Alasdair Allan—sorry, Alasdair.

Alasdair Allan: I ask for the record whether it is the Presiding Officer's view that the clerk who heard those words imagined them. *[Interruption.]*

The Deputy Presiding Officer: Mr Allan, this is a very serious moment. I really do not feel that you should make that kind of comment. I call Mr Rumbles.

Mike Rumbles: With respect, Presiding Officer, having taken informal soundings among three of the four business managers—I hope that the fourth business manager would agree—I think that it is in everybody's interest if we could suspend standing orders for the moment and have an adjournment until we sort this out.

The Deputy Presiding Officer: I am in the chair and the business managers do not run what we are going through.

The Minister for Housing and Communities (Alex Neil): On a point of order, Presiding Officer. We have been in a similar position before, when a Presiding Officer did not hear and was about to move on but then took the vote. I suggest that we follow precedent.

The Deputy Presiding Officer: I point out again that I had moved on. I had already called out the next set of amendments when I was told that someone had called out no—I do not know who it was.

Bruce Crawford: On a point of order, Presiding Officer. I would like to move a motion to suspend.

The Deputy Presiding Officer: You cannot have a motion to suspend. *[Interruption.]* I am sorry but, if you all shout at me at once, I cannot attend to you.

Karen Gillon: On a point of order, Presiding Officer. I understand that, according to the standing orders, if the Presiding Officer has made a ruling and we have moved on to a different set of votes, then another vote has been called and we should proceed to that vote. That is what the standing orders say. If the Government wishes to bully the Presiding Officer—

Members: Oh!

Karen Gillon: That is what it is seeking to do. The Presiding Officer has called the vote and we should carry out that vote.

The Deputy Presiding Officer: I make it absolutely clear that I do not think that I am being bullied. I have given you a ruling. I genuinely did not hear anyone say no. I have moved on and the vote has been taken.

Paul Martin (Glasgow Springburn) (Lab): On a point of order, Presiding Officer. I appreciate that there might be discrepancies in what has been heard. However, we know that audio recordings are taken of proceedings in the chamber. I think that it would be helpful to have an adjournment to allow the audio tapes to be interrogated to clarify whether the Minister for Environment did, in fact, say no in respect of the amendment. We have been able to interrogate tapes in the past in that respect.

The Deputy Presiding Officer: I am sorry, but I have made a ruling from the chair. I did not hear anyone say no, and I moved on to the next set of amendments. I intend to continue with those.

Bruce Crawford: On a point of order, Presiding Officer. I believe that, under the standing orders, there is capacity for me to move a motion without notice that we suspend. I therefore move a motion without notice that we suspend proceedings to sort this out properly, before it goes any further.

The Deputy Presiding Officer: Can you tell me what rule it is under?

Bruce Crawford: It is a motion without notice.

The Deputy Presiding Officer: Rule number what?

Bruce Crawford: It is within the standing orders. *[Interruption.]*

The Deputy Presiding Officer: Can I have members' attention just for one minute? This is a very unfortunate set of circumstances. However, I can say with absolute and complete honesty that I did not hear anyone say no, so I moved on. I want to make that clear to all of you. I am prepared to suspend the meeting for five minutes for members to discuss the matter and come back. However, remember what I said: I did not hear anything, so I legitimately and honestly moved on to the next vote. You can now have your discussion.

10:57

Meeting suspended.

11:06

On resuming—

The Deputy Presiding Officer: I call amendments 94 to 97, all in the name of the minister and all previously debated. I invite the minister to move the amendments en bloc.

Roseanna Cunningham: Moved en bloc!

The Deputy Presiding Officer: Yes, minister. I heard you.

Amendments 94 to 97 moved—[Roseanna Cunningham]—and agreed to.

Section 36—Interpretation

Amendments 200, 225 and 201 not moved.

Amendment 98 moved—[Roseanna Cunningham]—and agreed to.

Amendment 226 not moved.

Schedule 1—The Crofting Commission

The Deputy Presiding Officer: We move to group 16. Amendment 99, in the name of Elaine Murray, is the only amendment in the group.

Elaine Murray: At stage 1, the Rural Affairs and Environment Committee received evidence of concerns that a corporate body that acts as a tribunal should not have Crown immunity and that, if the commission does not have Crown immunity, commissioners could individually be liable to legal action with respect to their decisions and an award of expenses could be made against the commission if its decision were appealed to and overturned by the Land Court.

At stage 2, the minister stated:

“the Crofters Commission is not a tribunal exercising a judicial function and it does not currently have Crown status of any kind.”—*[Official Report, Rural Affairs and Environment Committee, 2 June 2010; c 2742.]*

She argued that the wording of the bill is intended to clarify the situation rather than to remove an existing power. That was the first time that that argument was put to us; it was not raised at stage 1 by the minister or by any witnesses. I have therefore lodged a probing amendment to enable the minister to develop her argument and perhaps refer to the existing legislation governing the Crofters Commission, which does not confer Crown immunity. If the minister can confirm on the record that Crown immunity has never been invoked in the case of the Crofters Commission, I will be happy not to press the amendment.

I move amendment 99.

Liam McArthur: This issue kicked off the committee's stage 2 deliberations. My colleague

John Farquhar Munro was moved to lend his support to amendment 51, which Elaine Murray had lodged on the issue. At stage 2, it is fair to say that the committee as a whole was concerned at the suggestion that decisions of the commission could be appealed and expenses awarded against it, and the implications that that might have for the willingness of commissioners to be proactive. At stage 2, the minister sought to persuade the committee that we were seeking to remove a clarification of the status quo without conferring Crown immunity on the commission, yet I am not sure that we have adequately addressed what appears to be a valid concern—indeed, one raised by no less eminent a witness than Sir Crispin Agnew. I am pleased that Elaine Murray has taken the opportunity to raise the issue at stage 3 and look forward to hearing what the minister has to say.

Roseanna Cunningham: Amendment 99 is a slightly bizarre follow-up to amendment 51 at stage 2, with which Elaine Murray sought to remove the clarification that the commission is not a Crown body and is not to be regarded as having any status, privilege or immunity of the Crown. That is, in fact, the normal position for an executive non-departmental public body such as the commission. Most modern legislation relating to executive NDPBs is explicit on that and includes these provisions. The overwhelming majority of executive NDPBs do not have Crown status or immunity.

The intention behind amendment 99 is unclear. The member proposes that this executive NDPB is not a Crown body but somehow enjoys Crown immunity, which is illogical. Let me make it clear: the commission makes decisions as a body corporate; commissioners do not make decisions individually. Furthermore, as a regulatory body, the commission exercises administrative, not judicial, functions. Crown immunity would offer no protection in the highly unlikely case that someone tried to sue the commission, as Crown immunity does not apply to the exercise of administrative functions. I therefore urge members to reject this confusing amendment.

Elaine Murray: I am somewhat disappointed that the minister has not taken the opportunity to confirm on the record that Crown immunity has never been invoked—that was what my question was about. If she says that the commission has never had it, it must never have been invoked. She has not confirmed that, so I will press the amendment.

The Deputy Presiding Officer: The question is, that amendment 99 be agreed to. Are we agreed?

Members: No!

The Deputy 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)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 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)
 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)
 McInnes, Alison (North East Scotland) (LD)
 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)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (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)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Keith (Ochil) (SNP)
 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)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 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)

The Deputy Presiding Officer: The result of the division is: For 55, Against 61, Abstentions 0.

Amendment 99 disagreed to.

The Deputy Presiding Officer: We move to group 17. Amendment 100, in the name of Peter Peacock, is grouped with amendment 139.

Peter Peacock: I have made clear my opposition to the imposition of fees on crofters for the administration of crofting regulation that successive Parliaments have imposed on them. Amendment 100 seeks to ensure that any regulations on fees will be implemented only after crofters have been consulted about the functions to be charged for and the amounts to be charged and only if the democratically elected commission

has requested such regulation. The amendment gives the new, democratically elected commission an element of discretion and we should trust the elected commissioners to do what is right. The amendment provides the means to do that.

I move amendment 100.

Liam McArthur: Like the issue of the map-based register, the question whether the commission should be able to charge crofters in certain circumstances divided the committee down the middle. SNP and Tory members were supportive of the principle and, like the minister, set out their case on the basis of instances in which crofters might benefit from the decision that was reached by the commission. Less convincingly—and, perhaps, more worryingly—some Government back benchers seemed to suggest that it was part of a process that would lead, ultimately, to the commission being entirely self-financing. That goes a good deal further than the minister has been willing to go, but it perhaps betrays the direction of travel. Amendments 100 and 139 are modest proposals that put in checks and safeguards in relation to the commission's power to charge. In that respect, they meet the Government's objective, albeit fettering that power in ways that may give crofters at least some reassurance.

John Scott: Amendments 100 and 139 would make it more difficult for the commission to charge for its services, so we will not support them. Although I would not expect the commission to charge excessively for the work that it carries out, it is reasonable that it should be able to charge in a similar way to local authorities for permissions sought and granted. That is particularly appropriate, for example, when a croft is to be decrofted for development purposes. In addition, the crofting commission is likely to be as strapped for cash as any other organisation in the years ahead and it will, in all probability, be required to produce more outcomes from smaller resources in the future. Therefore, the ability to charge for its services seems reasonable to us.

11:15

Roseanna Cunningham: The arguments that I made at stage 2 when we debated a amendment that was similar to amendment 100 apply again in this case. The Government's view remains that crofters should contribute to costs that the general taxpayer currently meets if the commission is processing a regulatory application that is primarily for the crofter's own individual financial gain. It is for the Government to determine that level of contribution, with wider economic considerations in mind. That is only fair, and I urge members to reject amendment 100.

As for the suggestion that those regulations should be subject to affirmative procedure, neither the Rural Affairs and Environment Committee nor the Subordinate Legislation Committee considered that level of Parliament scrutiny to be necessary. Parliamentary time should not be taken up with debating which functions should be chargeable and the reasonable level of charge that should be set for the carrying out of the commission's regulatory functions. That applies to other agencies across the board, and I therefore strongly urge members to reject amendment 139.

Peter Peacock: The power to charge is not limited in any particular way in the bill. Theoretically, therefore, the commission could consider imposing very significant charges at some point in the future. It is right that, in those circumstances, Parliament should get the chance to confirm whether those charges are right.

Secondly, the minister makes the point that charges should apply only when individual gain arises. However, it cannot be determined at the time when charges are levied whether individual gain will arise.

For those reasons, it is right that Parliament should have a further degree of scrutiny in the event that charges are sought.

The Deputy Presiding Officer (Alasdair Morgan): The question is, that amendment 100 be agreed. Are we agreed?

Members: No.

The Deputy 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)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 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)
 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)
 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)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (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)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Keith (Ochil) (SNP)
 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)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 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)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)

McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (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)

The Deputy Presiding Officer: The result of the division is: For 56, Against 60, Abstentions 0.

Amendment 100 disagreed to.

The Deputy Presiding Officer: We come to group 18. Amendment 101, in the name of the minister, is grouped with amendment 102.

Roseanna Cunningham: Amendment 101 effectively allows ministers to undelegate—I am not sure whether that is a word—the power to select a person to chair the commission to the members of the commission.

The Government accepted at stage 2 Peter Peacock's amendment that enables ministers to delegate that function, on the understanding that it was agreed that provision would need to be made at stage 3 to cover the scenario in which the board of the commission was unable to agree on a convener and ministers would therefore need to exercise that power.

Amendment 102 seems to be rather confused. The Scottish ministers cannot set out their reasons for not delegating their power of appointment in the annual report to which the amendment refers, because the report is not produced by the Scottish ministers. It is to be produced by the commission under section 2B of the 1993 act. The Scottish ministers are required to lay a copy of the commission's annual report before Parliament along with any comments that they consider to be appropriate, but it is not their report.

Leaving aside those obvious problems with amendment 102, I tell Liam McArthur right now what reasons Scottish ministers might have for not delegating the power to appoint the convener. If the election was to produce members of the commission whom Scottish ministers felt did not have the necessary skills or experience to chair a multimillion-pound NDPB, or if it produced a person with whom ministers did not think that they could form a good working relationship, which might threaten the chain of accountability that

ministers have to Parliament over the performance of Executive NDPBs, they may choose not to delegate the power to appoint the convener.

As I have just given Liam McArthur the reasons why that might happen, and given that ministers cannot write the commission's report for it, I ask him not to move amendment 102.

I move amendment 101.

Liam McArthur: I confess that I am still of the view that commissioners—elected and appointed—should be responsible for appointing a chair from among their number. That best reflects crofters' expectations of the democratisation of the commission. It also seems the most effective means of ensuring that the commissioners, however they find themselves in post, unite around a common purpose.

Nevertheless, I was happy to accept Peter Peacock's compromise that ministers should delegate to commissioners the power to appoint a chair. I accept the possibility that—on rare occasions, I hope—agreement may not be reached on a suitable candidate and it should then be left to the minister to appoint a chair. In that regard, I accept the rationale behind amendment 101.

My amendment 102 seeks to address the concern that I expressed when I pragmatically backed down on my stage 2 amendment, namely that ministers might be tempted to observe the power to delegate more in the breach. I still believe that ministers should not be able to avoid delegating the power and should be able not to delegate only in extreme circumstances. I am slightly concerned by the circumstances that the minister outlined, because they could be applied rather more widely than I would wish. Nevertheless, given amendment 102's shortcomings and the point that the minister made about the annual report, I will not move the amendment.

Amendment 101 agreed to.

Amendment 102 not moved.

The Deputy Presiding Officer: We come to group 19. Amendment 103, in the name of the minister, is grouped with amendment 104.

Roseanna Cunningham: Amendments 103 and 104 are necessary to fulfil our commitment to John Scott at stage 2 to lodge amendments that would provide for the Scottish ministers to ensure that at least one member of the crofting commission represents landlords' interests. The amendments provide for that where a landlord is not elected to the commission.

I move amendment 103.

John Scott: I welcome amendments 103 and 104, which the minister promised to lodge after stage 2, and thank her for so doing. They will ensure that landlords' interests are represented on the commission if no one representing those interests is elected to the commission.

I am completely relaxed as to whether the representative should be from a community landowner or the traditional landowning group, because their duties and the expectations of them are clearly defined in the bill. That said, the right persons will bring a different and valuable perspective to the commission's decision-making process and, unsurprisingly, the Conservatives will support the amendments.

Amendment 103 agreed to.

Amendment 104 moved—[Roseanna Cunningham]—and agreed to.

The Deputy Presiding Officer: We come to group 20. Amendment 202, in the name of Karen Gillon, is grouped with amendments 105 to 107, 203 and 108.

Karen Gillon: This group of amendments deals with who is eligible to stand and to vote in elections to the crofting commission.

Amendment 106, in the minister's name, clarifies an amendment that I lodged at stage 2 and we are happy to support it.

Amendment 202 is a technical amendment that is related to amendment 203. The bill allows the registered crofter or their spouse, civil partner or cohabitant to vote in any election for the crofting commission. All members of the committee were supportive of that at stage 1 and it was supported at stage 2 by Conservative, Liberal Democrat and Labour committee members. Therefore, it is regrettable that the minister seeks to remove the provision at stage 3.

The Parliament has a duty to examine the equal opportunities implications of any bill. If the minister is successful, the body of people eligible to vote in any election to the crofting commission would be skewed towards men, because far more men are the registered crofters by virtue of history but most women whom the bill covers, who may not be registered crofters, are actively involved in crofting. The crofting commission will be responsible for the regulation of crofting, not only crofters, so it appears inherently unequal to allow a franchise that is so weighted against women.

Some members will argue that keeping the provision would skew the voting pattern in favour of those who are married, cohabiting or in a civil partnership. If that is the argument, women would never have got the vote in the first place. It is simply a matter of equality. Amendment 107, in the minister's name, reinforces a voting system

that, by its nature, is unfair, particularly to women. I urge members to reject it and to vote for amendment 202.

I move amendment 202.

Roseanna Cunningham: At stage 1, the view of stakeholders on the franchise for crofting elections was crystal clear. Marina Dennis of the Scottish Crofting Federation stated:

"Only crofters who are registered with the commission should be entitled to vote."

Jonathan Hall of NFU Scotland said: "We agree with that." Jean Balfour of the Scottish Rural Property and Business Association said:

"I agree with what Marina Dennis and Jonathan Hall have said."—[*Official Report, Rural Affairs and Environment Committee*, 10 February 2010; c 2374-5.]

The issue is the entitlement to vote being confined to those who are registered crofters. What happened at stage 2 is unfortunate, which is why we lodged amendment 107 to undo Karen Gillon's amendment. There has been some misunderstanding about what the effect of her original amendment would be and what her revised amendments would do. They would not provide for a crofter to give their vote to someone else in the household; rather, they provide that crofters with partners may get two votes, whereas the single crofter would get one vote. That is unfair. I believe that the crofting regulator should simply be elected by those whom it regulates.

I sympathise with Karen Gillon's motivation in addressing the gender balance in crofting, but I do not believe that what she has proposed is the solution to the gender imbalance, which needs to be tackled elsewhere. Moreover, the proposal to afford votes to crofters' cohabitants would be extremely difficult and resource intensive to implement. How on earth is the commission to establish whether persons of the opposite sex are living together as if husband and wife, or whether persons of the same sex are living as if civil partners? Therefore, I urge members to support my amendments in the group and to reject amendments 202 and 203.

Amendment 105 responds to the oversight that the Subordinate Legislation Committee brought to our attention, and provides the maximum penalty for any offences that are made under the power to make regulations in connection with elections to the crofting commission. The maximum penalty provided for is consistent and fair.

Amendments 106 and 108 tidy up drafting deficiencies in Karen Gillon's and Liam McArthur's amendments from stage 2. We accepted those amendments in principle, but stated at the time that we would need to tidy up the drafting.

I urge members to reject amendments 202 and 203 and to support amendments 105 to 108.

John Scott: These amendments deal with elections to the commission. I think that there will be much debate about that matter in future.

I supported Karen Gillon's amendment at stage 2, but was unaware that, in doing so, I had voted to increase so dramatically the number of those eligible to vote. My preferred position had always been to have one vote per house or household. Therefore, I support the Government amendments, which correct the position.

Karen Gillon: Shameful!

The Deputy Presiding Officer: Order.

John Scott: Once bitten, twice shy. I will not support Karen Gillon's amendments 202 and 203, as it will be impossible to ascertain whether someone is a civil partner or cohabitant.

I had sought to support Karen Gillon's efforts to establish gender balance incrofting elections in principle, but, sadly, the amendments that she has lodged will not achieve that without attracting unintended consequences. Therefore, we will support amendments 105 to 108.

Liam McArthur: I confess that I have my differences with Karen Gillon on elections to the crofting commission, most notably over the method of those elections: she steadfastly supports a first-past-the-post system. I am also concerned that the amendments do not necessarily touch on the issue of younger members of crofting households, which I raised at stage 2. Nevertheless, Karen Gillon is right to point to the settled will of the committee; what happened was not simply an unfortunate event.

I will leave Karen Gillon to comment on John Scott's U-turn. On the other amendments in the group, I welcome the fact that the Government has been able to tidy up the amendments that were agreed at stage 2.

Maureen Watt: I understand and sympathise with the intention behind Karen Gillon's amendments and the need for the Parliament to be mindful of equal opportunities, but I believe that she has not fully thought out the consequences of her amendments, which are more likely to lead to family fights than to make everyone feel involved.

I and others were struck by the number of women who gave evidence to the committee and the number of women who are grazings committee clerks. During our visits, other women were very helpful and knowledgeable about crofting.

Previous legislation requires the croft to be in the name of one person. Having more than one vote per croft would be a minefield, especially where sons and daughters are more likely to be

active in crofting than partners. Karen Gillon has overegged the pudding and interfered with complicated business partnerships that may already exist.

11:30

Karen Gillon: I have never heard so much rubbish in all my life: women cannot get to vote because it might be too complicated. We would not be in this Parliament if the people who have stood up in this chamber and made such arguments today had had their way—women would still be in the kitchen doing what they were best at and having children instead of being representatives in this Parliament.

I cannot believe that John Scott has come to this chamber and said that he did not understand what was taking place at stage 2. I made it absolutely clear what we were seeking to do, which was to extend the franchise to couples: people who were married, in civil partnerships or cohabiting. People have said that we cannot determine who is in a civil partnership; yes, we can—it is a legal process. People have said that we cannot determine who is married; yes, we can—it is a legal process. It has been said that we cannot determine who is cohabiting, but they will be on the electoral register. What a lot of nonsense. This is a matter of equality. Shame on the SNP and the Conservatives for voting against the amendment. *[Applause.]*

The Deputy Presiding Officer: Order.

The question is, that amendment 202 be agreed to. Are we agreed?

Members: No.

The Deputy 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)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Margaret (Glasgow Baillieston) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Finnie, Ross (West of Scotland) (LD)
Foulkes, George (Lothians) (Lab)
Gillon, Karen (Clydesdale) (Lab)
Glen, Marlyn (North East Scotland) (Lab)
Gordon, Charlie (Glasgow Cathcart) (Lab)
Grant, Rhoda (Highlands and Islands) (Lab)
Henry, Hugh (Paisley South) (Lab)
Hume, Jim (South of Scotland) (LD)
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)
 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)
 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)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (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)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Keith (Ochil) (SNP)
 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)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 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)
 Lochhead, Richard (Moray) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)

McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 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)

The Deputy Presiding Officer: The result of the division is: For 56, Against 59, Abstentions 0.

Amendment 202 disagreed to.

Amendments 105 and 106 moved—[Roseanna Cunningham]—and agreed to.

Amendment 107 moved—[Roseanna Cunningham].

The Deputy Presiding Officer: If amendment 107 is agreed to, I cannot call amendment 203 because of pre-emption.

The question is, that amendment 107 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Keith (Ochil) (SNP)
 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)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 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)
 Lochhead, Richard (Moray) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 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

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)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 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)
 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)

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)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (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 Deputy Presiding Officer: The result of the division is: For 59, Against 56, Abstentions 0.

Amendment 107 agreed to.

Amendments 108 to 112 moved—[Roseanna Cunningham]—and agreed to.

Schedule 1A—Persons responsible for applications for registration

Amendments 113 and 114 moved—[Roseanna Cunningham]—and agreed to.

Amendment 204 not moved.

Schedule 1B—Application of Act to common grazings

Amendments 115 to 122 moved—[Roseanna Cunningham]—and agreed to.

Amendment 205 not moved.

Schedule 2—Minor and consequential modifications

Amendments 123, 124 and 206 to 212 not moved.

Amendments 125 to 129 moved—[Roseanna Cunningham]—and agreed to.

Amendments 213 and 214 not moved.

Amendment 227 moved—[Roseanna Cunningham]—and agreed to.

Amendment 215 not moved.

Amendments 130 to 133 moved—[Roseanna Cunningham]—and agreed to.

Amendment 216 not moved.

Amendments 134 and 135 moved—[Roseanna Cunningham]—and agreed to.

Amendment 217 not moved.

The Deputy Presiding Officer: We come to group 21. Amendment 136, in the minister's name, is the only amendment in the group.

Roseanna Cunningham: Amendment 136 removes the seven-year time limit for former crofters and cottars who have acquired the site of their dwelling-house to apply for grant assistance under section 45(1) of the 1993 act towards the erection, improvement or rebuilding of dwelling-houses, so that they are treated equally to tenant crofters. Paragraph 3(17A) of schedule 2 will also allow owner-occupier crofters to apply for similar grant assistance, so crofting grants will apply equally to all applicants.

I move amendment 136.

Amendment 136 agreed to.

Amendments 137 and 138 moved—[Roseanna Cunningham]—and agreed to.

Amendments 218 to 220, 228, 139 and 221 not moved.

Amendment 140 moved—[Roseanna Cunningham]—and agreed to.

Amendment 222 not moved.

Amendment 141 moved—[Roseanna Cunningham]—and agreed to.

Amendment 223 not moved.

Amendment 142 moved—[Roseanna Cunningham]—and agreed to.

Long Title

Amendment 224 not moved.

Amendment 143 moved—[Roseanna Cunningham]—and agreed to.

The Deputy Presiding Officer: That ends consideration of amendments.

11:38

Meeting suspended.

11:40

On resuming—

Scottish Executive Question Time

General Questions

The Presiding Officer (Alex Fergusson): We come to the next item of business. I would be grateful if members who are leaving the chamber would conduct their conversations elsewhere.

Sustainable Growth (Priorities)

1. Rob Gibson (Highlands and Islands) (SNP): To ask the Scottish Government whether it has identified priorities for bolstering sustainable growth from any funds from the fossil fuel levy that are released. (S3O-11134)

The Minister for Enterprise, Energy and Tourism (Jim Mather): The funds could help to provide and support new opportunities to develop Scotland's status as a leader in the low-carbon economy. Their availability will see us consider investment priorities across the full range of the renewables sector. In the meantime, the Scottish Government continues to work with United Kingdom Government ministers and officials to ensure that funds from the levy are released in a way that is additional to the Scottish budget.

Rob Gibson: I thank the minister for that reassurance. Given that the fossil fuel levy is aimed at helping to reduce greenhouse gases, can any of the levy that is raised in Scotland be put to use for energy conservation as well as renewable energy production?

Jim Mather: The levy is limited by statute to the promotion of renewables and the use of renewable energy from sources in Scotland. However, we are investing significantly in vital areas of energy efficiency and conservation. We will continue to fund the Carbon Trust, the Energy Saving Trust and area-based home insulation schemes to the tune of £25 million. There is also the recent £2 million for the boiler scrappage scheme.

Lewis Macdonald (Aberdeen Central) (Lab): Is the minister aware of the suggestion from the leader of Aberdeen City Council that funds from the fossil fuel levy might be used for building roads? Is such expenditure permissible under statute, or is the suggestion simply a non-starter?

Jim Mather: I understand that infrastructure spending would be focused on key ports and harbours in support of the growth of the offshore wind sector. Beyond that, the areas that fall within the scope of the levy are technology support, skills, renewable heat and community renewables.

Living Wage (Local Authorities)

2. Ms Wendy Alexander (Paisley North) (Lab): To ask the Scottish Executive whether it supports the introduction of a living wage by local authorities this year. (S3O-11153)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The Scottish Government is keen to ensure that people have a decent wage. From 1 August this year, nobody who is employed by the Scottish Government will earn under £7.15 an hour, the current living wage level that is proposed by the Scottish living wage campaign. Local government pay is a matter for local authorities and the appropriate trade unions.

Ms Alexander: If the living wage is right for central Government employees and the health service, why is it not also right for local government employees?

John Swinney: Wendy Alexander will be familiar with the arrangements. In essence, local authorities are self-governing bodies. It is not for ministers in this Parliament to specify to local authorities the terms and conditions under which they should employ their staff. As I indicated, the Scottish Government is keen to ensure that individuals have a decent wage. For that reason, we took the decisions that we have taken. Clearly, it is a matter for local authorities to take decisions that affect individual authorities.

John Wilson (Central Scotland) (SNP): I am interested not only in the cabinet secretary's response in terms of local authorities but in the question from Wendy Alexander. She is keen on the living wage, as is the cabinet secretary. Will he make representations to the United Kingdom Government to ensure that all workers receive at least the living wage rather than the national minimum wage? Will he ask it to review the national minimum wage?

John Swinney: Clearly, under the Scotland Act 1998, the setting of the national minimum wage is a matter for the UK Government. As a consequence, it is for the UK Government to take its own decisions in that respect. As I set out, the Scottish Government has established a position on the level of the wage that is paid to members of our staff. I am, of course, very happy to communicate our position to the UK Government.

VAT Increase

3. Peter Peacock (Highlands and Islands) (Lab): To ask the Scottish Executive what it considers the impact will be on Scotland of the VAT increase announced by the United Kingdom Government. (S3O-11187)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The 2.5 percentage point increase in VAT that was announced by the Chancellor of the Exchequer last week is estimated to cost the average Scottish household approximately £380 per year. The lowest-income households are estimated to be disproportionately affected by this regressive tax increase.

The VAT increase will also increase costs facing Scotland's public sector. Initial estimates place the full-year costs at £7.2 million for the core Scottish Government, £26 million for the national health service in Scotland, £3.8 million for the Scottish Prison Service, and £700,000 for Historic Scotland.

Peter Peacock: That is indeed shocking news. Does the minister share my dismay that, having campaigned against VAT increases—and a secret plan that the Tories had—the Liberal Democrats have now put up the level of VAT to 20 per cent?

I recognise what the cabinet secretary said about the disproportionate effect on the lowest-earning 10 per cent of families in this country. What impact does he think the VAT increase will have on them?

Does the cabinet secretary recognise that the measure will also push up petrol prices in rural areas—something else that the Liberal Democrats promised to reduce?

John Swinney: Mr Peacock's final point on the impact of VAT on fuel prices is entirely factual. Those of us who represent rural Scotland in particular are entirely familiar with the scale and burden of fuel costs. The overwhelming majority of the cost of a litre of fuel is related to taxation.

On the impact on households, the VAT increase is equivalent to approximately 1.7 per cent of the net income of the poorest 20 per cent of Scottish households. For the highest-income 20 per cent of households, the VAT increase is equivalent to approximately 1.2 per cent of net income. The statistics clearly demonstrate the impacts in that respect.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Is the cabinet secretary working with the United Kingdom Government with regard to what will be the first rural fuel discount pilot scheme in 14 years and its possible application in Scotland?

Has the Scottish Government calculated the net impact on the average household and family of the VAT increase, along with the other measures that were announced in the budget, including lifting the tax threshold by £1,000, restoring the link with earnings for pensions and making available child tax credits for the lowest-income families? What is

the net effect on the average household in Scotland?

John Swinney: Mr Purvis will know that I raised the issue of fuel taxation in correspondence with the Chancellor of the Exchequer in advance of the budget. We would be delighted to work with the United Kingdom Government on developing the arrangements, as it is the policy position of this Government to act to ameliorate the effects of high fuel prices in rural areas.

The Scottish Government has not completed a comprehensive assessment of all the budget measures that were announced by the chancellor and their application to households, but I would be happy to do so and to identify the impact of all those measures on Scottish households.

Scottish Housing Regulator (Meetings)

4. John Wilson (Central Scotland) (SNP): To ask the Scottish Executive when it last met the Scottish Housing Regulator and what issues were discussed. (S3O-11152)

The Minister for Housing and Communities (Alex Neil): I last met the Scottish Housing Regulator on Tuesday 1 June as part of one of my regular liaison meetings with the Convention of Scottish Local Authorities. We discussed progress among landlords towards meeting the Scottish housing quality standard.

John Wilson: Has the Scottish Housing Regulator compiled the eviction figures for Scottish local authorities for 2009-10? What is the Scottish Housing Regulator doing to combat the apparently high number of eviction orders in North Lanarkshire, which totalled 1,129 in 2008-09?

Alex Neil: Like me, the Scottish Housing Regulator is concerned about the high number of evictions in certain parts of Scotland, and about the process and cost. We are discussing the issues in the Scottish Government, as part of our examination of the Local Government and Communities Committee's stage 1 report on the Housing (Scotland) Bill and the evidence that was presented to the committee with respect to the new proposals on how to handle evictions. We will announce our response in due course, when we will define the role of the regulator in relation to such matters.

Chinese Language, Culture and History

5. Andrew Welsh (Angus) (SNP): To ask the Scottish Government what funding and other resources it has allocated for the teaching of Chinese language, culture and history in schools, colleges and universities in the last two years and whether it is taking action to increase educational, economic and other contacts with China. (S3O-11149)

The Presiding Officer: The cabinet secretary has asked to give the first part of his answer in Mandarin. Members will be grateful to learn that he will also provide a translation.

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Zài guòqù liǎngnián lǐ, wǒmen hé Zhongguó jiàoyù jiànlì le liánhǎo de hézuò guānxì. My apologies for the accent.

We have built good relationships with Chinese education over the past two years—and, as I think I have just shown, we are very committed to that.

In April 2008, we signed a memorandum of understanding with the Chinese Ministry of Education that sets out a framework for Scotland and China to work together in various areas of education. Through our funding of Learning and Teaching Scotland, the British Council Scotland and the University of Edinburgh, the Scottish Government has indirectly provided funding of approximately £300,000 over two years to the teaching of Chinese language and culture in Scottish schools, and in Scotland we now have 10 Confucius classroom hubs serving 15 local authorities.

Moreover, through Learning and Teaching Scotland we have supported groups of young people and their teachers to undertake immersion courses and summer study visits to China. We have also seen an increase in the number of qualified teachers of Chinese, and Learning and Teaching Scotland now has an agreement with Tianjin province that will provide seven Chinese teachers to work with the hubs in the academic year 2010-11. Last year we launched new national qualifications in Chinese languages at higher and advanced higher level to add to the qualifications at access and intermediate levels that were launched in 2007-08, and this year we have seen an increase of 250 in the number of presentations.

With regard to colleges and universities—

The Presiding Officer: Quickly, please, cabinet secretary.

Michael Russell: We have provided £115,000 to enable 91 students from colleges and universities to spend three weeks in China.

Andrew Welsh: Nǐ huì shuō Zhongguó huà hǎo de! Russell bù zhǎng. Xiè xiè.

I commend to the cabinet secretary the Open University's excellent Chinese language work and the now ever-increasing and generally available range of teaching materials that make Chinese language, history and culture more accessible than ever before at elementary and advanced levels. Will the Scottish Government do everything it can to strengthen Scotland's historical, cultural and economic links with China and build for the

future through mutual respect, understanding and joint economic progress? Xiè xiè.

Michael Russell: I certainly will. We are building further educational links through the saltire scholarships for China, the higher education research partnership for PhD studies and the China scholarships for excellence. As my friend the Cabinet Secretary for Finance and Sustainable Growth knows, we are also building successful business collaborations. The relationship is good, strong and growing.

Local Authorities (Socioeconomic Duties)

6. Marlyn Glen (North East Scotland) (Lab): To ask the Scottish Executive how it will assist Dundee City Council and other local authorities in complying with their socioeconomic duties and other responsibilities when so many individuals are facing redundancy. (S3O-11166)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The approach taken by individual councils in delivering on their duties and responsibilities is a matter for each council. For those facing redundancy, local authorities can work with Skills Development Scotland, which will co-ordinate local response teams under the partnership action for continuing employment initiative to provide tailored help and support for affected individuals.

Marlyn Glen: I thank the cabinet secretary for that answer, which I suppose will give comfort to some people. However, at the same time that council tax has been frozen, rents for council tenants in Dundee have increased by more than £300 over three years. If we take into account housing benefit, does the minister accept that the Scottish Government's council tax freeze has penalised the working poor and exacerbated the problem of the poverty trap? What will he do to prevent this cumulative blow to the local economy from increasing?

John Swinney: I find Marlyn Glen's use of the term "working poor" quite interesting. That aside, I think that working households on low incomes will be very grateful for the fact that this Government has frozen the council tax for three years. In contrast, when we came into office, we found that, under the previous Labour Administration, the council tax had increased by 60 per cent. I am quite sure that members of the public will be able to look at this Administration's record and be grateful that, instead of making the same exorbitant increases that the previous Labour Administration presided over, we actually froze the tax. If the Labour Party's clarion call is that the answer to everything is to increase people's council tax, it will serve as a timely reminder of how poor were the measures taken by the previous Labour Administration.

Regional Growth Fund

7. Sandra White (Glasgow) (SNP): To ask the Scottish Government how it envisages the regional growth fund announced in the United Kingdom budget operating in Scotland. (S3O-11150)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The regional growth fund will operate only in England. Scottish Enterprise already provides significant funding to support business growth and jobs, including through regional selective assistance, SMART grants, research and development grants and the equity-based funds that will form part of the Scottish investment bank. In addition, as part of the Scottish investment bank, the loan fund will provide an additional source of finance for Scotland's growth and exporting businesses.

Sandra White: It is sad that the regional growth fund will not operate in Scotland. The cabinet secretary mentioned the Scottish investment bank. In Tyne and Wear, the metro will possibly be upgraded with money from the regional growth fund, which cannot operate in Scotland. The cabinet secretary will be aware that Strathclyde partnership for transport wishes to modernise Glasgow's subway. Will he speak to Scottish Enterprise and look into whether the Scottish investment bank can provide funds to SPT for the much-needed modernisation and upgrade of the subway?

John Swinney: Ministers are familiar with the proposals put forward by Strathclyde partnership for transport in relation to the Glasgow subway. Mr Stevenson, the Minister for Transport, Infrastructure and Climate Change, has already met SPT on that question and will of course maintain a dialogue about it. The Government recognises the significance and effectiveness of the Glasgow subway. We will continue to engage constructively with the partnership on that question.

Scottish Ambulance Service (Meetings)

8. Rhoda Grant (Highlands and Islands) (Lab): To ask the Scottish Executive when it last met representatives of the Scottish Ambulance Service and what issues were discussed. (S3O-11168)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The Scottish Government is in regular contact with the Scottish Ambulance Service on a range of issues. I met the chair and a number of members of staff when I visited Springburn ambulance station on Tuesday. While I was there, I was able to confirm investment of £7.5 million in new ambulance defibrillators.

Rhoda Grant: The cabinet secretary might be aware that the Scottish Ambulance Service has been unable to recruit to a vacant post in Strontian and Ardnamurchan, which means that the area is often covered by a single-crewed ambulance and is sometimes not covered at all. The situation is now deteriorating, with a further vacancy arising. Will the cabinet secretary ensure that there is adequate cover for the area until the situation is resolved, and will she ensure that the Scottish Ambulance Service examines its shift patterns to ensure that the jobs are attractive to would-be applicants?

Nicola Sturgeon: I thank Rhoda Grant for her question. I am aware that she has written to the Scottish Ambulance Service about the situation in the Strontian and Ardnamurchan area. It will reply to her in due course and I have asked to see a copy of that reply.

Rhoda Grant is correct to point out that there is an unfilled vacancy at the Strontian station, which the Scottish Ambulance Service is in the process of seeking to fill. Notwithstanding that, the service continues to make progress in keeping rostered single crewing to a minimum ahead of the elimination of single crewing in September. I know that members from throughout the Highlands and the north of Scotland will welcome the significant reductions that we have seen in single crewing over the past months. As Rhoda Grant and other members are aware, there are challenges in those respects in some of the remoter parts of Scotland. I assure her that we will continue to work hard with the Scottish Ambulance Service to ensure that those challenges are addressed.

Public Services (Privatisation)

9. Jamie Hepburn (Central Scotland) (SNP):

To ask the Scottish Government how it expects the privatisation of various public services proposed by the United Kingdom Government to impact on Scotland. (S3O-11136)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The United Kingdom Government's budget statement on 22 June 2010 set out plans for a programme of selling public assets over the next 12 months. While that is a matter for the United Kingdom Government, the Scottish Government expects to be consulted about that process if there is a potential impact on Scotland.

Jamie Hepburn: Does the cabinet secretary share my concern about the decision by the Tory UK Government to revive the previous Labour Government's plans to part-privatise the Royal Mail? Will he restate the Scottish Government's support for a publicly owned and operated postal service? In light of the plans, is it not the case that

the Scottish Government's post office diversification fund is more important than ever?

John Swinney: I am certainly happy to restate the Government's position of supporting a publicly owned postal network in Scotland. I am also very happy to say that the post office diversification fund is taking its course. The contents of the fund are out for consultation just now and the Government will take swift decisions on its application in due course.

First Minister's Question Time

12:00

Engagements

1. Iain Gray (East Lothian) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S3F-2514)

The First Minister (Alex Salmond): Later today, the leader of the Convention of Scottish Local Authorities and I will visit the Pennywell and Muirhouse areas of Edinburgh, where I will announce joint Scottish Government and local authority funding of £120 million towards the building of 1,000 new affordable homes across Scotland. That will support about 1,200 housing sector jobs and 700 more in related trades. We are working in a partnership with local government to provide a new generation of council housing. I am delighted to announce the plans for 1,000 new homes across Scotland.

Iain Gray: Presiding Officer, for two parliamentary years now, I have asked questions of the First Minister every Thursday. He never answers any of them. Perhaps he will answer Kelly McGee, whose brother Paul was murdered on 25 October 2009. He was stabbed outside the family's home when he went to help someone else. Kelly's question is this: when more people are killed by the use of a sharp instrument than are shot, why is a minimum sentence in place for gun carriers but not for knife carriers?

The First Minister: I know that Iain Gray will acknowledge that every person in the chamber has enormous respect for those who have been victims of crime and for the families of victims of crime of whatever kind. Nobody would demean their campaigning efforts. Indeed, we support them. I know that Iain Gray, in fairness, will want to acknowledge that knife crime is down 11 per cent since this Government took office. I believe that that is because police numbers are up by more than 1,000, and therefore detection rates, the use of stop and search and the ability of our police to protect our communities are much greater than they would otherwise have been.

On the difference between knives and guns, one argument that is deployed—I think that a fair amount of reason is attached to it—is that it is difficult in most cases to see what purpose a gun would be put to. With knives, of course, there are many occupational and perfectly innocent reasons why they are in our community.

I hope that Iain Gray will acknowledge in fairness that the Labour Party spent 13 years in office at Westminster and 10 years in the Scotland Office and devolved Government in Scotland, yet

at no stage in that entire time did it propose the measures that it supported with the Tories yesterday. That contradiction is one of the major questions that people have about the sincerity of the Labour approach to the issue in Scotland.

Iain Gray: I have to tell the First Minister that the families of the victims of knife crime who were here yesterday did not feel respected by all members of the Parliament. In particular, the family of Kelly McGee, whose brother was an Iraq war veteran, felt absolutely disrespected by the contribution that the Cabinet Secretary for Justice made.

I accept that, when in power, we did not introduce minimum sentencing for carrying a knife. We did double the maximum sentence. We acknowledge now, as I have done before, that we did not do enough. Yesterday, when Kelly, John Muir and the other families of knife victims asked me what I would do for them, I promised them that I would not give up and that mandatory minimum knife sentences would be in Labour's manifesto next year. I promised them that I would bring that policy back to the chamber and that we would try again to do the right thing by them. What new action to tackle knife crime will the First Minister have in his manifesto next year?

The First Minister: Whatever Iain Gray says and however he wants to misinterpret and misquote people, the fact is that every single member of this Parliament respects the victims of crime and their families.

The way in which Iain Gray put the second part of his question indicates that those who regard the contrast between Labour's track record in office and the arguments that it puts now as a fairly blatant attempt to politicise a serious issue have more than a little justice behind their comments.

In terms of what is done, Iain Gray must realise that, in the current economic environment, additionality in public spending will not be possible for many years to come. Given that this morning's *Daily Record* says—presumably with figures supplied by the Labour Party—that 7,000 people will not be imprisoned as a result of yesterday's votes, and if we assume that six months' imprisonment costs the public purse £20,000, the policies that he put forward yesterday would have cost £140 million a year. I point out to Iain Gray that £140 million a year is the cost of 3,000 police officers. This Government believes that the additional police who are on the streets of Scotland are protecting our communities. That is why crime is at a 30-year low. That is why detection rates are at a high. That is why public confidence in the police is at an all-time high. That is why knife crime is falling. That is why general crime is falling. If the Labour Party came into office and spent money that involved cutting back on

police numbers instead of expanding them, it would be doing a huge disservice to Scotland and all its people.

Iain Gray: Well we are going to need extra police on our streets, because the First Minister is going to release 7,000 criminals on to those streets. Those 7,000 criminals currently go to jail. If his purpose in ending three-month sentences was to save money, that should have been said yesterday, but that was not the reason that was given.

Look, we should not be surprised that the Government ends this year by releasing 7,000 criminals from our jails. It started this year by releasing the Lockerbie bomber from jail. In between, the First Minister was found out providing testimony for a drug dealer. His deputy was caught trying to keep a serial fraudster out of jail. Why is it that Alex Salmond is always to be found on the side of the criminals and never on the side of the victims?

The First Minister: Yesterday's debate indicated that the new coalition Government south of the border has realised the futility of short-term sentences in tackling crime. It should be remembered, as was mentioned in yesterday's debate, that south of the border among the foremost advocates of the policies that are being pursued by a majority of MSPs north of the border is Cherie Booth, who has some substantial experience in these matters. It should also be remembered that the commission that brought forward the consultation and the arguments that were pursued in the Criminal Justice and Licensing (Scotland) Bill yesterday was headed by Henry McLeish, who is a former Labour First Minister of Scotland.

When we take into account the arguments from an evidence-based approach and the fact that crime in Scotland is falling as a result of the additional police that this Administration, with the support of a majority in this Parliament, has placed on our streets, and when we recall that the Labour Party proposed no additional police at the previous Scottish election, we see that those achievements of the justice system in Scotland stand in comparison to the lack of ambition of the Labour Party at that election. Also, when we consider that the policies that Labour put forward yesterday would have imposed totally unsustainable costs without any evidence whatever that they would have any effect on crime, and when we see the number of voices raised in support, across the parties, for the policies that are now being pursued, I think that Iain Gray is very foolish indeed to attempt to politicise the issue of criminal justice. On that basis, he will go down to a resounding defeat in the election campaign.

Iain Gray: Let us look at what is happening in Scotland; let us look at the achievements. What does Alex Salmond's year add up to? We have seen not just fewer knife criminals going to jail but fewer teachers in our schools and fewer nurses to follow; not one school built, not one hospital completed and the Glasgow airport rail link cancelled; and more jobs lost than anywhere else in Britain, unemployment higher than the rest of the country and economic growth trailing the rest of the country.

Alex Salmond talks about this chamber. What about his alcohol policy? Rejected in this chamber. His climate change targets? Thrown out of this chamber. The First Minister is too scared even to bring his referendum bill to the chamber. Has he got anything planned for his final parliamentary year, or will it be a waste of time as well?

The First Minister: I will attempt to answer some of the points in that diverse question, which was delivered using the scatter-gun approach so favoured by Iain Gray. As he is probably well aware, 260 new schools have been built under this Administration—[*Interruption.*]

The Presiding Officer (Alex Fergusson): Order.

The First Minister: I know that Iain Gray will want to acknowledge the 1,000 new council houses that this Administration is announcing today, to add to the thousands that have already been announced, in contrast to the six council houses that were built by the previous Administration, all of which were in Shetland—a tribute to the influence and power of Tavish Scott in that Administration.

As it turns out, despite being a minority Administration and having to appeal for support across the chamber on various votes—appealing for and getting support from the Liberal party on free education and getting support from the Conservative party on putting extra police on our streets; we have had less success in getting any support whatsoever from the Labour Party—the SNP Administration has now met 77 of our 94 election manifesto pledges. That is rather better than the record of Iain Gray's majority Government when he was last in government in this Parliament, which *The Sunday Times* reported met only half of its pledges.

Just so that Iain Gray remembers, let us have a look at a few of the highlights. The council tax—

The Presiding Officer: No, I must ask you to be brief, First Minister. [*Interruption.*] We are running out of time.

The First Minister: Just a couple more. We have delivered funding for a thousand police

officers and abolished Labour's back-door tuition fees.

Prime Minister (Meetings)

2. Annabel Goldie (West of Scotland) (Con):

To ask the First Minister when he will next meet the Prime Minister. (S3F-2515)

The First Minister (Alex Salmond): I hope to meet the Prime Minister this month.

Annabel Goldie: The collapse of The Gathering 2009 Ltd left more than 100 small businesses out of pocket to the tune of more than £300,000. In anger and despair, a number of those small businesses have written to the First Minister, and this quotation is typical of the response that he has given:

"I was and remain delighted that the indications are that Homecoming Scotland 2009 has been a resounding success."

That must have cheered the small businesses up no end. What a patronising insult to them.

The collapsed company, overseen by two Scottish Government quangos and a Scottish National Party council administration, reported cash-flow problems two months before the Scottish Government granted its secret loan. Let me ask the First Minister these questions: what financial checks were made, what personal guarantees were sought from the directors and what attempt, if any, was made to have ticket moneys held by the third party assigned to the Scottish Government?

The First Minister: I must say that if Annabel Goldie is so concerned about the issue, perhaps she should have been in the chamber for Michael Russell's statement on it. [*Interruption.*] Annabel Goldie can correct me if she wishes, but I certainly did not see her in the chamber yesterday.

I will point out to Annabel Goldie a number of the pertinent facts. It is not a trite reply to point out the success of homecoming as a series of events—there were more than 200 national events last year. It provided an enormous boost to Scottish tourism in a difficult period during the recession, and it is one of the reasons why the numbers of visitors from overseas and, indeed, from elsewhere in the United Kingdom were up last year. I know that Murdo Fraser is one of the keenest advocates of repeating the homecoming experience in 2014.

As Michael Russell said in his statement yesterday, the loan was provided to The Gathering 2009 company to address the specific cash-flow issue, because a huge amount of money—this was checked, and it certainly was correct—was tied up in the WorldPay system that the company could not access. As the Auditor General for

Scotland made clear in his report, it was "not unreasonable" for the Scottish Government to take the action that it did, because if we had not taken it, it is likely that the gathering would not have gone ahead. If it had not gone ahead, £10 million would have been lost to the Scottish economy and it is estimated that more than 200 jobs would not have been sustained. For all those reasons, I hope that Annabel Goldie, without the benefit of hindsight but looking at the decisions that Michael Russell, the Government and I had to make, will accept, as the Auditor General said, that that was not an unreasonable thing to do.

Annabel Goldie: Well, the First Minister may retreat into rhetoric and bombast, but let me get back to reality. Let me quote from a letter written by Jamie Landale, the then managing director of Wild Thyme, a small Perthshire catering company that was left high and dry. He said:

"I concede that in the business world, deals go wrong and agreements fail, but what angers me here is the eagerness by which a multitude of senior figures have been very happy to take the glory, talk up its success and then fail the very people who made it successful in the first place."

That is the reality. That catering company provided canapés and a cocktail party for VIPs and the First Minister. While he enjoyed himself nearly a year ago, that company is still owed £11,000. Surely even the First Minister feels red faced with embarrassment.

That company and other small businesses have today issued a statement about the secret loan, which states:

"We are all of the view that we should have known about this loan and that would have given each of us the ability to make clear commercial decisions as to whether we should take part at all and if we did on what commercial terms."

So what does the First Minister say to those small businesses today? How is he going to restore their confidence in the Scottish Government, because most of them would not touch it with a bargepole? Or is his final word, "So long and thanks for the canapés"?

The First Minister: Again, if Annabel Goldie had listened to Michael Russell's statement yesterday, she would know that, when the troubles in the company were revealed after the event and it could not repay its public sector loan, the Scottish Government made extensive efforts to find a solution to help the private sector creditors. It was with regret that, after reaching an agreement, the City of Edinburgh Council was not able to fulfil its terms. [*Interruption.*]

The Presiding Officer: Order.

The First Minister: Annabel Goldie should not underrate the work done by the Scottish

Government in attempting to make the solution a reality.

On the Auditor General, Annabel Goldie should pay close attention. When the Auditor General makes statements, Annabel Goldie should at least acknowledge that somebody with independence of mind has looked at the issue. Michael Russell pointed out yesterday that the Auditor General reflected in evidence to the Public Audit Committee that if the gathering event had not gone ahead, none of the income would have come in and none of the payments would have been made to the many companies that were already contracted to the gathering.

However, the key quotation that people should bear in mind when attempting to judge the Government's action retrospectively is the Auditor General's comment that

"clearly time was not on anyone's side by the summer of last year, because the event was committed to and was about to proceed. The Scottish Government—"

took—

"the not unreasonable view that in order to allow the event to proceed it should assist the short term cash-flow problems of the company that was delivering the event."—
[*Official Report, Public Audit Committee*, 23 June 2010; c 1820.]

If that is the opinion of the Auditor General after a full analysis, will Annabel Goldie not at least acknowledge that that should get some of the respect that she says should be acknowledged in terms of the overall issue that is before us?

Secretary of State for Scotland (Meetings)

3. Tavish Scott (Shetland) (LD): To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-2516)

The First Minister (Alex Salmond): I have no plans to do so in the near future.

Tavish Scott: Everyone now knows from the independent forecast how bad the public finances are. Even if the Scottish Government refuses to show any leadership on the issue, we all know that public money must be spent wisely. We have heard again today about a £180,000 loan for The Gathering 2009 without adequate checks.

Last month, I told Mr Salmond about the spending of £400,000 by Scottish Enterprise on novelty golf balls and corporate gifts, but he did not seem that bothered.

As nursing posts are being cut across Scotland's health service, is it the best time for the Scottish Government to spend an extra £1.2 million on patient rights officers?

The First Minister: The expenditure in the national health service is deployed extremely

effectively across Scotland. I am particularly impressed by the administration costs of the NHS in Scotland, which are much lower than they are elsewhere in the United Kingdom.

As Tavish Scott well knows, when it comes to efficiency of government, the Scottish Government has announced a reduction of a quarter in the number of quangos, a reduction of 50 per cent in marketing costs and a reduction of 5 per cent in administration costs.

I am perfectly prepared to acknowledge, because it is a fact, that two thirds of the cutbacks that are to be visited on the public sector across these islands for the next few years—indeed, for the foreseeable future—are the legacy of Labour's hideous mismanagement of this nation's finances. However, Tavish Scott must accept that the other third of those cutbacks are the design of the Conservative-Liberal Democrat Administration.

When people contrast the arguments and attitudes of Tavish Scott's party during the election campaign with the announcements in last week's budget, they will realise that talking about public spending and public sector job losses will not be the strongest ground for the Liberal Democrats for the foreseeable future.

Tavish Scott: I am asking Mr Salmond about his budget and his spending right now.

As health boards are cutting the number of nurses across Scotland, the Government is to provide £1 million for patient rights officers for a bill with no rights. Is not the Government standing its health priorities on their head? When the number of medical staff is cut, patients will worry that they cannot see a doctor or a nurse, not about whether they can meet a Government bureaucrat.

Will the First Minister show some leadership today and put that £1 million into health for the treatment of patients?

The First Minister: I point out to Tavish Scott that the bill is to come before Parliament. As he should know, it is supported by patient groups across Scotland. If he intends to vote against it, he will have to explain to those people why they should not have rights. I think that most of us agree that, for patients and consumers in the NHS, the public interest and patient rights are an important part of the fabric of a modern health service.

If I remember correctly, before the election campaign, the Liberal Democrats said that there was a VAT bombshell, which they would resist. After the election campaign, their position has been to endorse and support that bombshell, which includes a bill of £26 million for the NHS in Scotland. If we compare the £26 million of the Liberal Democrats' NHS bombshell with the cost

of providing patient rights in Scotland, we find that Tavish Scott is on very poor ground indeed.

The Presiding Officer: I am aware that time is passing, but I am not prepared to have other members' questions talked out by the first three questions, so we may have to do a bit of overtime today. I will take a supplementary from Lewis Macdonald.

Lewis Macdonald (Aberdeen Central) (Lab): Is the First Minister aware that Aberdeen City Council is taking itself to court over a proposal to locate a homeless hostel in a sheltered housing complex and that this week it has served court papers on every objector to its proposal, including my constituents Master Evan Thomson, aged 11, and Miss Shana-Michelle Cunningham, aged 8? Will he pick up the phone and explain gently to the leader and deputy leader of Aberdeen City Council that they should not take children to court for standing up for their grandmothers? Will he urge them to drop the case now?

The First Minister: I am sure that the leader of Aberdeen City Council will be able to explain the position to the local member.

The only thing that I will say about Lewis Macdonald's interventions in relation to Aberdeen—which, as a constituency member, he is perfectly entitled to make—is that I would have a bit more understanding of and strength of feeling towards his commitments if, even once in the aftermath of the Government's action to save the Glencraft blind workshop, he had acknowledged that effort. He was extremely keen to talk about the issue beforehand but less keen to talk about it afterwards.

The Presiding Officer: I will take a further supplementary from Frank McAveety.

Mr Frank McAveety (Glasgow Shettleston) (Lab): As the First Minister is aware, one of Scotland's foremost stonemasonry companies, Hunter & Clark, based in the east end of Glasgow for more than 100 years, has gone into administration with the loss of 168 jobs. More worryingly, 30 apprenticeships specialising in stonemasonry have also been lost. I know that the First Minister cares passionately about retaining the best of our country's heritage, so will he indicate what actions the Government and its agencies can take to ensure that apprentices can be found places with other companies to conclude their apprenticeships? If, as I understand it from today's debate, we are committed to homecoming 2014, does he agree with one commentator that if we do not act, we leave behind

"dedicated, high-quality specialists with a skill rarely seen today."

The First Minister: I will certainly give particular consideration to the issue raised by the constituency member, and he will get a full reply from me. He will be aware of the modern apprenticeship programme and the support that Historic Scotland is giving to historic skills. As the member rightly says, those skills are very much part of our heritage. I shall detail that support for the constituency member, as well as considering in detail the issue that he raises on behalf of his constituents.

National Health Service (Front-line Services)

4. Christine Grahame (South of Scotland) (SNP): To ask the First Minister what discussions have taken place with the United Kingdom Government, under the auspices of the respect agenda, regarding protecting front-line NHS services. (S3F-2520)

The First Minister (Alex Salmond): Discussions are taking place with the United Kingdom Government regarding the protection of front-line NHS services. However, this Government has made clear our commitment to passing on to the NHS in Scotland the consequential from any increase in the health budget committed by the UK Government. As I mentioned a few minutes ago, it should be remembered that coalition plans to increase VAT to 20 per cent will place a burden of £26 million on the NHS in Scotland.

I reiterate the three commitments given by me and the Deputy First Minister: the quality of health care provided by NHS Scotland is a top priority of this Government; there will be no compulsory redundancies among NHS staff in Scotland; and NHS Scotland will have more staff at the end of this session of Parliament than at the beginning.

Christine Grahame: As the First Minister will be aware, divisions have already emerged in the Con-Dem coalition over its commitment to ring fence the NHS in England from Westminster cuts. I heard what the First Minister said about the consequential. Notwithstanding the tough financial choices, whatever happens does he remain committed to high levels of patient care as being paramount in Scotland?

The First Minister: The three commitments that I listed stand: quality health care is a top priority for this Government; there shall be no compulsory redundancies in the national health service in Scotland; and, at the end of this session of Parliament, more staff will be working in the NHS than at the beginning of the session. The commitment to pass on the consequential of any protection of the NHS is important and will be well received and well recognised by the vast majority of the Scottish people.

Murdo Fraser (Mid Scotland and Fife) (Con): I am sure that, being a fair man, the First Minister will want to acknowledge the decision of the UK Government to scrap Labour's jobs tax, thus saving the NHS in Scotland more than £50 million a year.

The First Minister: Yes. I acknowledged that at a previous First Minister's question time. I am sure that, as part of the respect agenda, Murdo Fraser will acknowledge that I have always been even-handed in my criticisms of Westminster Governments—from whichever London-based party.

Referendum Bill

5. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the First Minister whether the Scottish Government will abandon its plans for the introduction of a referendum bill. (S3F-2525)

The First Minister (Alex Salmond): No.

Pauline McNeill: Why has it taken the First Minister so long to concede that independence is no longer the centre of gravity for Scotland's future? If he had not ignored the majority of Scots, who consistently reject independence, we would not have wasted three years of precious parliamentary time. Does the First Minister think that Scots are fooled by the sidestep to fiscal responsibility—a different version of independence? Scots have noted that he said that the second aim of the SNP is to further the interests of Scotland.

Out of respect for Parliament, when will he give it the details of his plans? Does he not think that independence is now an irrelevance? It is time to move forward. He should abandon his plans. His deadline has already passed. When will he see sense?

The First Minister: Pauline McNeill should have listened to my short and succinct answer to her first question before reading out her second one. I believe that the centre of gravity in Scottish politics is moving towards independence and I am happy to repeat that position.

I do not agree with Pauline McNeill that fiscal responsibility and independence are one and the same thing. If that were the case, Campbell Christie, the former general secretary of the Scottish Trades Union Congress, would not currently be speaking up so strongly for fiscal responsibility. I do not think that, as yet, Campbell Christie is a convert to independence.

On the timetable for the bill coming before Parliament, for a number of reasons I am keen to shadow closely the commitment to hold a referendum in Wales in the spring of next year. As I understand it, that proposal has been put forward

by the coalition Government in Wales and endorsed by the new coalition Government in London. I look forward enormously to hearing the Labour Party's convoluted explanations for why it is prepared to give the people of Wales a say in their future while simultaneously denying that to the people of Scotland.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Is the First Minister aware that the Electoral Commission has made it known that there should be six months between any such referendum bill receiving royal assent and an actual referendum? Does he accept that, after three years of delay and a failure to bring such a bill to the Parliament, he has run out of time for a referendum to take place in the current session of Parliament?

The First Minister: No. Mike Rumbles should have listened to my last answer to Pauline McNeill. If the Liberal Democrats at Westminster were following that guidance from the Electoral Commission, they would not have put forward the proposal to hold a referendum in Wales in the spring. I have heard some extraordinary arguments from Mike Rumbles in my time, but if the Liberal Democrats are prepared to give the people of Wales the opportunity to choose their own future in the spring, does he want to deny the same privilege to the people of Scotland?

Education System (Achievement Gap)

6. Elizabeth Smith (Mid Scotland and Fife) (Con): To ask the First Minister what action the Scottish Government is taking in light of remarks by Dirk Van Damme of the centre for educational research and innovation at the Organisation for Economic Co-operation and Development that Scotland's education system is suffering from an achievement gap between rich and poor. (S3F-2517)

The First Minister (Alex Salmond): We strongly agree with many points in the 2007 OECD review, which identified the strengths of and challenges for the Scottish education system. As Elizabeth Smith is no doubt aware, Dirk Van Damme was a member of the review team that visited Scotland, whose report endorsed the curriculum for excellence as the vehicle for tackling those challenges, including the achievement gap to which she refers. As Ms Smith may also be aware, Mr Van Damme recently commented on the way in which Scottish schools are governed, saying that

"schools should get more management autonomy".

We think that that is an interesting proposal, which is why we have given our support to the innovative plans for clusters of community-led schools in East Lothian.

Elizabeth Smith: I thank the First Minister for flagging up the fact that Mr Van Damme mentioned greater autonomy and diversity. Will the Scottish Government now support Conservative plans to introduce state-funded free schools, which would provide that autonomy and diversity?

The First Minister: No. Having examined a range of educational systems, Mr Russell, the Cabinet Secretary for Education and Lifelong Learning, believes that the Finnish models have more to teach Scotland than the Swedish model to which Elizabeth Smith obliquely refers. That was a sensible judgment by Mr Russell, and that will be the policy that is pursued by the Administration as we introduce the new curriculum—no doubt, with the united support of the Parliament.

Des McNulty (Clydebank and Milngavie) (Lab): Mr Van Damme told his audience a fortnight ago that equity is not always served by equality. Does the First Minister agree that more needs to be done to support schools that serve communities where there are high levels of social disadvantage? What steps will he take to meet the needs of pupils in those schools?

The First Minister: As Mr McNulty will be aware, the Cabinet Secretary for Education and Lifelong Learning has geared his moves towards lower class sizes in Scotland precisely to address that socioeconomic balance. Let us remember that Mr Van Damme based his remarks on Scottish education on an OECD report that was reviewing Labour's term of office in education in Scotland. Page 15 of the executive summary states:

"Children from poorer communities and low socio-economic status homes are more likely than others to under-achieve".

That is why it is correct and proper of the education secretary to devote so much attention to bringing about the first moves to lower class sizes in poorer areas. I hope that, when Des McNulty has the opportunity to consider that, he will ensure that Labour councils throughout Scotland follow the direction of travel that the education secretary has set.

Rugby (Broadcasting)

The Deputy Presiding Officer (Alasdair Morgan): The final item of business this morning is a members' business debate on motion S3M-6642, in the name of Sarah Boyack, on the broadcasting black hole for Scottish rugby.

Motion debated,

That the Parliament notes Scotland's commendable performance during the Six Nations tournament with a notable away win in Ireland; is disappointed that terrestrial broadcasters do not cover a broader range of rugby matches and tournaments at all playing levels; believes that more investment in the coverage of Scottish rugby is essential in order to promote sport in general to a wider audience, thereby increasing participation and health levels and to showcase the successes of Scotland's rugby teams; notes the substantial contribution that rugby matches bring to the local Edinburgh economy, and would welcome efforts to ensure increased broadcast coverage of rugby in Scotland.

12:36

Sarah Boyack (Edinburgh Central) (Lab): I thank the colleagues who have signed my motion. As we all know, members do not get this slot without cross-party support, and I am particularly pleased to have the support of colleagues from throughout Scotland. I hope that the fact that we are having the debate will send a message from Parliament and from the communities that we represent that we want better coverage of Scottish rugby on terrestrial television.

As Murrayfield is in my constituency, I take an interest in the sport, and I am impressed by the strong support for the game that is evidenced by the players and volunteers in local clubs and schools across the city. From the series of briefings that we have had over the years, it has been apparent that the sport has reorganised its governance structures and put in place plans for growth.

Rugby is a much loved sport in Scotland. The massive support for recognition for Bill McLaren certainly did not surprise me, and the way that the campaign grew on Facebook tells us something about the changing age profile of the sport.

In each of the past two years, MSPs have been involved in discussions about the development of schools rugby for boys and girls. Plans for growing the game to 38,000 participants this year from a base of 24,000 in 2006-07 were achieved, but without coverage it will be hard to inspire the next generation to get involved. Young people need to see their heroes, and they need to learn the craft of the game and their skills from watching the big matches. I know that the Scottish Youth Parliament is taking an interest in our debate today.

We have heard about plans to build on the sport in communities, and to introduce rugby into the Olympics with the re-entry of rugby sevens in 2012. During the next few years there will be one opportunity after another for international rugby events.

We are all signed up to greater participation in the sport, and I particularly welcome the Scottish Sports Association's support for today's debate in recognition of the health benefits that arise from wider sports participation. We have previously rehearsed in the chamber the importance of the sport financially, given that events at Murrayfield are worth nearly £130 million annually to the Scottish economy—£72.9 million to Edinburgh alone.

However, despite that positive backdrop, we still do not have consistent coverage on television outside the six nations championship. My motion calls for more investment in the broadcasting of Scottish rugby to ensure coverage of a broader range of rugby matches and tournaments at all levels.

This year we were able to watch the Scotland team's fantastic performance in Argentina, but two years ago the same matches were not covered. There seems to be no logic in what is covered and what is not. Scottish Rugby describes the current position as one in which the sport is being deprived of the oxygen of national exposure.

We are unique among the home nations in our poor coverage. Wales and Ireland in particular have far superior coverage, especially given the size of their populations. Of course the game is bigger in Wales, but that should not mean that we have such a disproportionately smaller amount of coverage.

We have professional rugby clubs in Scotland, such as Glasgow Warriors and Edinburgh. They have been doing well in the Magners league, but historically they have not been getting the coverage. It is not good enough to have only online news and radio coverage.

I am told by rugby fans at club level that the coverage that clubs get in England and Wales is having a dramatic and positive effect on grass-roots rugby. TV legitimates sporting events, provides the stimulus for growth and gives support throughout the country.

However, in Scotland, Murrayfield Wanderers Football Club reports:

"lack of coverage over major national and international matches is making it hard to recruit new supporters and players to the game".

It wants to put on record that the matter

"is of great concern to supporters and clubs alike and is undermining the game at a community level."

Broadcasting matters for the future development of the sport. We need growth at every level if we are to have the national teams that everyone will want to watch.

Scotland is now in its joint highest ever position of seventh in the world rankings following success in Argentina. We need to build on that because, over the next few years, rugby will be on the world stage more and more. We will have the challenges of the rugby world cup in 2011 in New Zealand, the London Olympics in 2012, the Glasgow Commonwealth games in 2014 and the world cup in England in 2015. In 2016, new competitors—Russia, Samoa and Georgia—will join the Olympic rugby competition.

More competitors are coming in every year. If we want to give our national team the best possible chance, we need to ensure that it gets the support and coverage it needs. If Scottish Rugby has to pay for TV coverage, that will mean vital resources being diverted from growing the community level of the game. It cannot be right that Scottish Rugby has had to pay for coverage of recent seasons of the International Rugby Board world series sevens to get the tournament broadcast.

However, things are moving and it is important that we acknowledge that. The BBC Alba deal that was struck earlier this month is a big step forward. It will mean that, for the next four years, there will be coverage of at least eight Glasgow or Edinburgh home matches per season. We will also see a more joined-up approach with Welsh and Irish public broadcasters. That must be built on because we are a long way from rugby getting the level of coverage that it should be able to expect in Scotland.

There is an opportunity to argue for a fairer deal through the BBC trust's strategic review. Scottish Rugby is concerned that rugby in Scotland is being marginalised because of a lack of coverage. We need the kind of support that other sports get, so will the minister tell us what the Scottish Government will do to put its weight behind Scottish Rugby?

I hope that our national public broadcaster, the BBC, will sit up and listen to today's debate. It has demonstrated through experience in Wales that there are innovative ways to bring games to the screen, particularly via the red button. We want to hear how that experience can be used to get better coverage in Scotland.

I thank colleagues for turning up today and look forward to hearing their comments and their support. I hope that, with support from across the Parliament, we can get better support for Scottish rugby so that our national team, which is doing

really well, gets the support and development that it deserves in the future.

The Deputy Presiding Officer: A large number of members wish to contribute to the debate, so I will need to stop speakers at four minutes.

12:43

Christine Grahame (South of Scotland) (SNP): I congratulate Sarah Boyack on securing the debate, which is relevant and topical, given the national team's recent success in the test series against Argentina. That success was hardly reported during the dismal wall-to-wall coverage of the failed English national football team—indeed, Andy Murray only got a look-in once the England team was en route home.

It would be remiss of me not to recall, as Sarah Boyack did, the delightful, friendly and informed voice of the late Bill McLaren, who was famed for comments such as:

“To see a Borders rugby game is to witness the intensity, fervour, rivalry and spirit of the Scottish Borders”,

or my favourite:

“They'll be dancing in the streets of Hawick tonight.”

The Borders has produced an abundance of national players: Roy Laidlaw, Gary Armstrong, Tony Stanger, John Rutherford, John Jeffrey, Jim Renwick, Gregor Townsend, Alan Tait and, indeed, Scotland's greatest ever points scorer, Duncan Paterson—a Gala man. Forgive me, Presiding Officer, I will move on to media coverage in a moment. I promised to mention Jamie Hepburn's father-in-law, Ian Shackleton, a Kelso man who played for Kelso and Melrose seconds. It all counts.

Those rugby successes happened despite minor coverage on terrestrial television. As we all know, much sporting coverage has been removed to pay-to-view and subscriber television channels, although the Department for Culture, Media and Sport at Westminster has its list of listed events, such as the Scottish Football Association cup, the open golf tournament and the rugby union world cup tournament.

I note that the Scottish Government's submission to last year's DCMS review of listed events recommended that the independent advisory panel

“should consider allowing the Governments of the devolved administrations ... powers to add or remove events for their nation”

and said:

“We strongly urge you to introduce such a mechanism, since it would allow Scotland in future to maintain a list more specifically relevant to Scottish citizens.”

I think that that would encompass rugby at various levels. I regret to say that I am not aware what the response to the Government's submission was, but the issue is highly relevant to the debate.

There is good news about the playing of rugby throughout Scotland. I understand that, from 2006 to date, the number of those who participate in youth rugby has gone up from 15,000 to 25,000—a 64 per cent increase—and that there has been a 50 per cent increase in participation in adult rugby. On the minus side, rugby grounds are being lost and rugby clubs at all levels have very difficult finances because of the loss of fees and advertising at games, for example. Even in the Borders, where there is a strong rugby tradition—football hardly gets a look-in there—people are finding the finances difficult at various levels, notwithstanding rugby's role and the fact that the Border league was the first rugby minor league to be set up in the world. The Scottish Rugby Union's high debt and the redevelopment of Murrayfield are part of the reason why the Border Reivers were disbanded in March 2007. With better terrestrial coverage, fees and advertising at the grounds, which I have mentioned, would follow, and the money would trickle down to clubs at all levels.

People in the Borders rightly take their rugby seriously. Indeed, in 1983, when the victorious French donated their Melrose sevens medals to local lassies as a token of affection—that is very French—there was uproar among Borderers, as they regarded a Melrose sevens winner's medal as the next best thing to a Scottish cup.

I say in praise of rugby that it is one of the few games at which a person can sit beside opposition fans and applaud good play by whomever, even if England is beating Scotland.

12:46

Trish Godman (West Renfrewshire) (Lab): I congratulate Sarah Boyack on lodging the motion and apologise to members, as I may have to leave during the debate: I have another meeting to attend.

In her maiden speech in another place, a colleague of ours, Margaret Curran, observed that paradise is in her constituency. She was responding to a Tory MP who claimed that his rural constituency is paradise on earth. She was, of course, referring to Celtic Park. For Scottish rugby fans, paradise must be taking on England at Murrayfield and winning the Calcutta cup or, better still, winning at Twickenham.

I speak as a football supporter who is an east end paradise season ticket holder. Nevertheless, I am proud of and delighted by Scotland's ranking as seventh in the world in the international rugby

rankings. In what other team sport can Scotland say that it is seventh in the world? Certainly not football. Our Scottish football team is currently ranked 43rd in the world.

Like my colleagues, I was delighted by the Scottish 15's performance in Argentina, and I think that Murrayfield will be packed to the gunwales for the forthcoming six nations international games. However, as Sarah Boyack has pointed out, rugby has been poorly served by the BBC and other television channels. I believe that, as a sport, Scottish rugby has parity of esteem with Scottish football, golf and other sports with respect to its players and supporters, so it should be given parity or equality of treatment in its coverage by the TV authorities. If my sons in Australia want to see Scotland playing, they must watch the game on Welsh or Irish channels. There should be wider coverage of the game at all levels. That would help to inspire youngsters and provide investment for community programmes and facilities.

As has been said, at the end of June, a significant increase in the number of boys and girls who are coached in and play rugby in Scotland was announced. The SRU estimates that some 25,000 youths participate in rugby in Scotland. That is an increase of 9,800 since 2006. Including adults, a total of 38,500 people participate in rugby in Scotland. Therefore, contrary to popular belief, it is not a game that is played only in posh private schools. The first game was, of course, at Rugby school, where a boy who was playing football picked up the ball and ran off with it—hence the game's name.

Rugby sevens, which started in Melrose, will be played at another famous Glasgow stadium—Ibrox—during the Commonwealth games. Our top-notch players will be on show during the games, and our youngsters who play rugby or who follow it from the safety of the stands deserve regular television coverage. I hope that the games will leave a lasting legacy and that they will inspire more young people to get active and get involved in sport. Better and wider coverage of Scottish rugby at all levels will help to reinforce that legacy. Without improved coverage of the sport, we could undermine those efforts to get more youngsters active—[*Interruption.*] I have dropped my speaking notes—this, of course, is my day.

We must capitalise on the opportunity provided by the Commonwealth games that will allow us to develop community rugby initiatives further throughout Scotland. Let us have fair play on the field and on the TV by ensuring that Scottish rugby is given the support that it deserves.

12:50

Nanette Milne (North East Scotland) (Con): I congratulate Sarah Boyack on securing the debate. I add my congratulations to Scotland's rugby team on its commendable performance during the six nations tournament, with a notable away win in Ireland, and on its more recent historic series win against Argentina. Long may the good form continue.

Sports coverage is an important contributor to our national spirit. Often, it is the nationwide enjoyment and sometimes the pain of watching sporting events, such as Andy Murray at Wimbledon and Scotland playing rugby internationals, that helps to bring Scotland and other nations together. Sports broadcasting can have an important influence on developing an interest in sport, especially among young people, and lead to increasing participation and a healthier lifestyle. Moreover, as Sarah Boyack pointed out, the Scottish economy derives significant benefit from sporting events, not least from rugby, with events at Murrayfield bringing nearly £130 million to the nation, almost £73 million of which is spent in the Edinburgh area.

Sarah Boyack ably and comprehensively made the case for the need for increased broadcast coverage of rugby in Scotland and I do not need to add to it. However, in its briefing for the debate, the BBC makes it clear that at present it is resistant to Scottish rugby's plea to extend its coverage of the sport and says that it makes significant investment in Scottish rugby. It emphasises that Scottish football draws its mass audience and that that is its main focus for investment. I support the terms of the motion and share the concern that has been expressed by the SRU about the BBC's reluctance to commit to this year's autumn test matches against New Zealand, South Africa and Samoa. I hope that the BBC will review that decision and take into account the growing appetite for more rugby to be broadcast in Scotland.

Growing the game in Scotland is important and great efforts have been made by Scottish rugby at national and local levels to involve more young people in the sport. That is paying off with a genuine increase in the sport's popularity, in terms both of more people participating in the sport and increasing viewing figures. It is clear that there are major gaps in broadcast coverage in Scotland, unlike in Wales, where as we heard, broadcasting has increased.

Rugby players can act as extremely positive role models. They can inspire young people and encourage them to become physically active, with consequential benefits to their health, local community and society in general. That process would be given a boost if increased regular

coverage, particularly on television, could be secured. An e-mail was sent to my office by Greenock Wanderers Rugby Football Club, which said:

"The lack of broadcasting coverage of Scottish rugby could jeopardise the good work which has been done at grass roots level to build up the sport. Across Scotland a considerable number of initiatives have been undertaken to improve facilities and the image and popularity of the sport. However, without support from Scottish broadcasters, we face an uphill battle. It is notable that in other parts of the UK the sport does receive support from broadcasters, and this is having a positive effect at grass roots level."

I am sure that that represents the sentiments of many other rugby clubs across the country.

The SRU and local rugby clubs throughout Scotland are to be commended for the work that they do day in, day out, to help increase youth participation. In the north-east, for example, we have some great clubs such as Aberdeen Grammar Rugby and Ellon Rugby Football Club. I was invited to watch the Ellon players train and it was a great experience to witness the enthusiasm of the up-and-coming young players. The work that is being done to develop the talent of all ages, from micros to secondary 4 pupils, is most impressive and will deliver the sporting stars of tomorrow, as the north-east has done in the past. Many individuals give their time freely to coach and help support local clubs and they are all to be praised for their community commitment.

This debate is timely as Scotland looks to the legacy from the 2014 Commonwealth games in Glasgow. It is vital that we see more rugby coverage at all levels to allow the sport to operate on an equal footing with other major sports.

12:54

Ross Finnie (West of Scotland) (LD): As a former player, youth coach and president at Greenock Wanderers Rugby Football Club, I have a considerable interest in the debate and in the game of rugby football. I have a long-term interest in Scotland's success on the international pitch. I first attended Murrayfield in 1962, for the match against France, and I have missed few of the home nation's five nations—and now six nations—internationals.

The debate is welcome and I congratulate Sarah Boyack on securing it, because broadcasting is a serious issue. As Nanette Milne said, the right to broadcasting cannot just be claimed automatically—circumstances must justify a broadcaster covering a sport.

One depressing feature of the BBC's briefing note is that it implies—whether intentionally or not—that, if a sport does not have an audience, it will not be covered, but unless a sport is covered, it will not have an audience. If that is the BBC's

attitude, it is not at all clear how any so-called minority sport in Scotland can expect to improve its coverage. That might not be the BBC's attitude—briefing notes are briefing notes—but the note says at length that the only game in town is football.

We must acknowledge that there is no question but that football is more popular and is the most popular sport in Scotland. However, the nub of Sarah Boyack's argument is about developing and stimulating interest in sport and, in this case, in the sport of rugby football. To that end, the SRU deserves great credit, by and large. One minor exception, which I will not develop, is that it is interesting that the SRU's briefing note on coverage omits to mention the Melrose rugby sevens—that has been a matter of serious contention, as we all know. My colleague Jeremy Purvis might address that in more detail, but I will leave that aside.

The critical issue is that the SRU is making and has made for some time enormous efforts from the grass roots up to develop the sport of rugby football throughout Scotland. The numbers have improved, coverage has increased and rugby has established itself as one of the more major sports below football, so it is incredible that the BBC still finds it difficult to conceive of covering even regular international matches outwith the six nations. It is unacceptable that the BBC's attitude is, "Well, goodness gracious, we cover the six nations," as if that is somehow wonderful because covering the six nations is a huge exception and very difficult to do and the tournament is not the sort of thing that would otherwise be covered. The BBC should take the attitude that it can develop and assist in developing sports. However, that needs a partnership that meets the objectives not just of the SRU as a body, but of the whole of Scottish rugby and of the people of Scotland.

We have a major sport in which Scotland has had varying levels of success in my long years of going to Murrayfield. I have not come home happy and cheerful from there every year—indeed, my family has often wondered why on earth I have gone there. However, I go because the game is fantastic and stimulating. It involves thousands upon thousands of people in Scotland. The BBC and other broadcasters should recognise that we need their help. We are not putting out a begging bowl—we ask them to recognise the sport on its merits. On its merits, the sport deserves better coverage than it currently receives.

12:59

Bill Butler (Glasgow Anniesland) (Lab): I support the motion in the name of my colleague Sarah Boyack, whom I congratulate on securing this important members' business debate.

Rugby plays an important part in the life of Scotland. Down the years, we have produced great rugby players and teams. Perhaps one of the fondest recent memories for many Scots is of the famous 13-7 victory over England in 1990 to clinch the grand slam of the then five nations championship. The sight of Gavin Hastings unleashing Tony Stanger for the try that clinched the game, the sound and sheer passion of supporters in the cauldron of Murrayfield, the peerless narration of the late, great Bill McLaren—all are etched in the minds of tens of thousands of Scots, including many who were not even born when that all took place.

The reason why that game has become such an unforgettable part of Scottish sporting folklore is that it was broadcast live on television and thereby saved for posterity, allowing a new generation of Scots to marvel at the achievements of one of our greatest sides. The TV coverage allows us all to be at Murrayfield that day; we can share in a special and unique experience. Memories of such sporting glory inspire people to take up sport, even if it is only in their local park, sports centre or back garden. That is why today's debate is important.

In my constituency, we are fortunate to have the Glasgow Hawks Rugby Football Club playing out of Old Anniesland. The Hawks are involved in a host of projects that encourage participation in rugby and healthy lifestyles. Most recently, the club ran a rugby festival in Victoria park in Glasgow for the St Thomas Aquinas primary cluster. The festival was run in partnership with the active schools co-ordinator for the area. Around 150 primary 6 boys and girls took part in the event. The children, many of whom had not had much rugby experience, took part in tag and touch-rugby games. By common consent, they all greatly enjoyed themselves.

However, earlier this week, the Hawks' director of rugby wrote to me to express the club view that all the initiatives over recent years to improve facilities and the image and popularity of the sport could be undermined by the lack of television exposure that is afforded to the game. He drew a comparison with other parts of the United Kingdom where rugby is given coverage that is proportionate to its popularity. He also noted the direct correlation between that fact and a growth in the game at grass-roots level. In effect, he said that he believes that the apparent indifference of broadcasters to the coverage of rugby at club level is undermining the game at community level.

That is why I join Glasgow Hawks Rugby Football Club, the Scottish Rugby Union and Sarah Boyack in calling on all broadcasting companies in Scotland to increase their coverage of the game. After all, aside from our proud record of achievement in years gone by, Scottish rugby

currently has a sound product to market. As members said, the Scottish rugby team recently won its first test series in the southern hemisphere against Argentina. It also performed commendably in the recent six nations championship. That form has taken Scotland to its highest ever position of joint seventh in the world rankings; curling is the only sport I can think of in which Scotland ranks higher. Scotland also boasts some of the best club and sevens rugby in the world. As Ross Finnie said, Melrose rugby sevens is commonly recognised as one of the most prestigious sevens tournaments on the planet.

In recent years, the BBC has lavished money on lucrative multimillion-pound contracts for a number of individuals. In the view of many, the money would have been better spent on investment in sports—including rugby—that consistently attract high viewing figures. I urge the BBC—indeed, all broadcasters—to consider whether spending such huge sums of money on individuals instead of providing adequate coverage of popular sports is a wise investment. In particular, I refer to broadcasters that are funded by the taxpayer.

It gives me great pleasure to praise Sarah Boyack for bringing this important issue to the chamber.

13:03

David McLetchie (Edinburgh Pentlands)

(Con): I am glad to make a short contribution to the debate. Like Trish Godman, I confess that I am substantially more of a devotee of the round ball rather than the oval-ball game. That is the consequence of an undistinguished rugby-playing career at school. I was one of the slowest flankers ever to pull on a Heriot's jersey.

Later in life, I renewed my interest in the game through family connections. My stepson, Stuart Moffat, recently retired from playing as a professional rugby player. He had the honour of representing Scotland on four occasions. As members can imagine, the days on which we watched him play at Murrayfield were proud days for us all. My son-in-law, Mark Follows, has just taken on the role of coach at Dunfermline Rugby Football Club. I hope that he will get the club back into Scottish Hydro premier 2 next season.

Other members have spoken about their local rugby clubs. My constituency, Edinburgh Pentlands, is home to the reigning Scottish champions, Currie Rugby Football Club, and to Boroughmuir Rugby Football Club, another of our leading premier 1 clubs. The health of Scottish rugby is important to me, my family and my constituents.

I was very interested to read the Scottish Rugby Union's latest annual report. It is good to see the

strides forward that the game is making at all levels after what I think we must all acknowledge has been a difficult decade, as it made the transition to professional-led teams. There were issues of finance and governance, and around the balance between the professional game and the amateur game. Happily, those issues have largely been resolved, so the future is brighter. I remind members that Scotland win grand slams only when there is a Conservative Prime Minister in Downing Street. Given that happy coincidence of events in the past, we can now look forward to a first-ever triumph in the six nations next year.

As we have heard already in the debate, however, there is a problem that is holding back the development of the game. The Scottish game is given limited television coverage in comparison with other parts of the British isles, particularly Wales.

Generally, the sale of broadcasting and media rights is and should remain a matter for negotiation in the marketplace between the sports bodies and the broadcasters. By and large, that proceeds without interference or intervention on the part of Government—other than in relation to certain crown-jewel sporting events, which, it should be acknowledged, sports bodies are not particularly keen to extend, because it would undermine the commercial value of the rights.

The British Broadcasting Corporation is in a different position from other, commercial, broadcasters, however. It is the state broadcasting corporation, and it is financed by a compulsory levy on viewers, which is payable whether or not we watch its programmes. Its schedules are not subject to the same market disciplines as those of other broadcasters, and it is therefore legitimate for us, as representatives of our people and communities, to comment on and indeed criticise the decisions that the BBC makes in respect of its sports schedules.

That is why it is right and proper that we in the Parliament raise our concerns about the inequitable treatment of rugby in Scotland and about the way in which our fans are treated unfairly, relative to viewers in other parts of the United Kingdom.

Rugby is an important game, and it is a focus for national pride at international level, but it needs to be cherished and grown from the grass roots. We need our broadcasters to play their part in that development, and I am pleased to add my voice in support of the motion lodged by Sarah Boyack.

13:07

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I echo the comments that have

been made about Sarah Boyack securing today's debate.

It is a privilege for me to represent a number of rugby sevens events that take place in the spring, and in particular to represent Melrose and the Melrose sevens event, which is of world renown. Indeed, in former years, I have even seen you, Presiding Officer, chatting with people on the terraces there.

From 1883, the sevens has been one of the gifts of the Borders to sport and to the world. The possibility for enthusiasts, supporters and followers to watch the sevens on the BBC over the years has made a major contribution to the event being what it is today—a jewel in the crown of the sporting calendar in Scotland. The TV coverage provides the exposure that supports the commercial sustainability of the event. EventScotland has calculated that it has had a £5 million impact on the local economy over the past three years. It was in 1938 that the BBC asked for permission to cover the event for the first time—on the radio, of course. This year is the 40th year of the event having televised coverage on the BBC—highlights were shown in 1970.

I understand the position of the SRU and its case for the BBC to provide wider coverage, but I will make some specific points about the event in my constituency. In many respects, the SRU takes ownership of the Melrose sevens, and Melrose Rugby Football Club is not permitted to have any involvement in the broadcasting rights discussions with the BBC about the event's coverage. A rights fee is provided to the club by the SRU, minus a retention fee.

This week's statement from BBC Scotland refers to the coverage of the Melrose sevens—members have also referred to that, for which I am grateful. As Ross Finnie indicated, however, it is fairly extraordinary that the SRU made not even a single reference, in its briefing to MSPs, to the broadcasting of the Melrose sevens event. I hope that that was simply an oversight. Given that viewers in many areas are able to access the BBC platform and can therefore watch coverage on BBC Scotland, I would be concerned about the position of the sevens in what, according to recent press coverage, is fast becoming a dispute between the SRU and the BBC. I read with interest the most recent press coverage in *The Scotsman*, in which the SRU's chief executive said:

"We are talking to other broadcasters including subscription, cable and satellite, and other forms of pay-per-view which have been done in other sports."

I understand absolutely why the SRU is in this position; after all, as guardian of the game in Scotland, it is charged with securing the best deal to provide funding for the development of rugby

and, as members have indicated, it has been successful in that respect in recent years. Nevertheless, I counsel my colleagues in the chamber, and others, that there is a danger that the Melrose sevens, which is one aspect of what has been a key success, could be a victim of a switch in coverage from the BBC to pay-per-view, cable or satellite channels.

I am disappointed that Ibrox will be used to host the Commonwealth sevens at the Commonwealth games. I had suggested to the games organising committee that holding the finals of the sevens at the Greenyards in the very home of the sport would provide a much richer sporting experience for a Scottish Commonwealth games. However, in the build-up both to those games and to the Olympic games in 2016, I suggest that it is imperative that the event continues to have the widest possible broadcast coverage—which, so far, is provided by the BBC.

The Deputy Presiding Officer: At this point, I am prepared to accept a motion without notice to extend the debate by up to 10 minutes.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[Sarah Boyack.]

Motion agreed to.

13:11

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I congratulate Sarah Boyack on securing the debate. Like Ross Finnie, I declare a long-standing interest in the sport, initially as a player, although not at a very high level, as in those days Stirling County was in a very low division. Nevertheless it is nice to be associated with that club, as a player for a few years and as someone who, to this day, provides medical support.

The problem, as David McLetchie pointed out, is that rugby in Scotland went through a pretty lean time between the arrival of the professional game in 1996-97, and the middle of the last decade, when, thanks to the combined efforts of the clubs and the SRU, rugby began to grow significantly again. Audiences are important, and it is perhaps understandable that, because of that lean period, broadcasters became less interested in the game. However, we are no longer in such a lean period. In the UK as a whole, the sport has grown significantly—and the figures for Scotland are themselves quite significant.

Of course, I am talking not only about core rugby; we should not forget women's rugby, which other members have briefly mentioned. Stirling County's recently established women's team this year won the national plate, came top of national league 2 and was awarded the SRU's best team

prize. Moreover, the under-16s team won the top trophy. It is clear that women's rugby is growing significantly in Scotland.

Indeed, other forms of rugby are growing. The increased interest in sevens, which, as Jeremy Purvis pointed out, was invented in and given to the world by the Borders, was evidenced by the response to the recent sevens tournament at Murrayfield, and there will be another tournament next year. Murrayfield will also host the world touch rugby tournament. I do not know whether that will be covered on television, but touch rugby, which is the non-contact form of the sport, is another growth area. It is a very healthy pursuit that, for example, allows rugby players past their best to perform. Indeed, I hope that businesses encourage the establishment of touch rugby teams, which can be mixed or single-sex.

I find it distressing that I have to watch the BBC Welsh language programme to see my teams in Scotland playing. I find it appalling that BBC Wales had to send a crew up to Scotland to cover the under-20s international at Perth, which could then be watched only on BBC Wales. That seems ridiculous.

We do not have coverage of age-related rugby, and we need that as well.

I commend STV for providing some coverage—fronted by Andy Nicol—of club rugby and the Magners league. That is extremely welcome, but we need continued coverage of the teams as they develop. Glasgow Warriors and the Edinburgh team have both had a much better season, with Glasgow Warriors reaching the first ever play-offs in the Magners league. The coverage by BBC Alba for the next four years is also welcome, but we need a much more positive attitude from the BBC with regard to total coverage. For example, the use of BBC online should be considered.

I welcome Sarah Boyack's motion and I hope that the broadcasters will improve their coverage of this growing sport within Scotland.

13:16

David Whitton (Strathkelvin and Bearsden) (Lab): I am pleased to take part in the debate and support my colleague Sarah Boyack.

Like others, I am a former rugby player. I had the honour and privilege to be the captain of the first XV at Morgan academy in Dundee. The posh public schools that we played against included schools such as George Heriot's. I well remember coming to Edinburgh to play in the Heriot's sevens. I am not sure whether Mr McLetchie was playing that day. If he was, he certainly did not catch me. One player who did catch my eye wore a number 15 on his back. He completely

destroyed our defence and knocked us out in the first round. Fast forward three years and I am watching Scotland v England on television. Out trots one Andy Irvine, who is playing for Scotland. No wonder he destroyed us, because he then became a legend of the Scottish game. I was able to watch him on many occasions—as many others will have done—playing for Scotland and the British Lions.

I was able to watch Andy Irvine because of television. Kids watch television, and through it they see their sporting heroes. I am sure that we all wish Andy Murray great good luck and hope to see him in the Wimbledon final on Sunday, but how many kids will be picking up tennis rackets as a result of watching Andy Murray on television? How many more youngsters would take up rugby if they could watch their heroes playing the game on television?

I have three major clubs in East Dunbartonshire—Lenzie, Allan Glen's and West of Scotland. Although, strictly speaking, West of Scotland is not in my constituency, it borders on to it and many players from my area play for that club. All three clubs have contributed players to the Scottish set-up and all of them came through the junior ranks. John Cameron, the president of West of Scotland, wrote to me to ask me to support Sarah Boyack's motion, which I am more than happy to do. Like others, he would like to see much more television coverage of the club game.

We know that the BBC has said that it will increase the amount of production from Scotland up to 9 per cent. One way in which it could do that is simply by investing in covering more Scottish rugby. I take Mr Finnie's point that we have a chicken-and-egg situation. We cannot build an audience unless the sport is shown on telly in the first place. A plethora of sports is shown on Sky. Even snowboarding is shown, and I am sure that people have taken up mountain biking because they have watched the television coverage of it from Fort William. The more coverage that we have of rugby, including club rugby, and the more children relate to the players as they come through the junior ranks, the more encouragement there will be for them.

It is not just the playing of the game that is important. Coverage and participation also encourage other things. For example, the West of Scotland under-17s team left for Malawi on Tuesday, where they will help to build a new village school as well as taking the game to Malawi at the same time.

I fully support what others have said: the main way in which to get more participation in the sport is to show more of it on TV. The BBC has a duty to do that in order to encourage the game.

13:19

The Minister for Public Health and Sport (Shona Robison): I welcome the debate and thank Sarah Boyack for bringing it to the chamber. It has been a good debate with some well-informed and interesting speeches.

I echo the comments of Sarah Boyack, who has a very direct interest because Murrayfield is in her constituency, about the efforts that the SRU and the clubs have made to develop opportunities to introduce young people to rugby. The figures are very encouraging indeed. We are happy to be able to support such initiatives with funding, through sportscotland and through cashback, to help the SRU in its endeavours.

As many members have said, it is hugely important that viewers are able to see a wide range of Scottish sport on television. Such coverage not only allows us to share in the euphoria—occasionally in the disappointments, to which Ross Finnie alluded—but offers the possibility that new viewers will be inspired to take up a sport after seeing it on television. For that reason, the Scottish Government is supportive of Sarah Boyack's motion. We want viewers in Scotland to be able to appreciate a wide range of sports—rugby, football, tennis, cycling or whatever—in which Scots compete at the highest level. It is clear from the debate that many members feel that more should be done to improve broadcasting coverage of sport in Scotland.

I am happy to say that the Minister for Culture and External Affairs, Fiona Hyslop, like Mike Russell before her, has been raising such issues with broadcasters over a long period of time. I am also happy to confirm to Sarah Boyack that Fiona Hyslop has agreed that she will again write to the BBC and other broadcasters to ensure that they are aware of the issues that have been raised in this afternoon's debate.

Rugby, which is the key subject of today's debate, is a good example of why many people would like to see more coverage of Scottish sport. I was delighted that Scotland was able to beat Argentina in the recent series there. The victory was made all the sweeter by the welcome fact that Scottish viewers were able to see both matches on terrestrial television. Other recent moments of success, such as the win against Ireland in this year's six nations championship or the victory against Australia in last year's autumn international, also gained from being available to viewers across the country. Even some of the less exhilarating moments in recent Scottish performances, such as those final 10 minutes in our defeat to Wales—if we can bear to remember it—earlier this year, have still made for compelling television.

I agree that exposure to high-quality rugby is good for viewers and good for the sport itself. Therefore, I am delighted that, as others have mentioned, BBC Alba has secured a deal that enables it to broadcast live Magners league matches. Such a move will further enhance the accessibility of Magners league games to viewers in Scotland. If BBC Alba is placed on Freeview, which everyone in the Parliament hopes will happen, accessibility will be improved even further.

Jeremy Purvis: I accept that all members want BBC Alba to achieve that, but the minister will be aware that the BBC trust's consultation on whether to place BBC Alba on Freeview suggested that Scottish radio could be lost from Freeview. Does she agree that we do not want to lose the BBC radio coverage of rugby as a consequence?

Shona Robison: I agree with that, but I hope that a position can be reached so that no such loss happens.

I also believe that it would be good if those steps marked the beginning of an expansion of rugby coverage. Many people might welcome greater exposure for club rugby or the IRB sevens event, which is held in Murrayfield each year and is a fantastic event.

Stewart Maxwell (West of Scotland) (SNP): On the rugby sevens, I very much welcome the sport's inclusion in the Olympics. Is the minister aware that, in its presentation to the International Olympic Committee, the IRB stated that it would scrap the rugby sevens world cup if rugby sevens got into the Olympics? I have been pursuing the matter to try to stop what is, frankly, a stupid idea. Will she take up that issue with the IRB to make it clear that Scotland, like many countries around the world, would like to see the continuation of the rugby sevens world cup?

Shona Robison: Absolutely. The rugby sevens world cup is an important event that allows Scotland to compete on the world stage. I very much support what Stewart Maxwell has said.

Although the focus of this afternoon's debate has been on rugby—and quite rightly so—I should make the point that our national broadcasters should be able to cover a range of sports that are of interest to people in Scotland. That does not mean that all sports will receive prime-time coverage, but it does mean that committed fans or casual viewers who could end up being inspired should be able to watch a wider range of the sporting activity that goes on across Scotland. The Scottish Government has made that point to the BBC trust in its response to the trust's strategic review, and we will happily reiterate it to the BBC and other broadcasters, which we meet regularly.

However, it is worth noting that our major public service broadcasters are often reluctant to cover a sport in Scotland not always because of the financial cost but because it would involve opting out of the provision of other programmes that are available on UK network television. We know that broadcasters sometimes have genuinely difficult decisions to make about how they arrange schedules and how they spend their money, but one of the key difficulties with the coverage of Scottish sport is that existing public service broadcasting arrangements in Scotland are not well suited to meeting specifically Scottish needs.

We do not hear concerns about that solely in relation to sport. In fact, the problem that the SRU has raised in relation to Scottish rugby is an issue that is raised by the people behind the Edinburgh festivals in relation to arts coverage, and we know from our research into public attitudes to broadcasting that the issue is much more of a concern for viewers in relation to Scottish history and drama programmes than it is in relation to Scottish sports coverage, so we are talking about a wider issue. Frankly, broadcasting in Scotland currently short-changes Scottish viewers, and it will continue to do so until a better choice of public service broadcasting is available to those viewers.

The coverage of the Magners league is an example of how BBC Alba has contributed to improving viewers' choice. It is no coincidence that the only channel that is dedicated to Scottish viewers is the one that has recently made such a welcome commitment to showing Scottish rugby. A dedicated Scottish digital network of the kind that the Scottish Broadcasting Commission recommended, which the entire Parliament supported, could provide a further outlet for showing sport and help to meet the public service broadcasting deficit that so clearly exists in relation to other programmes.

There has been a great degree of consensus that broadcasters in Scotland should do all that they can to meet the needs of their viewers. Our existing public service broadcasters should ensure that they cover a range of sports as part of the mix of broadcasting, the provision of which allows them to fulfil their obligations to viewers, but the best way of ensuring that Scottish sporting and cultural interests are reflected on our television screens is to improve public service broadcasting choice in Scotland. BBC Alba is already helping to do that; as the Parliament has recognised, a Scottish digital network could do even more.

13:27

Meeting suspended until 14:15.

14:15

On resuming—

Scottish Executive Question Time

Rural Affairs and the Environment

Nature Conservation Marine Protected Areas

1. Elaine Smith (Coatbridge and Chryston)

(Lab): To ask the Scottish Executive what steps it has taken, or are planned, to progress the designation of nature conservation marine protected areas. (S3O-11190)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): A statement setting out the principles to be followed in designating MPAs in offshore waters adjacent to Scotland was laid in the Scottish Parliament on 12 March 2010. We recently consulted on a draft marine nature conservation strategy as well as draft guidelines on the selection of marine protected areas.

A programme of work to inform site designation is under way in partnership with Scottish Natural Heritage and the Joint Nature Conservation Committee.

Elaine Smith: As the cabinet secretary is aware, there is a commitment to establishing a coherent network of MPAs by 2012, covering all our marine species in their full range across Scotland's waters. It seems strange that seabirds are currently omitted from the draft list of priority marine features, which will be used to steer the designation. The Natura network on its own will not be able to cover the full species diversity and range of seabirds.

Does the cabinet secretary consider that Scotland's network of marine protected areas can be ecologically coherent if it misses out on the most important places for nationally important seabird populations? What steps will he take to ensure that the criteria are amended to address that issue?

Richard Lochhead: The member raises the important issue of protecting the unique bird species that we have in Scottish waters and in Scotland as a whole. As the member knows, we have consulted on the priority marine features that would be considered when designating marine protected areas. We are considering the responses to that consultation. I will certainly take on board the member's concerns in that regard. However, I point out that many of our seabirds are already protected under the birds and habitats directives, so protection is largely already in place.

We are considering the responses to the consultation on what we take into account in designating the marine protected areas.

Robin Harper (Lothians) (Green): The cabinet secretary is aware that not only seabirds but all Natura species appear to have been left out. Given the requirement under section 68(2)(a) of the Marine (Scotland) Act 2010, what is the scientific basis for excluding Natura species from the draft list of priority marine features, particularly with reference to cetaceans?

Richard Lochhead: I can only refer Robin Harper to my previous answer. When we are looking at priority marine features, not everything can be a priority. Therefore, we have to take into account to a certain extent what is already protected by legislation elsewhere and may not therefore require the designation of a marine protected area. However, that is why we held the consultations: to listen to the views from the various stakeholders and members of the Parliament about what should be in the final list of priority marine features.

Department for Environment, Food and Rural Affairs (Meetings)

2. Stuart McMillan (West of Scotland) (SNP):

To ask the Scottish Government what issues were discussed at its most recent meeting with ministers from the Department for Environment, Food and Rural Affairs. (S3O-11144)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): I met a range of ministers from DEFRA on 23 June, when we discussed a wide range of issues including how the Scottish and United Kingdom Governments will work together in future on both domestic and European business. I used the opportunity to outline the distinct nature and policy needs of Scotland's farming, food and marine sectors.

Stuart McMillan: I congratulate the cabinet secretary on securing further discussions on the devolution of animal health and welfare budgets following his recent talks with DEFRA. That is a major step forward for Scotland, which I hope that everyone recognises.

Will the cabinet secretary explain the details of how those discussions will progress and the timescales for the budgets that are being devolved?

Richard Lochhead: The member raises a very important issue about the future of Scotland's livestock sector in particular. We have always had a concern that although we have policy responsibility for animal health matters in Scotland, we have not had the budget. We need that important part of the jigsaw to be put in place.

While there is a delay in devolving the budget, which most people in Scotland want to see—particularly our farmers and all parties in this chamber—the longer we leave it, the more likelihood there is of the budget in London reducing, which means that our share over time will become less.

The sooner that our share is devolved to Scotland, the better, and I very much welcome the commitment from the new United Kingdom coalition Government in London to work with us to have the budget devolved—at long last—by 1 April next year.

Biomass Plants (Ministerial Statements)

3. Malcolm Chisholm (Edinburgh North and Leith) (Lab): To ask the Scottish Executive what statements concerning biomass plants have been made recently by the Cabinet Secretary for Rural Affairs and the Environment and the Minister for Environment. (S3O-11160)

The Minister for Environment (Roseanna Cunningham): On 2 June, at a conference on forestry in the low-carbon economy, the Cabinet Secretary for Rural Affairs and the Environment highlighted the contribution that biomass can make to renewable energy targets and recognised the particularly important role of relatively small-scale biomass plants that produce heat or combined heat and power. The full text of the speech is available on the Scottish Government's website.

Currently more than 90 per cent of renewable heat is generated from woody biomass. Wood fuel use is rising substantially year on year and will be a key element in meeting our 11 per cent renewable heat target in 2020. Of course, wood supplies from existing forests are finite, so we are keen for Scotland-produced biomass to be utilised mainly for relatively small-scale, heat-only or CHP plants.

The Minister for Energy, Enterprise and Tourism and I met representatives of the wood processing industries on 9 June and released a statement in which we acknowledged the important role that Scotland's forests can make to a low-carbon economy.

Malcolm Chisholm: I agree that small-scale biomass for heat or combined heat and power is acceptable. Will the minister urge her ministerial colleagues to reconsider their enthusiasm for large-scale biomass electricity plants such as the one that is proposed for Leith docks, in my constituency?

Is the minister aware of recent American research by the Manomet Center for Conservation Sciences, which shows that electricity from biomass would result in even more greenhouse

gas emissions than coal-fired electricity would do by 2050? Will she ensure that the summary of the research, which I have sent to the Scottish Government, is read by all her colleagues who have responsibility for energy and by the First Minister?

Roseanna Cunningham: All members of the Scottish Government are aware of the challenges that we face with respect to wood supply and we are aware of a variety of pieces of research on the matter.

We are actively involved in the development of United Kingdom sustainability criteria for biomass for heat and electricity. The working group, which includes stakeholders from the Scottish Government, other Administrations in the UK, industry and non-governmental organisations, is considering mandatory criteria for large-scale biomass plants, including a minimum greenhouse gas emissions savings threshold.

The member will not, of course, expect me to comment on individual planning applications.

Shirley-Anne Somerville (Lothians) (SNP): I welcome the minister's comments and draw her attention to the comments of Stuart Goodall, the chief executive of the Confederation of Forest Industries, who said:

"We welcome the ministers' understanding that wood is a limited resource and that government action should support its use in a way that makes the greatest contribution to the low-carbon economy".

What work will the Government do to ensure that in Scotland we specialise in small-scale, community schemes and not the large-scale product that is being promoted in Leith, which is unpopular with the community and would have a detrimental effect on wood supply in Scotland?

Roseanna Cunningham: I will not be drawn, even by a member of my party, into discussing individual projects and planning applications. I have made it clear that we are aware of the problems in respect of sustainability—we are aware on a joint ministerial basis. I assure members that we understand and fully accept the concerns of the wood fuel industry and the questions that have arisen about it.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): Is the minister aware that members of the Wood Panel Industries Federation, including the Egger UK plant in my constituency, have expressed concern that the increase in demand in wood for biomass is creating difficulties for the industry? Has she discussed the matter with the UK Government? Will she make representations about the impact that there will be on the economy in my constituency and throughout Scotland if manufacturers cannot access the raw materials

that they need to manufacture their wood products?

Roseanna Cunningham: The concern that the member describes has been widely expressed by the industry. We have met industry members to listen to their concerns and discuss how we might move forward. As I said, at a recent meeting we recognised the important contribution of the industries in the context of carbon and employment. We also welcome the increasing contribution that wood is making to the production of renewable energy.

A recent study for the forest industries on supply and demand argued that displacement is a potentially serious issue. Officials are highlighting the supply issues with the Department for Energy and Climate Change.

The Scottish Government is particularly keen to see biomass used mainly for heat-only or CHP plants in areas that are off the gas grid and of any appropriate scale. We will consult on proposed changes to the renewables obligations Scotland later in the summer, and we will welcome contributions from the timber and energy sectors.

Jamie McGrigor (Highlands and Islands) (Con): What specific support is available to help rural communities to develop small-scale biomass plants?

Roseanna Cunningham: A very successful biomass scheme is currently in operation; I am sure that Jamie McGrigor is aware of that. Companies in my constituency have benefited from the scheme and I would be surprised if many members do not have companies in their constituencies that have benefited equally from it.

European Union Support Scheme Rules (Breaches)

4. Iain Smith (North East Fife) (LD): To ask the Scottish Executive what the outcome was of the discussions between its officials and those of the European Commission on 9 June 2010 regarding proportionality in the penalty system for farmers found to be in breach of European Union support scheme rules. (S3O-11119)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): My officials made progress at the meeting with European Commission officials on 9 June 2010 and are now working on clarifying future implications for the industry with United Kingdom colleagues. Details will be announced in due course, but the member will understand that this has to be worked out carefully.

Iain Smith: During a debate on 23 June that was initiated by my colleague, Liam McArthur, the Minister for Environment stated that the meeting

had taken place, that it had been useful, and that officials were working out the details with UK colleagues. If the cabinet secretary cannot give some indication of when tangible action will be taken on the issue, perhaps he can indicate when farmers in North East Fife and other parts of Scotland can expect a more proportionate penalty system to be put in place, so that the punishment is apportioned adequately to reflect the violation in question.

Richard Lochhead: All parties and the Scottish Government share the desire for a much more proportionate penalty regime. We took the opportunity of the Royal Highland show last week to discuss the need for a proportionate penalty regime with Commissioner Ciołos, the European commissioner for agriculture, and the chair of the European Parliament's Committee on Agriculture and Rural Development, Paolo de Castro. I, along with Iain Smith and others, do not think that it is fair for a cattle farmer to be penalised, for example, 3 per cent of his single farm payment for a couple of identification errors when he might have several score or several hundred cattle and it might be quite easy to make a mistake.

I felt that the commissioner gave us a sympathetic hearing, and the devil will be in the detail of whatever successor penalty regime is put in place. We have to discuss that carefully with the European Commission.

On a timescale, I would not hold my breath. It will not be all that soon, because the renegotiation of the common agricultural policy post-2013 is coming up very soon. We will have to wait and see whether we have to wait until the new common agricultural policy, but we will put as much pressure on Europe as possible to implement the changes sooner rather than later.

Zero Waste Strategy

5. Elaine Murray (Dumfries) (Lab): To ask the Scottish Executive how its zero waste strategy will be financed. (S3O-11184)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The zero waste plan is based on the recognition that most waste is a resource that continues to have a potential value. Conserving, reusing and recovering the value of those resources will be more cost effective in the long term than losing that value through disposal. Where new infrastructure is needed to treat waste, it will be funded through a combination of investment by local authorities and the private waste management sector.

Elaine Murray: The zero waste strategy recognises that there will be initial costs for local

authorities and others. Indeed, on page 3, the plan states that the Government

"will enable local and targeted support to help different sectors improve their understanding and use of resources."

Following on from that, what is the role of the Scottish Futures Trust in supporting the zero waste strategy? Will the targeted support include financial support? Does the cabinet secretary see a role for private finance in the development of waste management facilities?

Richard Lochhead: The member has asked a number of questions; I will deal with as many as I can remember. The SFT is taking a proactive role with a number of local authorities that are looking to procure waste treatment infrastructure. The aim is to ensure that we do so as cost effectively as is possible.

On the issue of how much finance might be given to local authorities by the Scottish Government to deal with this, given the current financial climate and the serious cuts that we face to our budget in the coming years, we will have to consider at the next spending review what help the Scottish Government can give. The situation will be very difficult. However, we should be positive about the position that we are in, because many local authorities in Scotland are considering procuring new waste treatment infrastructure, and many proposals are already in the pipeline.

Local authorities see the issue as a priority and are willing to finance it through their own means and through the general local government settlement that is given to them by the Scottish Government.

Department for Environment, Food and Rural Affairs (Meetings)

6. Jim Tolson (Dunfermline West) (LD): To ask the Scottish Executive what issues were discussed, and conclusions reached, at the meeting with the ministerial team of the Department for Environment, Food and Rural Affairs on 23 June 2010. (S3O-11123)

I apologise if there is a little déjà vu to that question.

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Apology accepted; the issue is important. I refer the member to the response I provided to question 2.

Jim Tolson: I thought that the cabinet secretary might say something like that.

Does the cabinet secretary agree that the meeting represents a positive step in the implementation of the mutual respect agenda, and will he commit himself, on the record today, to

doing all that he can to further that agenda for the benefit of Scotland and the United Kingdom?

Richard Lochhead: I am looking forward to my new relationship with my DEFRA counterparts in the new coalition UK Government. I found the previous relationship to be challenging at times. Often, DEFRA ministers would say to me, "The answer is no; what's the question?" I hope that we can have much more of a respect agenda with the new ministers in London.

Of course, the respect agenda goes two ways. We have to be shown respect by the UK Government, and we will show respect to it. Our rural and coastal communities face many important issues in the next few years, not least the renegotiation of the common agricultural policy and the common fisheries policy, as well as a number of UK issues, such as the devolution of the animal health budget for our livestock sector, which was referred to in a previous question.

I give the chamber and the member an assurance that I will be co-operative with my UK counterparts and work hard with them to deliver a bright future for Scotland's rural, farming, food and fishing communities.

John Scott (Ayr) (Con): With regard to the minister's discussions with DEFRA around the animal health budgets, what assurances was he given, and what timescales were mentioned, with regard to that budget and responsibility being transferred to Scotland?

Richard Lochhead: The member will be aware that the UK Government has made a commitment to work closely with us to achieve the devolution of the animal health budget by 1 April next year, and I am determined that we will stick to that timetable. Of course, we are disappointed that the budget was not devolved for 1 April this year, which was the original plan that had been agreed with the previous UK Administration.

Hopefully, as part of the respect agenda that we have just been discussing, we will make substantial progress this year and will be able to stick to that important timetable, before the animal health budget at the UK level becomes so small that it will hardly be worth devolving.

National Scenic Areas (Planning Applications)

7. Christopher Harvie (Mid Scotland and Fife) (SNP): To ask the Scottish Executive what means it has to monitor and question approvals by local authorities for building projects in environmentally sensitive or designated national scenic areas that threaten rural landscapes. (S3O-11135)

The Minister for Environment (Roseanna Cunningham): Scottish ministers have no powers to intervene once an authority has granted

planning permission. All enforcement powers relating to existing planning consents lie with local authorities.

Scottish ministers have a general power to instruct authorities to notify a planning application to them, but that must be invoked before the decision to grant or refuse planning permission has been issued by the local authority.

Christopher Harvie: Melrose and the Eildon hills are the leading tourist destinations in the Scottish Borders, and their popularity is likely to increase following the completion of the multimillion-pound plans for Sir Walter Scott's Abbotsford house. Does the minister share my concern that building the crematorium that was approved by Scottish Borders Council on 11 November 2009 in that national scenic area might not be a sensitive or aesthetically appropriate thing to do, particularly given the difficulty of balancing the demands of catering for the bereaved with the facilities that are expected in a popular tourist destination?

Roseanna Cunningham: Those matters might well have been relevant considerations for the planning authority. However, I must reiterate that it is for the planning authority to take such matters into account when determining the planning application, and I have no locus to intervene.

The Presiding Officer (Alex Fergusson): Apologies to David Stewart, but I am afraid that I must move on to the questions on justice and law officers.

Justice and Law Officers

Corporate Manslaughter and Corporate Homicide Act 2007

1. John Park (Mid Scotland and Fife) (Lab): To ask the Scottish Executive how many prosecutions have taken place in Scotland under the Corporate Manslaughter and Corporate Homicide Act 2007. (S3O-11186)

The Solicitor General for Scotland (Frank Mulholland): There have been no prosecutions in Scotland under the Corporate Manslaughter and Corporate Homicide Act 2007. One charge under the 2007 act has been reported to the procurator fiscal but it was not appropriate, on the evidence available, to indict the company on such a charge. The company was indicted and convicted of charges under the Health and Safety at Work etc Act 1974.

The health and safety division of the Crown Office and Procurator Fiscal Service is involved in directing a number of joint investigations by the police and other enforcing authorities that may

result, in due course, in a prosecution under the 2007 act.

John Park: I welcome the figures that were released by the Health and Safety Executive yesterday that show that there has been a decline in the number of workplace deaths in Scotland over the past year, although the figures obviously reflect declining figures for employment just now and for issues such as industrial disease. I am sure that Mr Mulholland agrees that one workplace death is far too many and that we must have effective deterrents in place to improve the figures greatly as we go forward.

The general secretary of the Scottish Trades Union Congress, Grahame Smith, raised concerns yesterday about the lack of employer involvement with trade unions to tackle the issue jointly, when he said:

"The time has come for employers to work with trade unions to ensure that more workers are protected in the workplace".

I would appreciate it if Mr Mulholland could respond to those concerns, outline what measures he believes the Scottish Government could take and indicate whether he believes that the existing legislative framework is sufficient.

The Solicitor General for Scotland: My view is that the existing legislation or legislative framework is sufficient and allows prosecutors and, indeed, investigators and regulators to police the workplace so that if there is a tragedy—I agree that one death is one too many—then appropriate action can be taken.

The health and safety division of the Crown Office and Procurator Fiscal Service has been in existence for a year. During that period there has been a real development of expertise in health and safety investigations and prosecutions. Feedback from people, including members of the STUC, has been positive about the work done by the health and safety division. In the past year, there have been 20 successful prosecutions and the division has dealt with a number of complex fatal accident inquiries, in relation to, for example: Dundee leisure, and the death of a child at a leisure centre; Clyde Valley Housing Association, where a security guard died as a result of carbon monoxide poisoning; and E Nicholson and Sons (Metals) Ltd, where a scaffolder died during unsafe dismantling of scaffolding. Those cases and others are examples of action being taken by prosecutors to deal with health and safety breaches. I can assure the member that the Crown Office and Procurator Fiscal Service takes such matters very seriously and will continue to do so.

Tasers (Police Use)

2. Patricia Ferguson (Glasgow Maryhill) (Lab): To ask the Scottish Executive whether it considers that the use of Tasers by police officers in the execution of their duties is legal. (S3O-11163)

The Cabinet Secretary for Justice (Kenny MacAskill): Firearms legislation is the responsibility of the United Kingdom Government. The deployment and use of Tasers is an operational matter for chief constables. Scottish ministers have no role in promoting legislation on Tasers nor in authorising their use. It is for chief constables to ensure that Tasers are deployed in accordance with the law. However, our police are highly professional and we trust them to make sound judgments on the use of Tasers.

Patricia Ferguson: I appreciate the minister's point, but I am sure that he is aware of the view of a number of human rights groups and solicitors who specialise in the field that both the use and possession of Tasers are legally dubious. Has the Government taken legal advice in that regard? If so, would the minister make it available to members? Further, has the Government instructed any research to be carried out in respect of disturbing reports of a link between use of those guns and nearly 300 deaths in Canada and America? If it has not, will the minister commit to do so?

Kenny MacAskill: No, we have no intention of carrying out such research. The research to which the member referred relates to matters across the Atlantic ocean, and we do not believe that it is relevant here. We have great faith in our police and we believe that they act proportionately and legitimately. Tasers are necessary for the protection of others as well as for the protection of officers in difficult circumstances.

Our position is clear. Tasers are weapons defined as firearms under section 5(1)(b) of the Firearms Act 1968. Section 54 of that act does not apply section 5 to Crown servants. In effect, that exempts Crown servants, of whom the police are one, from the whole of section 5, which contains a requirement for Scottish ministers and others to provide authorisation for the purchase, possession and use of Tasers. Therefore, the police do not need any authorisation from Scottish ministers to use Tasers, although we are, as a Government, aware that they have been used. When they have been used, their use seems to us to have been proportionate, reasonable and done for the protection of both officers and other civilians.

Drugs (Impact on Communities)

3. Ian McKee (Lothians) (SNP): To ask the Scottish Executive whether it will respond to the

claim contained in the recent Joseph Rowntree Foundation-sponsored paper by Professor Neil McKeganey of the University of Glasgow that local drug sellers could have a positive effect on a community by spending cash locally, deterring other crime and making available to the community, by drug users' theft, a supply of consumer products at reduced prices. (S3O-11142)

The Minister for Community Safety (Fergus Ewing): It appears that those claims were in the main based on the views of drug dealers interviewed as part of a 2005 Joseph Rowntree Foundation report entitled, "Understanding Drug Selling in Communities".

The Scottish Government objects in the strongest possible terms to any suggestion that there are anything other than appalling and life-destroying consequences from having drug dealers operating in any community.

Drugs affect every area of Scotland. There were 574 drugs-related deaths in 2008—the highest figure ever—and the social and economic costs of drug misuse are estimated by Audit Scotland to be more than £2,600 million a year.

Drugs wreck communities and the lives of the individuals living in them, and that is why the Scottish Government's focus is based on the principle of recovery.

Ian McKee: Although I am aware that Professor McKeganey is quoting from the work of others in his paper, does the minister not agree that it is naive and foolish in the extreme to cite in detail so-called benefits of drug dealing in such an uncritical way—in a way that could, in fact, be used to justify almost any crime? Does the professor not realise that the immense harm caused by drugs-related crime is mainly to the communities in which the drug dealing takes place and that, far from bringing benefits to such communities, drug dealing and illegal drug use are a source of great misery? Is the professor a fit person to advise further on national drug policy?

Fergus Ewing: I agree with the member that the effects of drug dealing on communities are entirely bad and extremely damaging. I pay tribute to the work of the police and, in particular, the Scottish Crime and Drug Enforcement Agency, in having conducted, over the past couple of years, some of the most successful policing operations ever in the history of Scottish policing against drug dealers. I also pay tribute to all the people in alcohol and drugs partnerships throughout Scotland—many of whom I have visited over the past few months—who are doing good work to try to remedy the most serious problems caused by drug addiction that face Scottish society.

Richard Baker (North East Scotland) (Lab): I am sure that the minister will agree that, along with recovery, the key issue in tackling drugs misuse is, indeed, dealing effectively with drugs-related crime. What consideration has been given to making greater use of drug treatment and testing orders for those convicted of such offences and whether they might now be extended to apply to a wider range of drugs offences than is currently the case?

Fergus Ewing: I certainly recognise that DTTOs play a part. Indeed, I discussed the issue when I visited Campbeltown on Monday and met the Argyll and Bute alcohol and drugs partnership. I spoke to some individuals who had been through the DTTO procedure, which involves, as an alternative to custody, submitting to drug testing and regular appearances before the sheriff. We have shown our commitment to DTTOs by supporting them and by, in a pilot scheme, extending them to lower tariff offences. I hope that we will show that commitment further in early course. I appreciate that there is widespread cross-party support for these measures.

Antisocial Behaviour Orders

4. Helen Eadie (Dunfermline East) (Lab): To ask the Scottish Executive how many antisocial behaviour orders were issued by courts in 2006-07, 2007-08 and 2008-09. (S3O-11162)

The Minister for Community Safety (Fergus Ewing): Statistics on the number of antisocial behaviour orders issued to adults and under-16s between October 2004 and March 2008, by local authority area, can be found on the Scottish Government website. However, we prefer to focus on the good preventive work being done by practitioners, which reduces the need for enforcement action after the event. For example, I am sure that the member will acknowledge, as I do, the good partnership working taking place to prevent alcohol-fuelled antisocial behaviour in Fife, which I saw first hand when I visited the Fife equally well project last October.

Helen Eadie: I am aware of such local initiatives. The Rosyth partnership is a further example. What measures does the minister propose to take to allay concerns about the lack of the use of antisocial behaviour orders in Fife, and in particular the west of Fife and the town of Rosyth? Members of the community council in Rosyth have relayed concerns to me about antisocial behaviour around homes that have lain empty for far too long, and antisocial behaviour is of increasing concern to local people.

Fergus Ewing: Although antisocial behaviour orders are a mechanism that is open to a local authority to use where it considers it appropriate, we do not believe that the orders are the solution

to the problem. In fact, I well recall that the previous Administration devoted £7 million over four years to junior antisocial behaviour orders. Only four ASBOs were issued over that period, which means that they cost well over £0.5 million each. We believe that that money would have been far better spent following the Scottish Government policy of using early intervention to prevent the reason for the antisocial behaviour occurring in the first place, whether that is alcohol, drugs or knives. We want to be tough on crime and tough on the causes of crime.

Angela Constance (Livingston) (SNP): I am glad that the minister recognises that antisocial behaviour orders are not the silver bullet that they are portrayed to be by some. Will he therefore commend the new community safety unit in West Lothian as a sterling example of collaborative working, bringing together the police, the local authority and the West Lothian youth action project? The unit's activities are complemented by a £150,000 investment by the council in diversionary activities for young people on Friday afternoons after school and at weekends.

Fergus Ewing: I entirely agree with Angela Constance about the example she used. Surely it is better to divert youngsters from becoming involved in antisocial behaviour through programmes such as the one she mentions in West Lothian and others that operate throughout Scotland to help to turn around—as I believe is the meaning of the Latin from which “divert” derives—the behaviour of young people rather than issue them with an ASBO, which some of the hardened core are actually proud to receive.

Drugs (Impact on Communities)

5. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Executive what its position is on the report by Professor Neil McKeganey suggesting that markets from drug dealing could be seen as having a positive impact on the surrounding community. (S3O-11133)

The Minister for Community Safety (Fergus Ewing): I refer the member to the answer that I provided to question 3, from Dr Ian McKee, on that subject.

Kenneth Gibson: Does the minister agree that drug dealing is entirely negative and devastating to families and communities? He will be aware that on 23 June, the *Daily Record* described Professor McKeganey as “a crackpot”. Will he confirm that the Scottish Government has lost all faith in Professor McKeganey and his pronouncements?

Fergus Ewing: I agree with the *Daily Record's* criticism of the views that were presented, although as a minister I would not use terms of that nature. However, I pay tribute to all the people

throughout Scotland who are attempting to deliver the drugs strategy “The Road to Recovery”, with—I am pleased to say—the support of every MSP, and alcohol and drugs partnerships, many of which I have visited; I will visit one in Musselburgh next week. The partnerships do good work. They help people to recover from drug addiction and they help families to get back sons and daughters lost to the consequences of drug abuse. They do a marvellous job for Scotland. Let us praise them and not be too distracted by the views of those on the fringes.

Antisocial Behaviour

6. David Whitton (Strathkelvin and Bearsden)

(Lab): To ask the Scottish Executive what it is doing to help local authorities tackle antisocial behaviour. (S3O-11193)

The Minister for Community Safety (Fergus Ewing): The Scottish Government is committed to making our communities safer and stronger. In March 2009, Councillor Harry McGuigan of the Convention of Scottish Local Authorities and I published our shared vision for tackling antisocial behaviour in Scotland, entitled “Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland”, which was developed in partnership with COSLA and other national partners and received cross-party support when it was debated in the chamber on 2 April 2009. The framework empowers local agencies to focus on addressing the causes of antisocial behaviour before it occurs, resolving such behaviour when it occurs and working together more effectively.

David Whitton: Obviously, everybody would like to prevent antisocial behaviour from occurring. In light of the adoption of so-called park antisocial behaviour orders by Strathclyde Police and Glasgow City Council to address the issue of youths using parks as battlegrounds or meeting places for underage drinking sessions, will the minister and the Scottish Government support other local authorities that adopt such measures and can he tell me what financial support he could offer to enable them to do so?

Fergus Ewing: We entirely support local authorities that decide to use the powers that are available in applying for antisocial behaviour orders where those are appropriate. The ASBO is one of the tools in the box and it is up to local authorities to decide whether to use it. I and my friend Councillor Harry McGuigan, of Mr Whitton's party, are united in our approach to tackling antisocial behaviour, as are the police, the fire service, the Crown Office, Victim Support Scotland, Youth Scotland, voluntary workers and virtually every person who is involved in tackling antisocial behaviour in Scotland. They know that

we must tackle the causes, not just deal with the symptoms.

The Presiding Officer: Question 7 was not lodged.

Tasers (Police Use)

8. Robert Brown (Glasgow) (LD): To ask the Scottish Executive how far it sets policy with regard to the use of Tasers by police forces. (S3O-11110)

I ask that with a sense of déjà vu.

The Presiding Officer: There is a lot of déjà vu about this afternoon.

The Cabinet Secretary for Justice (Kenny MacAskill): As I explained earlier, the Scottish Government has no role in setting policy on the use of Tasers by police forces in Scotland. Policy and legislation on Tasers are reserved to Westminster and their deployment is an operational matter for chief constables.

Robert Brown: I want to pursue the Scottish Government's claim that the police in Scotland do not require ministerial approval to possess or use Tasers because of the principle of Crown immunity. Does the cabinet secretary claim that Crown immunity applies to chief constables? Does he agree that that is a very wide-ranging claim? Will he elaborate on what it means in practice? Does it mean, for example, that a police force could not be sued for reckless or negligent use of a Taser or for intentional but unjustified use of a Taser? Given the fact that Tasers are firearms, does the cabinet secretary allege that the police also have Crown immunity in connection with the deployment and use of other firearms? If so, is that not the most extraordinary claim to be heard in the Parliament in many years?

Kenny MacAskill: No, it does not mean that. That is a claim that I have never made. I can only repeat what I said earlier. In respect of Crown immunity, section 54 of the Firearms Act 1968 does not apply section 5 to Crown servants. The police are Crown servants, which means that the police are exempt from the whole of section 5, including section 5(1), which contains a requirement for Scottish ministers and others to provide authorisation for the purchase, possession and use of Tasers. Basically, we have no control over what they do. Clearly, if an officer or a force acted inappropriately, whether with a firearm or with a Taser, they would face potential action. However, the Government is required to sign off regulations relating to individuals; we do not have any requirement for police officers to be in touch with us.

Antisocial Behaviour (South Lanarkshire)

9. Karen Gillon (Clydesdale) (Lab): To ask the Scottish Executive what action it is taking to reduce the incidence of antisocial behaviour in South Lanarkshire. (S3O-11165)

The Minister for Community Safety (Fergus Ewing): We are pursuing the policies that I outlined earlier. In addition, on 1 March I announced £20,000 of funding for South Lanarkshire Council's successful bid in our community wellbeing champions initiative. That will enable the council to develop further its positive communities model, engaging with a range of community and tenants groups to identify and prioritise local issues and influence the direction of those resources.

Karen Gillon: I congratulate the council on securing that funding.

As the minister knows, one of the key issues is housing, and those antisocial tenants who simply will not address their behaviour despite the support that is offered. Will the minister undertake to work with his colleague the Minister for Housing and Communities to consider what can be done through the Housing (Scotland) Bill as it comes before Parliament?

Fergus Ewing: I am entirely aware of the problems that Karen Gillon mentions—as a constituency MSP I have encountered them, as she has, in the many surgeries that I have held. I will certainly engage with Alex Neil on the matter.

Crofting Reform (Scotland) Bill

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-6605, in the name of Roseanna Cunningham, on the Crofting Reform (Scotland) Bill.

14:55

The Minister for Environment (Roseanna Cunningham): I note that the excitement of this morning was not sufficient to encourage everybody to come flooding back into the chamber this afternoon to see what more excitement we could offer.

It has been a long and sometimes difficult journey to get to this point. The bill will not solve every single one of the challenges that crofting faces, because no piece of legislation could ever do that. Market forces and support mechanisms have a big impact on crofting, and we must continue to do what we can to ensure that crofting continues to provide opportunities for those who live in our remote and rural communities.

What the legislation will do is ensure that we have a governance structure for the crofting commission that reflects and responds to the people whom it regulates. It will ensure that we have a proper and comprehensive register of land held in crofting tenure, which will remove doubt over the boundaries of croft land and the interests in that land. It will require decisive action to be taken to address the blight of widespread absenteeism, neglect and misuse, and it will curb the speculation that threatens the very sustainability of crofting. The combination of those provisions sets a framework for crofting to prosper and to provide a model for sustainable rural development.

I pay tribute to some of those who have helped us to get to this point. First, I thank the committee of inquiry on crofting, which took on the challenge of developing a vision for the future of crofting following the passage of the Crofting Reform etc Act 2007.

I also thank the crofters who have engaged with the process all the way along, even if there was rarely a point at which their views were unanimous. The Crofters Commission, Highlands and Islands Enterprise, the Registers of Scotland and local authorities have also contributed to the development of the legislation, as have officials in the Parliament and the Government, who have worked tirelessly to give us a bill that reflects our aspirations. Finally, I thank the members of various committees, particularly the members of the Rural Affairs and Environment Committee, for their consideration.

I have been fortunate enough to see for myself the benefits that crofting delivers. Those include strong communities that are bound together by a collective effort to work the land and contribute to one another's welfare; the innovation of crofters and the contribution that they make to the economic vitality of the Highlands and Islands; the remarkable landscape, environment and hospitality in those parts of our nation that we can all enjoy as a consequence of their work; and the vibrant Gaelic culture in the west and the strong Nordic culture in the north that add to the cultural diversity of this great country.

Those are all consistent with the Government's purpose, and reflect the national outcomes that we seek to deliver. However, crofting has been under threat from those whose concern is not the welfare of those communities, and whose motives are sometimes driven purely by personal gain.

That is why we must act now to address speculation, to tackle absenteeism, neglect and misuse, and to ensure that crofts once again provide people with the opportunity to live on and work the land. There has been much debate on the issue of a crofting register, but I firmly believe that a clear, map-based and legal register of land held in crofting tenure is a must in order to safeguard crofting. Otherwise, the disputes that cause anguish to crofting communities will continue and possibly increase as knowledge of croft boundaries is lost. I will go so far as to say that in a few years' time, when the crofting register is up and running, people will look back and wonder what all the fuss was about.

I will take up some of the issues that were raised this morning. John Scott asked whether consideration had been given to removing whins and rushes, as well as iris, from the list of things to which the commission should have regard when it considers whether the crofter is keeping the land in a fit state for cultivation. Although I bow to his much greater knowledge of managing agricultural land, our view is that failure to manage whins and rushes in a balanced way will lead to their getting out of control and land becoming unfit for cultivation and positive species management. With regard to whins, a monoculture is not acceptable in relation to eligibility for the single farm payment.

John Scott (Ayr) (Con): Is there not a conflict with the Scottish Government's conservation policy and European directives on maintaining habitats, in particular for specific species of birds?

Roseanna Cunningham: We do not see any conflict with those. I indicated that we are talking about things getting out of control and said that there is an issue with the SFP as well. The matter may be more complicated than a minute or two in the chamber allows us to explore. If John Scott

has continuing concerns, we can continue to have dialogue on them.

Elaine Murray asked this morning whether the Crofters Commission had ever invoked Crown immunity. We have no evidence that it has ever done so, and I am still not clear exactly what she thinks the commission might be seeking Crown immunity from.

Elaine Murray (Dumfries) (Lab): Will the minister give way?

Roseanna Cunningham: I want to press on.

On the extension of the franchise to partners, it is notable that two of the three quotations that I read out this morning were from women, one of whom is a registered crofter.

The Crofters Commission faces a new dawn and a new opportunity as the crofting commission. I have started the process of setting its sights firmly on the business of regulation and on ensuring that crofts are occupied and used. The Crofters Commission has received much criticism over the years, but the truth is that, in some cases, it simply has not had the right tools. It has never been required to hold maps of crofts and has never had a duty to tackle absenteeism and neglect.

Today, we can change that. We can have a democratically accountable commission that has a duty, and the powers that it needs, to tackle speculation, absenteeism and neglect. We can establish a new and meaningful crofting register. Through that, we can grow crofting and make it the future and not the past.

I commend the bill to Parliament.

I move,

That the Parliament agrees that the Crofting Reform (Scotland) Bill be passed.

15:02

Sarah Boyack (Edinburgh Central) (Lab): In the previous parliamentary session, we debated crofting legislation but could not achieve consensus on key matters. However, we managed to make progress and legislate on new crofts. Today, three years into this parliamentary session, we are able to address some unfinished crofting business.

There has been extensive debate, not only in the committee but throughout the crofting counties. I add my thanks to the organisations that Roseanna Cunningham mentioned. They put in many hours of discussion and debate to help us to come to our conclusions.

In particular, I thank those witnesses who came to Edinburgh or made representations to us

directly in their own communities. I offer particular thanks to the crofters who made us feel welcome in their communities for debating with us the principle and detail of the proposals, telling it like it really is on the ground and being prepared to take us round the boundaries that have been the subject of so much debate.

The Labour Party welcomes elements of the bill, such as the plans to democratise the commission, new minor powers for the commission and tweaks to planning for inby land. We appreciate that, on some details, the minister has been prepared to accept amendments when we have made a case for change. I thank her for that.

We agree that absenteeism and neglect are both major problems. We need to act on absenteeism, but I point out that not all absenteeism is a problem, and we need real sensitivity in relation to how the provisions are implemented. One size does not fit all crofting communities. We need the expertise and judgment of the assessors, who understand the crofting communities and the detail that will be crucial in implementing the bill.

We need action from the commission on neglect. Neglect blights land that has the potential to be worked, which is bad news for local crofting economies, landscapes and biodiversity. We are keen to support action on the neglect provisions.

However, the bill gets it wrong on some of the fundamentals. Because there are elements that we cannot support, we cannot support the bill as it has ended up before us today, although we will not vote it down.

I said that we supported the proposals to democratise the commission, but this morning, Labour members were appalled by the way in which the minister completely ignored the points that Karen Gillon made in speaking out against the unfairness of the representation mechanisms for electing the commission. Shame on the Scottish National Party and the Tories for voting down gender equality.

My committee colleagues have worked hard to persuade the minister to accept our views on the register, and we have worked hard to ensure that the crofters' voices were heard loud and clear. The problem is that although crofters have been given an audience, their concerns have not been acted on. We believe that the bill provides for an expensive and cumbersome system of double registration. Crofters understand the double tagging of sheep; now they find that they are to be double registered. The priority should have been to focus on community mapping so that all parties could sit around the table to ensure that common sense and common interest prevail. The process should be a community process that builds on the

strengths of crofting and our crofting communities, rather than one that sends those communities down an even more litigious, expensive and time-consuming route.

I have seen the boundaries that will be contested. It is not just about where a line is drawn on a map; it is about how the land is used by crofters, the times of the year that they are allowed to access that land, and being in line with the principle that crofters need to be able to work the land.

A key principle of legislation is that it should not make things worse. Unfortunately, the double register will do precisely that. That is why I give a pledge that, if Labour is returned to government next year, we will carefully consider what can be done to sort out the mess that we believe the part of the bill that I am talking about will cause.

We are in a recession, and all members know that money will be incredibly tight across the public and private sectors. Let us not waste precious Scottish Government resources and crofter money and resources on a dangerous distraction. I give a pledge that Labour will focus on the fundamentals: the economics of crofting; its viability, which we have consistently campaigned for in opposition; and a more joined-up approach between Government agencies that helps crofters, not one that makes their lives harder. In government, we would have the chance to act to support crofting as a way of life in our most fragile rural communities. That is why we will today let through on to the statute book the very modest improvements in the parts of the bill that we have said that we are happy to support. However, I lay down a marker. We will come back to and reconsider the legislation. We will closely monitor the costly and cumbersome double registration scheme that the minister has put in the bill, and we will do whatever is necessary to stop it damaging crofting.

15:07

John Scott (Ayr) (Con): I declare an interest as a farmer and a member of NFU Scotland.

I thank the committee clerks, the Scottish Parliament information centre and all those who gave evidence or helped in any other way with the creation and passage of the bill.

Today, we are considering a bill that will, I hope, secure the future of crofting in Scotland. Crofting is a way of life that I have admired and supported for many years. It keeps people living in communities in our most remote and fragile areas. In other circumstances, most families would have left those areas generations ago.

Until 10 years ago, I lived and worked on a remote hill farm. I admire the sheer tenacity of crofters in supplementing their living from their croft, and know that what they do is about cherishing family connections with the land, often for little or no financial gain. I understand the passion that runs in their blood. I understand their pride in what they do, in how they support their families and in how they preserve their communities in the face of remoteness and extreme weather conditions. I support what they do and hope that the bill that we pass today will secure the future of crofting for generations to come. I do not, I regret to say, share Sarah Boyack's downbeat assessment of the bill; nor do I welcome the threat of another crofting bill without allowing the provisions in the Crofting Reform (Scotland) Bill to bed in.

We have shaped the new crofting commission into a much more democratic regulatory body and have given it significant powers to address positively almost any situation that crofting faces now or in the future. We have given it as much discretion as possible, and have always borne in mind the need to modernise crofting and make the legislation fit for purpose in the 21st century. That approach was singularly lacking in the piece of legislation that the previous Government introduced.

Map-based registration will provide owner-occupiers with certainty about what they own and tenants with certainty about what they croft as tenants. The register will be held by the keeper of the registers of Scotland, and will, over time, provide accurate titles to all crofts in Scotland and bring crofting into line with property in every other property register in Scotland.

We have equalised the grant structure, which will encourage owner-occupation of crofts throughout Scotland and be in the best interests of crofters in the long term. We have sought to address the problem of absenteeism and neglect in what I hope is as fair a way as possible, doubling the distance criterion to 32km, with ultimate discretion on absenteeism resting with the commission. We have tried hard to address neglect in as fair a way as possible and I am optimistic that the self-certification process introduced by an amendment in my name today will encourage better maintenance of crofts in Scotland.

From my farming experience I know that making and signing an annual declaration that one is farming in a good agricultural and environmental condition scheme-compliant way certainly encourages one to do that. I hope that the annual declaration that crofters will be obliged to make in future—that they are putting their crofts to purposeful use—will also encourage other crofters

to do that. The amendments lodged by Elaine Murray and Rob Gibson that were agreed to today will also encourage crofters to put their holdings to purposeful use. We have also closed the Whitbread v Macdonald loophole and extended from five to 10 years the period in which a consideration is payable in respect of a disposal of croft land.

Finally, and perhaps most dramatically of all, the new crofting commission will in large part have a democratically elected board, which will introduce accountability to an extent hitherto unknown for the commission. That democratic accountability will revitalise and reinvigorate the crofting commission in its newly defined role and I for one look forward to the outcome of the first election to the commission.

Given the time, commitment and passion that we have put into the bill, which we all hope will secure the future of crofting, all that remains is for it to be passed at decision time this afternoon. Thereafter, I hope that crofters will take up the opportunities offered to them in the new act and I look forward to seeing a positive transformation of the crofting communities over time.

15:11

Liam McArthur (Orkney) (LD): As the minister wryly acknowledged, today has provided further evidence that even in the most innocuous of circumstances, crofting can throw up controversy. Perhaps the only surprise is that Roseanna Cunningham has forever cast herself in the role of the girl who cannot say no.

I offer the minister my genuine congratulations on steering the bill through Parliament. As she acknowledged, it has not always been an easy process to manage. When I referred earlier to the toxic legacy left to Ms Cunningham by her predecessor, Mike Russell, my remarks were met with a loud bellow of disapproval. On turning round, I realised that the loud bellow had been emitted by said Mr Russell, whose rough wooing of the crofting counties led to a draft bill that was roundly condemned by crofters in all parts.

To be fair, Roseanna Cunningham has adopted a far more pragmatic approach and agreed to jettison many of the most unworkable provisions—with one glaring exception, to which I will come shortly. First, like others, I acknowledge the contribution made by those who provided evidence during our scrutiny of the bill, particularly those whom we met during our visits, and I thank them for their invaluable insights and peerless hospitality. Thanks also go to the clerks and SPICe for their support, our adviser Derek Flynn, and my committee colleagues.

I suggested at stage 1 that we were all perhaps a little guilty of referring to crofters, crofting and the crofting counties in a way that did not reflect fully the differences between different crofters and the different crofting counties. The minister was absolutely right to acknowledge that regulation alone will not secure the future of crofting. In Caithness, for example, what happens after Dounreay is critical to whether many existing crofts can be sustained. Add to that the on-going debate about the future of the common agricultural policy and how support schemes are to be funded and directed in future, and one will find many crofters arguing strongly that those issues are more fundamental to the future viability of crofting. Nevertheless, regulation has a role to play and we must ensure that it is a positive one. As an amendment agreed to this morning made clear, crofting has been and remains a critical means of retaining and sustaining populations in some of our most remote communities.

I turn to some of the specifics of the bill. Although it was not difficult to find those critical of the commission, there was a general sense that the commission was key to safeguarding crofting in the future. A more democratically accountable commission is essential and I am pleased that that has been secured, with a greater likelihood that the commissioners will be left free to select their own chair. Anyone will be able to stand for election as long as they are nominated by a registered crofter and elections will sensibly be fought under a proportional system—all welcome provisions. By contrast, this morning saw a shoddy betrayal of an earlier commitment to extend the franchise for those elections. I can do no better than echo the outrage expressed by Karen Gillon about John Scott's decision to backtrack on his earlier support for such an extension.

The task facing whoever is elected or appointed to the commission by whatever means is not inconsiderable. Tackling issues of neglect and/or absenteeism will be key. Today, Parliament agreed to three amendments that will assist in ensuring not only that evidence and information are brought to the commission's attention but that the commission will be under a duty to act on that information.

The Government's insistence on pressing ahead with a map-based register is highly regrettable. Crofters think that that costly and burdensome exercise offers them no value. The Government has estimated the register's capital cost to be about £1.5 million, the set-up costs to be £250,000 and the on-going costs, which crofters will bear, to be about £100,000 a year.

The case for the proposal was never particularly strong. As I said this morning, in the current climate—in which the Government will be

expected to make savings across the board—the pursuit of such a register verges on reckless. Many objectives that the Government seeks to achieve through its costly register would be secured by extending and expanding the scope of community-based mapping, which has the benefit of being less confrontational, more inclusive and more comprehensive. If disputes remained, the Scottish Land Court would continue to be an arbiter of last resort.

I again offer the minister my sincere congratulations on piloting the bill through Parliament, but I make it clear that my Liberal Democrat colleagues and I cannot support a bill that establishes the proposed register.

15:16

Alasdair Allan (Western Isles) (SNP): It is a statement of the obvious but, as other members have said, legislation alone will not be sufficient to guarantee that crofting survives as a way of life. Legislation is a necessary condition, but it is not sufficient.

It seems a long time since the previous Scottish Executive appointed Professor Shucksmith's committee of inquiry into crofting. Much in the Shucksmith report was of value, but the report and the draft crofting reform (Scotland) bill that followed it contained some proposals that were unworkable. I am not alone in having spent much of the past year lobbying for many provisions in the draft bill to be changed. Forthright public meetings and conversations with innumerable individual crofters in my community reinforced to me the point that large sections of the draft bill were—if I may put it like this—of little use to man or beast.

The substantial response to the Government's consultation did not offer a unanimous view, but it is clear that it influenced the Government's decision to alter the bill substantially before it was introduced. The most contentious proposed sections—those on area committees, residency requirements and standard securities—were not in the bill as introduced. After much amendment, the bill as it stands concentrates on addressing speculation and dereliction, keeping inby land in crofting and ensuring that the crofting commission is more democratic and effective.

I take the opportunity to seek assurances from the minister on two points that constituents still raise with me. In the light of this morning's debate, what is the Government doing to bring down further any costs and fees that crofters might incur in relation to the register of crofts? Will the Government say more about its re-examination of the support that is provided for crofter housing?

Having an inadequate house continues to be a major obstacle to many crofters.

I am sure that, for my urban colleagues, the vast number of amendments to the bill today had all the appeal of a large cloud of midges, but they were important to my constituents and they all made substantial contributions to the debate. We might not agree with all the amendments that were made today but, after the marathon that the bill process has been, it should come as little surprise to hear the minister say that the chances of any Government legislating on crofting in the foreseeable future are slim.

Let us all be honest with ourselves as we approach decision time. Another crofting reform bill is not just around the next corner. If we do not pass the bill at 5 o'clock, no elections to the crofting commission will take place. Without the bill, no action will be taken to protect crofting land from the worst effects of speculation; no measures will be taken to reverse the infamous Taynuilt or Whitbread precedents, which have done much to take inby land out of crofting use; and the commission's role in dealing with absenteeism and neglect will not be clarified.

Of course the bill will not please everyone in every respect. I have mentioned issues on which the Government has still some way to go to reassure crofters. However, now that all the studies, the reports, the consultation and the amendments are over, the Parliament has a duty to act tonight. Some of our differences have been genuine; some have—no doubt—been manufactured. Regardless of that, we have a duty quietly to lay those differences aside and to get on with the task in hand. The task, which will require much more than legislation, is giving crofting a future.

15:19

Peter Peacock (Highlands and Islands) (Lab): While crofting undoubtedly faces many challenges, I fear that the bill will do little to help it to meet them. At root, the challenges that face crofting are economic not regulatory. With the passage of every successive bill on crofting, it is almost inevitable that regulation becomes more complex. In part, and in this instance, the bill—for example, in being tougher on absenteeism and neglect—seeks a regulatory action to what is essentially an economic question. If crofting provided more of a living and there were more economic strength and diversity in our crofting areas, we would probably not need to debate absenteeism.

Neglect may be associated with absenteeism, but it may also have different roots. That said, crofting remains a remarkable feature of the life of

the Highlands and Islands. Crofting demonstrates a deep attachment to the land. It is born of many historical reasons, including the investment of many generations in the improvement of the land and in making a real contribution to the local economy. If we really want to support crofting, we should spend less time legislating and more time addressing economic development. We need more resources targeted on the really less favoured areas, using agricultural support, rural development mechanisms and support for housing. We also need more joined-up rural development policy and the greater decentralisation of jobs in the economy. The bill will add little to that.

At one level, the bill will possibly be disruptive. I refer to the costly and bureaucratic new crofting register—a second register that will take over 40 years to complete. It will cause unnecessary dispute for the reasons that I have set out often enough before. It is unnecessary for the regulation of crofting, destined to change attitudes and takes an approach to crofting that encourages individualism and discourages a communitarian approach. John Scott amply demonstrated that in his speech.

The minister may argue that the changes are rooted in the changes of the 1970s that allowed owner occupation. She may be right about that. However, the new register, together with the changes to croft grant entitlement, will drive the change yet further. Indeed, the register looks designed to aid a vision of crofting that is rooted in title to land and a free market in crofts.

John Scott: Will the member give way?

Peter Peacock: I am sorry, but I cannot.

The provisions in the bill will democratise the crofting commission, even if only partially. As a democrat, it is impossible for me to resist moves towards an element of democratic elections to the commission. That said, although democratically elected crofters may replace appointed crofters, they will implement the same law and operate under the same legal advice. The scope for discretion will be relatively small. If the democratically elected commission had been given a role in the development of crofting where wide discretion exists, a real difference may have been made. That would have allowed crofters to address the economic questions that I touched on earlier. Alas, they are not to be allowed that role. Beyond that, and although helpful, the toughening of the provisions for absenteeism and neglect will stand for very little if the commission does not have the resources to take action. As we heard in evidence, the commission is not being funded to add to what it does already.

There are, of course, provisions that will add to the commission's ability to act in certain circumstances. I refer to the provisions for its plan, to which the Scottish Land Court may have regard and which offers additional options. In addition, there are the provisions for the refusal of decrofting applications, even where planning consent exists, and the changes to planning and presumptions about inby land. All that has a contribution to make.

Like other members, I suspect that we will not see another crofting bill for some time. That will come as a great relief to future members of the Rural Affairs and Environment Committee. It is possibly also a blessing for crofters. Future Parliaments would do well to address the deep and enduring economic challenges that people in many parts of our crofting counties face. Until those challenges are met, there is little that legislation can do other than impose more complexity, regulation, bureaucracy and cost on crofters. The bill exemplifies all those features. If it passes on to the statute book, it could be held up as a warning, not an example.

15:23

Maureen Watt (North East Scotland) (SNP): Although members may have thought that the stage 3 proceedings this morning were rushed, as convener of the Rural Affairs and Environment Committee, I assure the Parliament and all those with an interest in crofting that the committee scrutinised the bill thoroughly. Indeed, crofters have written to me to thank the committee for coming to see them in Shetland, Caithness and Sutherland and the Western Isles and for discussing the bill with them. That is also the case for all the stakeholders who have been totally involved throughout the process.

Members of the Labour party, against the advice of most respondents, did not agree to the need for a map-based register. The committee also saw robust debate in many other areas and reached broad agreement on many of them. I commend the minister for taking on board many of the committee's suggestions and for getting the bill to this stage.

I, too, put on record my thanks to the committee clerks and staff, and to the staff of SPICe, who put in so much work to assist the committee. My thanks also go to our very knowledgeable adviser, Derek Flyn, and to my committee colleagues for all their work.

The passage of the bill tonight will signal the Government's long-term commitment to crofting and its future. Although, as members have said, the bill alone will not secure the future of crofting, it provides a clear commitment that the crofting

commission, with a partly elected board, will have a duty to get on with the job of tackling absenteeism and neglect, while allowing those who clearly wish to live in the area and work the land for their own and the community's benefit to do so.

The crofting commission will have to prioritise its work—the Crofters Commission has itself said so—but, under the bill, the commission will be given a clear steer to get on with that work, and it will be monitored closely by both the Parliament and the Government.

I look forward to seeing the Scottish statutory instruments relating to the elections. They, too, will be closely scrutinised, as the Government still has some work to do in that regard. It will also be interesting to watch how local planning applications on inby land and common grazings will be handled.

You will appreciate, Deputy Presiding Officer, that as the committee went round the country and held its meetings, I was struck by the great degree of optimism in the rural sector, as participants monitor their costs and consider new ways to use the land to maximise their income. The sheep and cattle that come off the crofts are key in getting food from the hill to the lowlands, and to the plates of our citizens.

The window for the community mapping of crofts provides a mechanism for crofters to come together on that and other matters that affect their communities, and that can only be for the long-term good.

Sarah Boyack is correct to say that assessors will have a more important role in the future, highlighting the uses and abuses of crofts in their area.

All aspects of the bill will provide crofting with a future, and I urge members to support the bill at 5 pm.

15:27

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): It has been an extremely long road. I am not a member of the Rural Affairs and Environment Committee, but I see that all the same. My thanks go to colleagues in all parties, who have worked extremely hard on this issue both this session and during the previous session. I extend my personal thanks to the many crofters, together with their families and other interested parties in my constituency in the far north of Scotland, who have taken the time and trouble to speak to me and write to me about the proposed legislation. I am keenly aware of the sheer detail that lies before me and everyone else. It is a very

complex subject, as many other speakers have said.

I start from the first principle of the sheer fragility of crofting in areas such as my constituency. Liam McArthur mentioned the challenge that is posed post-Dounreay decommissioning. If we do not have economic back-up to underpin crofting, we can envisage a depopulation of the straths and the glens in the future.

I acknowledge the contribution that crofting makes to communities and to the local economy—including hauliers and the people who build fences, for example. Crucially, there is also the contribution of crofting to tourism, which I do not think other members have mentioned. Tourists will come to the straths to see working crofts, and it is a bonnie sight and a great sell to the rest of the world. I would be foolish to let the debate pass without mentioning, in due and ancient form, the very good-quality food that is produced on our crofts. There is nothing better than fine blackface lamb, I can tell you.

I turn now to members' contributions from both the earlier part of the day and this afternoon. The Minister for Environment, Roseanna Cunningham, referred to the structure of the Crofters Commission being reorganised, and that is one of the strong points of the bill. Although I regret the issue that Karen Gillon so eloquently highlighted, it is a flaw. It is a pity that John Scott decided to do what he did. A weakness remains there. Nevertheless, democracy is being introduced to the new crofting commission, and that must be a step in the right direction.

I acknowledge what Peter Peacock said about the commission's development function. I, too, regret that that function lies where it does today; that is a fundamental weakness. It is perhaps not a matter for crofting legislation, but I am certain that, in a future session of the Parliament—when I will not be a member—that will have to be examined.

It is crucial that Karen Gillon's amendment on population retention was agreed to, as its approach echoes what I have already said about communities such as those in my constituency.

The key thing that greatly troubles me and, indeed, others about the bill is that, although I have received many comments and letters from crofters, I have had not one representation about the map-based register. As Sarah Boyack said, it is not just about lines on maps; it is, as Liam McArthur was quite right to point out, about the cost of it all. The register is a huge problem. Two constituents of mine, Iain and Netta MacKenzie from Elphin in west Sutherland, have pointed out to me that one can already get the information on the maps; indeed, under a freedom of information

request, they managed to get a 95 per cent accurate map from the Crofters Commission.

I regret, therefore, that the chamber was not able to muster enough votes to agree to the amendments lodged by Peter Peacock and Liam McArthur. I certainly believe that the issue will have to be revisited. Members might shrug at the thought of having to go back and revisit legislation, but the Parliament in the next session will at the very least have to carry out post-legislative scrutiny, which might or might not lead to further legislation. The register is a ticking time bomb and I fear for that reason, if for no other, my party can under no circumstances support the bill. The test is whether legislation will make things better or worse for crofters; my fear is that the land-based register and its associated costs will make things worse. I hope that I am proved wrong, but I fear that I will not be.

15:31

Jamie McGrigor (Highlands and Islands)

(Con): I refer members to my farming interests in the register of members' interests and inform the chamber that I am a member and vice-convenor of the cross-party group on crofting.

I am pleased to close for the Scottish Conservatives in this stage 3 debate. Like other members, I thank all those who provided briefings for today's debate and for previous debates, including SPICe's Tom Edwards, and the members and clerks of the Rural Affairs and Environment Committee for their efforts.

The crofting register has become perhaps the most contentious issue in the latter stages of the bill's passage. Both in the past and in recent weeks I have had numerous conversations on the subject with individual crofting constituents and representatives of the Scottish Crofting Federation—Eleanor Arthur, Norman Leask, Patrick Krause, Neil Macleod, Donald Linton, Murdo MacLennan, Drew Ratter and Becky Shaw, to name but a few—and I thank them all for their time and for giving me their expertise with regard to the ocean of crofting legislation.

As my colleague and friend John Scott has already indicated, the Rural Affairs and Environment Committee received conflicting advice on the development of a map-based crofting register but, on balance, the evidence suggested that such a register would be in the best long-term interests of crofters and crofting, so we have decided to proceed on that basis. We acknowledge that concerns remain and will continue to put pressure on ministers to engage fully with the issues and ensure that cost considerations are the utmost priority.

Karen Gillon (Clydesdale) (Lab): Will the member give way?

Jamie McGrigor: I will come back to the member in a moment.

I also restate the fact that, from the Crofters Holdings (Scotland) Acts of 1886 and 1887 to the Transfer of Crofting Estates (Scotland) Act 1997, the Scottish Conservatives have a proud record of supporting our crofters, and the Crofters (Scotland) Act 1993 remains the principal statute in crofting law. I might add that that record stands in stark contrast to the efforts of the previous Labour and Liberal Democrat coalition Government in Scotland, whose Crofting Reform etc (Scotland) Act 2007 was passed only after chaotic scenes in the chamber. Of course it was the same Executive that initiated the Shucksmith inquiry that ultimately led to the bill being debated this afternoon.

I am glad that my friend John Scott's amendment 176 was agreed to, as it ensures that flag irises are not classed as weeds and recognises their value to corncrakes. The seilisdeir, as it is called in Gaelic, has a beautiful yellow flower and is glorified both in song and in poetry. Moreover, Mr Scott's amendment with regard to self-certification will improve crofting land.

I say to Karen Gillon that some of the finest crofters I have ever met are women. Many's the time I have visited Ena McNeill, the former president of the Scottish Crofters Union, at her North Uist home and have been spoiled by the delicious slow-matured Highland beef that she and her son Angus Macdonald rear on their crofts.

I could take an intervention from Karen Gillon now, if I am allowed.

Karen Gillon: How many of the many crofters that Jamie McGrigor said he has spoken to asked for a land-based register such as the one that the bill creates?

Jamie McGrigor: They did not ask me specifically for a land-based register. I am rather surprised that you should ask me that question, since it was your party that initiated the consultation and the Shucksmith report in the first place. I beg your pardon, Presiding Officer. I should not say "you"; I should say "the member".

In conclusion, many of us hope that the bill will be the final piece of crofting legislation that is thought to be necessary for many years to come. Let us now move forward, working in partnership with crofters, to focus on the big, vital challenges of halting and reversing the decline in livestock numbers on our remote hills and especially the islands, and ensuring that crofting has a sustainable future in modern Scotland.

15:35

Karen Gillon (Clydesdale) (Lab): Consideration of the Crofting Reform (Scotland) Bill was a steep but thoroughly enjoyable learning curve for me and many other members of the committee. I think that many of my colleagues in the Parliament found this morning more enjoyable than they expected it to be.

I associate myself with the thanks that others have expressed, and I pay particular tribute to Peter McGrath and Tracey White, who have spent many hours in the past few weeks sending people final amendments. They have done a sterling job to ensure that we were able to have the debate that we had this morning. I also thank the crofters across Scotland who hosted our many visits, which we all found enjoyable and informative.

Crofting has shown itself to be a valuable part of Scottish culture. The minister mentioned in her speech the many and varied communities that make up our crofting counties and the new areas that will come in under the bill. Those communities face different challenges, as we found out during our visits. As Peter Peacock and Sarah Boyack said, there is much in the bill that is to be welcomed. It adds new tools to the toolbox that is available to the Crofters Commission, but they must be used wisely. Also, it remains to be seen whether the resources will match the expectations in the crofting communities, particularly on the tackling of absenteeism and neglect. The commission must be more proactive than it has been in the past in tackling those two issues and it must do that in the right way in each crofting community.

Good amendments have been made to the bill, but there are still difficulties with parts of it. Members will be aware of my particular difficulty with the inequality of the election franchise. Jamie McGrigor mentioned the previous crofting act. That legislation clearly demonstrates that back benchers in the Labour and Liberal Democrat parties have a spine—when their Executive is doing things that it should not be doing, they will stand up and be counted and their Executive will need to change its views. That is clearly not the case elsewhere, and it clearly showed when John Scott disgracefully changed his position from that which he expressed in the committee to how he voted this morning.

John Scott: Is Karen Gillon aware that I did not change my position? It is merely that, in committee, I mistakenly voted for her amendment, which did not deliver what I expected.

Karen Gillon: I cannot be responsible for what John Scott does not understand. I was absolutely clear about what I was trying to achieve in

committee. If he reads the *Official Report*, I am sure that that will be clear to him.

Even in her opening speech in this afternoon's debate, the minister failed to grasp the issue of extending the franchise. There are some women who do not see the need to extend the franchise. They say, "It's always been that way." That is their right, but the Parliament has a duty to look at the equal opportunities implications of any bill.

Alasdair Allan: Will the member give way?

Karen Gillon: I am sorry, but I have only five minutes.

By reinforcing the inequality in a franchise, we fail to live up to that responsibility. I will say no more on the role of the Tories other than to echo the words outside the Parliament that are oft quoted by the First Minister:

"Facts are chieftains that winna ding."

The other issue on which we have a particular difficulty is registration. When I asked, Jamie McGrigor could not name crofters who had asked him for land-based registration. That is because he knows as well as I do—and if he were honest he would have voted against registration—that crofters on the ground do not want such a scheme.

Jamie McGrigor: Will the member give way?

Karen Gillon: Sorry, I am in my final minute.

The reality is that a costly, overbureaucratic process will be forced on crofters. That is not what crofting needs at this stage in its history.

Alasdair Allan made an impassioned plea for us all to support the bill and suggested that, if we did not, the world would end and things would be terrible. We will not stand in the way of the bill, but nor will we vote for a bill that does not do what it says on the tin and will not ultimately be in the best interests of crofting. I hope that members will consider that when we come to vote on the bill at 5 o'clock.

15:40

Roseanna Cunningham: I am grateful to members for their speeches and will respond to some of their comments. We agree on much. I sincerely hope that at decision time members will take the opportunity to usher in a new era for crofting, in which crofting again becomes the backbone of our remote, rural communities.

Crofting tenure requires both occupation and the land to be worked. In return, it provides security of tenure for tenants, the right of succession, the right to the value of improvements that are made to the land and the right to fair rent. Let no one ever forget those fundamental rights that crofters

fought for and won 125 years ago. Equally, let no one forget the responsibilities that derive from those rights. I am certain that the men and women who struggled for those rights in the 19th century would echo that sentiment, because they did not undertake that struggle so that their communities would be half empty and the land neglected so many years later.

Crofting also opens the door to agricultural and housing grants that are available only to people who agree to live by the conditions of crofting tenure, whether they are tenants or owner-occupiers. That is right, because crofters deserve reward for the benefits to society that crofting delivers. We have taken steps today that at last recognise the changes that were made in 1976, and which equalise the responsibilities and the rewards that are open to tenant and owner-occupier crofters.

I turn to issues that were raised in the course of this short debate. Sarah Boyack and Karen Gillon are understandably exercised by the gender imbalance in crofting tenure. I do not disagree with them that there is a clear imbalance; I disagree with them only about whether the franchise is the place to fix it. I do not think that it is. I invite both members to talk to me, to ascertain whether we can come up with proposals that might have a practical impact in changing the gender imbalance.

A number of members, including Sarah Boyack and Liam McArthur, mentioned the crofting register, which was a key area of dissent. I remind members that the register triggers will not come in until 2013 at the earliest and that we have agreed that the date will be pushed back to 2014 if the community mapping proposals are successful. There is a considerable amount of time for crofters to prepare for registration.

I also need to point out that the minute that a crofter decrofts, as many do, he or she must immediately register their title with the land register of Scotland. Why not before? That is, in effect, what we are saying. I should say, too, that the land register, which was brought in all those years ago, is still by no means complete throughout the country. Title registers take time to implement.

John Scott was right to point out that the bill will allow us to tackle abuses more effectively and that democratic accountability will be introduced in relation to the commission. On his more general point about conservation, the bill allows crofters to refrain from using the croft if that is for the purpose of conservation, so we see no conflict between crofting policy and conservation policy.

I mentioned Liam McArthur's comments on the crofting register. I cannot allow his other

comments to go by. I have never been accused of having difficulty saying no. I am worried that Liam McArthur might turn out to be one of those men who do not hear women who say no. His colleague Jamie Stone had no difficulty.

On Alasdair Allan's comments, we can now take forward the review of the croft house grant scheme in the context of the bill. That will include equalising access to the scheme.

Peter Peacock raised a number of issues, many of which are related to the challenges facing crofting. Of course there are challenges to be faced and we have said right from the outset that no single piece of legislation made by Government would ever be able to tackle every single one of those challenges. Among all that Peter Peacock said, he will know that the existing absentee initiative is already bearing fruit. It needed to be strengthened and it has been in the context of the bill. He talks about resources but, if he had succeeded in getting most of what he wanted, it would have meant piling on more duties, so his position is rather inconsistent.

He raised the issue of the market in crofting tenancies; a look at any estate agent in the crofting counties will reveal that they have crofting tenancies as well as owner-occupied crofts on the books. It is denying reality to think that crofting tenancies are not subject to the free market. There is no point in flying in the face of what we know is already happening.

The bill represents the culmination of almost 10 years of consultation on the future of crofting, especially if we include the legislation introduced by the previous Government. In all the consultation responses that we got, I did see some from individual crofters who were in favour of the map-based register. To pretend that there is unanimous opposition to any part of the bill is not to accept reality. I also agree with a number of other members when I say that I am not sure how soon the Parliament will want to return to the subject of crofting.

We must vote the bill through and begin the work on the ground to reverse the decline in crofting. It will require a monumental effort by a lot of people, but I am confident that we can achieve it because we can now put the right structures in place. We have clear duties for crofters, whether they are tenants or owner-occupiers, a democratically accountable commission, a proper legal register, and a way forward to take crofting through the 21st century and into the 22nd.

Budget Strategy Phase 2011-12

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-6670, in the name of Andrew Welsh, on the Finance Committee's report on the budget strategy phase. I invite those members who wish to speak in the debate to press their request-to-speak buttons.

15:47

Andrew Welsh (Angus) (SNP): I am pleased to open the debate on the Finance Committee's budget strategy phase report. The report deals with the questions that will shape our political discourse for the foreseeable future, namely how the public sector in Scotland should be preparing for future budget cuts.

I make it clear from the outset that the Finance Committee considers the current financial situation to be the most significant challenge that the Scottish Government and the Scottish Parliament have faced since devolution. There are no easy or painless solutions to dealing with that challenge, and it is incumbent on all of us in the Parliament and in wider society to debate what needs to be done in a mature and responsible way with our arguments rooted in firm evidence.

The committee's inquiry forms part of the new budget strategy phase, which was a key recommendation of the Finance Committee's review of the budget process. Because the budget strategy phase is designed to inform subsequent scrutiny of the Scottish Government's draft budget by committees, the Finance Committee agreed that it would be useful as part of the budget strategy phase to undertake an inquiry into the efficient delivery of public services. Our inquiry sought to understand the preparations that are being made by public sector bodies to deal with the new reality of budgetary reductions. We also wanted to understand the principles that will underpin the Scottish Government's approach to constructing its forthcoming draft budget.

Key conclusions in our report were that the evidence of adequate preparations for cuts is, at best, patchy, that there appears to be a lack of urgency among some public sector leaders, and that there does not appear to be consistency across the public sector in preparing for budget reductions. Given that analysis, our report called on decision makers in all publicly funded bodies, as well as the Scottish Government and our parliamentary committees, to show far greater leadership. We all need to be more open and realistic about the impact of the budget cuts, and how we can deal with them. For example, we have called on the Scottish Government to set out more

fully the principles that will inform the development of its spending proposals and to explain whether it has a specific strategy for protecting vulnerable people from the impact of those cuts.

The Scottish Government gave the committee an insight into some of the principles that will guide its future public spending plans. For example, the Cabinet Secretary for Finance and Sustainable Growth said that the Scottish Government “Will and wants to” retain current universal benefits. He also said that, if there were a real-terms increase in the health budget south of the border, the Scottish Government would pass on the consequential to health in Scotland.

Commitments such as those will have an impact on other budgets. We have, therefore, asked the Scottish Government for a more detailed explanation of the consequences of its approach. Our call for more information will come as no surprise to observers of our Parliament's budget scrutiny process. The question of what information is needed by committees to fulfil their basic scrutiny role is a perennial one. Indeed, we should not forget that the architects of our budget process did not simply envisage a basic scrutiny role for committees. There was to be a much greater opportunity for the Parliament and its committees to play a meaningful role in the approval of the Scottish Government's spending plans and to influence the Executive's preparation of budgets.

Bearing in mind those principles—and the possible scale of the budget cuts—we received criticism of the lack of information that is available to interested parties. For example, the Royal College of Nursing said:

“We are currently unable to comprehensively analyse ... health spending proposals”.

School Leaders Scotland claims that the lack of information on spending made

“evaluation of improvements in service provision and value added to learning meaningless across the country.”

Clearly, everything has to be joined together so that we get fact-based budgeting and a clear view of the task ahead of us.

The Finance Committee has repeatedly highlighted such gaps in knowledge. Our report calls on the Scottish Government to provide a supporting document to the 2011-12 draft budget that will set out the link between performance over the period of the previous spending review; Scottish Government priorities for the next spending review; and how those priorities are to be funded in 2011-12. Such a document will greatly help to demonstrate the link between past performance and future spending priorities.

Our report was not simply about identifying information that we would like the Scottish

Government to provide. In a wide-ranging inquiry, we heard some detailed, and sometimes radical, suggestions for improving public services. Although this was an unavoidably broad-brush review, given the breadth and complexity of the issues that were raised, there are certain issues that are likely to feature strongly in the on-going debate about our public services.

With regard to long-standing arguments about how bodies should be organised to allow for the optimal delivery of public services, the cabinet secretary appeared to give a clear steer to public sector leaders to consider taking far greater steps towards sharing services. As increased collaboration now seems increasingly likely, the committee has asked the Scottish Government to say how greater collaborative success could be measured, and we have sought reassurances from the Government that it will play a more active role in driving that process.

The committee also heard more fundamental arguments about who should be providing public services. Organisations representing business interests and the voluntary sector both advocated strong cases for strengthening their involvement. We look for details about how that can best be delivered.

I have no doubt that today's debate will be the first of many that deal with the impact of the spending cuts. However, my intention today is to frame the debate in terms of how committee scrutiny of the Scottish Government's spending plans can be made as effective as possible. The Finance Committee will continue to play a lead role in shaping the debate. We will, for example, take evidence on the findings of the independent budget review group before the draft budget is published.

We also recognise that people look to Parliament to face up to the biggest challenge for Scotland since devolution. For the search for effective and fair solutions, I thank all Parliament's specialist committees. I also thank all members of the Finance Committee for their positive and thoughtful input in facing up to the massive fundamental budgeting problems. The Cabinet Secretary for Finance and Sustainable Growth does not have an easy task. However, we all have a duty to try to assist in ensuring that the Parliament and Scotland come through this crisis in the best possible shape and in the best interests of the people of Scotland.

I move,

That the Parliament notes the 4th Report, 2010 (Session 3) of the Finance Committee on the Budget Strategy Phase (SP Paper 455) and refers the report and its recommendations to the Scottish Government for consideration.

15:55

David Whitton (Strathkelvin and Bearsden) (Lab): I have taken the unusual step of lodging such an amendment because of the unusual times that we live in. Before I start, it is important to remind the Scottish National Party that this is a Parliament of minorities.

Last year, the cabinet secretary set up his joint group, which was made up of the main shadow finance spokespeople, to get buy-in for his budget. The main reason why he did not fully get that was that he did not share all the information, in particular the details of his capital budget. In the previous year, he had tried brinkmanship, which resulted in a tied vote. However, this year, things are very different.

Page 1 of the report makes the situation clear:

"Measures undertaken by the UK government to tackle the budget deficit will have a significant impact on public spending in Scotland."

The committee's remit asked:

"What preparation should be underway now by the public sector to ensure the efficient delivery of public services within a period of tightening public expenditure?"

Mr Swinney's current response is that he cannot produce a draft budget until he sees the amount allocated to him by the United Kingdom Government's comprehensive spending review, which we now know will be published on 20 October. Apparently, though, the Scottish Cabinet discussed the economy at some length this week, with an update from chief economist, Dr Andrew Goudie. However, Mr Swinney said in a note to the Finance Committee that we will not get the Scottish Government's detailed announcements until 24 or 25 November, although—stop the press—at 3 o'clock that was changed to 17 or 18 November. There then follows a truncated timetable, including the Christmas recess, before we get to the second stage debate and the Government's response to the Finance Committee's budget report.

As Mr Welsh outlined, this time round we are looking at unprecedented cuts. Parliament and its committees, especially the Finance Committee, must have enough time to interrogate the Government's course of action. Danny Alexander, Chief Secretary to the Treasury, told the Finance Committee this week that all UK departments were currently interrogating their budgets for savings and he was confident that Mr Swinney's department was doing the same. Mr Alexander also said that, although he could not give definitive figures for Scotland's budget for the next three years before the CSR announcement, he anticipated that it would be between 13 and 25 per cent less. Those are his best-case and worst-case scenarios. What is Dr Goudie's update?

Margo MacDonald (Lothians) (Ind): Does the member accept that, even with the best will in the world, Mr Alexander cannot be held to the prognosis that he gave?

David Whitton: With the weight of the Treasury behind him, the chief secretary clearly has half an idea of what he is talking about.

As I said, those are the chief secretary's best-case and worst-case scenarios, and that is what Labour is asking Mr Swinney to produce. He has already had evidence from the Centre for Public Policy for Regions, which estimated a possible real-terms reduction of 12 per cent between last year and 2013-14. In April, in an earlier report, Dr Goudie estimated a five-year real-terms contraction in Scottish Government departmental expenditure limit expenditure equivalent to a cumulative decrease of 12.4 per cent. Today, the Fraser of Allander institute has warned that a cut of 14 per cent to the Scottish budget could lead to 126,000 job losses.

"politicians ... should provide greater leadership by communicating openly to the public the scale and impact of likely budget reductions."

Those are not my words but those of our convener, Andrew Welsh, a senior SNP member, who was addressing Dr Goudie in an evidence session. Dr Goudie agreed with him, stating:

"Openness is an extremely important issue."—[*Official Report, Finance Committee*, 11 May 2010; c 2228, 2229.]

By the end of July, as the convener has intimated, Mr Swinney will also have the report of the independent budget review team, led by Crawford Beveridge, who is a member of the First Minister's own Council of Economic Advisers, detailing where they think that the SNP should make cuts.

Paragraph 13 of our report states:

"Various bodies warned that any cuts had to be carefully planned."

One of those bodies is the Convention of Scottish Local Authorities. If the concordat with local government is to mean anything at all, surely Mr Swinney should give local authorities an early heads-up on what is coming over the horizon. They are certainly making their concerns known and planning thousands of job losses.

At paragraph 17, the evidence from the Chartered Institute of Public Finance and Accountancy advised that there was a strong consensus that all areas of spending should be examined for possible cuts, and it assumed a 15 per cent reduction in the departmental expenditure limit—that is also within the best-case and worst-case scenarios outlined by the Chief Secretary to the Treasury.

On page 7, the committee has detailed three key factors that it asks the Government to consider, with a request for more specific information: first, how it will fund its commitment to maintaining universal benefits and what impact that will have on other budgets; secondly, what impact the decision on maintaining health consequential will have for the rest of the budget; and, thirdly, the number of public sector jobs estimated to be lost and details of proposed pay restraint.

There is no reason why Mr Swinney cannot produce a draft budget based on best-case and worst-case scenarios, outlining his thoughts on where budget reductions will fall. This is not the year for surprises such as the Glasgow airport rail link cancellation. If he does not want to do that, he could at least give Parliament a statement of separate budget line scenarios in September, because it is not only the comprehensive spending review changes that he is deciding on, as he must also factor in the £332 million of budget cuts already announced but deferred to next year.

By seeking to delay until after the UK spending review in the autumn, Mr Swinney is not only causing confusion but preventing proper scrutiny of his budget. Local councils, health boards and other public bodies need time to plan properly for what is coming.

Page 6 of the Fraser of Allander report states:

"The potential cut to the Scottish Parliament and government budget is unprecedented. In such circumstances it is incumbent on the Scottish government to explore a range of options that can embrace cost savings and revenue raising as well as spending cuts."

Paragraph 131 of the Finance Committee's report states:

"it is essential that the Parliament and the Scottish Government begin working together now in ensuring an effective response to the forthcoming budget reductions."

Finally, paragraph 132 quotes from a CPPR report. It states:

"The Scottish Government needs to start to outline where it envisages making upcoming cuts ... over the summer, rather than waiting until after the UK Spending Review in the autumn. ... there is no excuse to delay clarifying major changes in funding for those bodies that will need to put them into practice".

Mr Swinney must put the Parliament and Scotland before party and political advantage and outline his thinking in September so that the Parliament, its committees and its members can have enough time to consider what is right for Scotland.

I move amendment S3M-6670.1, to insert at end:

"and calls on the Scottish Government to provide the committee with more detailed financial information as requested, including a draft budget by September 2010 or

budget scenarios that make clear where savings will be made, so that the Parliament and the public bodies affected by any proposed budget reductions can consider and debate them fully."

16:02

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): It is without doubt a very serious financial situation that is faced by the country, by the UK Government, which was left, as I confirmed to Parliament openly, an atrocious financial legacy by the previous Labour Government, and by the Scottish Government into the bargain. I made that clear and it was also made clear when Dr Andrew Goudie set out the analysis that was undertaken of the public finances set out by the previous UK Government back in April. The point was reaffirmed by the analysis that was published by the Fraser of Allander institute.

Last week, I made it clear to Parliament that I believe that the position that the current UK Government is taking will reduce spending too far and too fast. That view has undoubtedly been reinforced by the analysis of the new budget undertaken by the Fraser of Allander institute.

There is no doubt that we have a very acute financial situation in front of us and, in that respect, the Finance Committee's report is of great assistance to the parliamentary process in addressing the way forward.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): With regard to the cabinet secretary's view that the reductions are being made too fast, does the Scottish Government have a view on what percentage of UK gross domestic product net borrowing should be by 2014-15?

John Swinney: I reiterate the point that I have just made and have made to Parliament before, which is that I think that the reductions that the UK Government is making are too fast. That view is validated by the Fraser of Allander institute's analysis that what is being done has significant consequences for us.

The Finance Committee report essentially centres on two themes: leadership and open debate. Those are at the centre of today's debate.

On the issue of leadership, the Scottish Government started preparing for the spending review some time ago. It is why I established the independent budget review in February.

Margo MacDonald: David Whitton said that we live in unusual times. I could not agree more. Is the minister willing to produce separate budget cut scenarios, as suggested by David Whitton? I would like those scenarios to be communicated

not just to the bodies that will take the decisions but to the public. Perhaps STV could help the Government to ensure that the people who will feel the cuts get to talk about them and prioritise.

John Swinney: In a sense, that is my point about open debate. I established an independent budget review not to report to me but to report in public. The review report will be published at the end of July, which will start a process of dialogue and debate on the options. The request that Margo MacDonald makes is perfectly satisfied in the steps that I have taken. If there are ways in which we can enhance the communication of that to the public, the Government is prepared to encourage and facilitate them. Indeed, that was part of the Cabinet's discussion on Tuesday about the way in which we handle the spending review. It is important that we encourage debate within Parliament, within the wider community and with the public of Scotland about the challenges that we face.

The Government has been clear about the approach that we will take to the spending review. That is reflected in the remit that has been issued to the independent budget review. We will concentrate on three principal areas of activity: promoting economic recovery as part of our work to deliver increased sustainable economic growth; protecting the services on which the public depends; and taking action to combat climate change. Those will be the themes at the heart of the decision-making process of Government. However, we need to have extensive debate and discussion on those propositions, which is why we have the independent budget review. The review will assist us in creating a dispassionate analysis, which will allow us to have that debate.

Mr Whitton made great play about the importance of our bringing forward our best estimates. He was unfairly dismissive of the position of the Chief Secretary to the Treasury, who was pretty clear on the issue at the Finance Committee meeting on Tuesday. I have an account of the meeting rather than a precise transcript. When asked by Mr Whitton whether, if I were to ring in September to ask for an indicative baseline for the Scottish budget, the chief secretary could answer, the chief secretary said that he doubted it because the Barnett consequential will not have been settled by then. That is my point about making judgments on setting out a budget when we do not have the final information.

David Whitton rose—

John Swinney: I have to decline. I will give way to Mr Whitton in my closing speech, because I am going to quote him now.

On 11 May, in the Finance Committee, Mr Whitton said to the chief economic adviser:

"I would have thought that it was incumbent on you as the Government's chief economic adviser to give a factual outcome rather than a series of estimates."—[*Official Report, Finance Committee*, 11 May 2010; c 2236.]

If Mr Whitton remains true to what he said on 11 May, he is asking us to do something that we cannot do because we do not have the financial data available to us.

David Whitton rose—

John Swinney: In a responsible fashion, the Government will set out the information from the comprehensive spending review, once we have that information. However, in advance of that, we will facilitate wide debate on the issues that the people of Scotland and the Parliament need to address. The Government will be a full participant in that process.

16:08

Derek Brownlee (South of Scotland) (Con):

The convener mentioned the review of the budget process which, although only recently concluded, took some time. Given the substance of Mr Whitton's argument—some of which was compelling, although I did not agree with all of it—I am left to conclude that the review of the budget process did not address the issues that the Labour Party raises today. There is an issue about timing, which we will need to consider, particularly in relation to the comprehensive spending review.

Prior to the election, the previous Chancellor of the Exchequer refused to give figures for departmental spending because he said that the situation was too uncertain. The new Government has set a comprehensive spending review date of 20 October. We had a similar debate back in 2007, when there was a period of five weeks between the publication of the comprehensive spending review and the publication of the Scottish Government's draft budget. Looking back, we see that the timescale was longer for previous spending reviews. In 2004, the gap was 14 weeks; in 2002, it was 15 weeks; in 2000, it was nine weeks. Therefore, the Scottish Government's proposition that the period for 2010 should be four or five weeks is not unreasonable. That is why the part of the Labour amendment that talks about producing a draft budget before the comprehensive spending review is one of the biggest pieces of nonsense that we have ever heard from the Labour Party on the budget—and that takes some doing.

David Whitton: Does Mr Brownlee agree that previous comprehensive spending reviews were looking at an increase in the budget, whereas, this time around, for the first time, we are looking at a

cut in the budget and that it is therefore incumbent on the cabinet secretary to produce the information as quickly as possible so that the Parliament can scrutinise it?

Derek Brownlee: We should have a process that can cope with adjustments up or down. There is a problem with the Public Finance and Accountability (Scotland) Act 2000 and the fallback position if a budget is voted down in that no cognisance is given to the possibility that a budget would ever be less than the previous year's budget. We have built our procedures on the flawed premise that the amount of available money always increases.

We must go back to the committee report, which was a good report for being unanimous. Serious concerns were expressed, which the convener has highlighted, about an apparent lack of preparation for inevitable spending reductions. Last week, in questions on the Government's response to the emergency UK budget, I said that I did not think that it was credible to announce a budget before the spending review unless the SNP Government were suddenly capable of inventing a time machine. Nevertheless, it is possible to have a broader debate about some of the decisions that will require to be made, some of which have already been discussed. That was exactly the thinking behind our argument, earlier this year, that there should be an independent budget review. Given that the review will report over the summer recess, it would be reasonable to expect the Government to offer some of its own time, when we return from the summer recess, for a debate on the budget review so that we can discuss the issues.

As the convener said, the committee has sought extra information. David Whitton outlined some of the areas in which we asked for substantive extra information. Some of it was information to accompany the draft budget, but a lot of it was information that we wanted before the draft budget. In paragraph 48 of its report, the committee calls on the Government to articulate its guiding principles for the spending review in Scotland, saying, in paragraph 49, that

"such a response, before final spending decisions are made, would demonstrate real leadership by setting out spending choices in an open and transparent manner."

We could have the Government's response to the committee's report dealing with those issues before the draft budget and, building on the debate on the independent budget review, we could then have a sensible debate in the chamber about the types of challenge that we face, which are significant.

It would not be reasonable to expect the Scottish Government to produce a full draft budget, but that does not mean that we cannot

have substantive debates on the issues of pay, the public sector workforce and what would happen to the health service budget. We can also discuss whether the Government has made a decision about consequential, the consequences of which would be pretty clear. We can have some of the debate in advance of the spending review and the draft budget, but it is not reasonable to expect the Government to produce a full draft budget in advance of the comprehensive spending review.

16:13

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I will address the timing issue in the Labour amendment later, in winding up the debate. I begin by focusing on what I think is the essence of the committee's report—the level of preparedness across the public sector. I include the Parliament in that, as the committee's conclusion in paragraph 147 is clear:

"The Committee therefore calls on decision makers within all publicly funded bodies, and also the Scottish Government and parliamentary committees, to show far greater leadership by discussing in more open and realistic terms the impact that the budget cuts will have and the options that are available to deal with these cuts."

I fully endorse that conclusion.

It became apparent during consideration of the report that the level of preparedness was patchy and that insufficient leadership was being provided. That was also highlighted by the Government's chief economic adviser in the "Outlook for Scottish Government Expenditure", which, as Mr Whitton noted, was published during the election campaign in April. That stated the Government's best estimate, which is that devolved expenditure will see a fall of 12.4 per cent to 2014-15.

The Government forecast and the indications from the United Kingdom budget this month have been met, as the convener said, with an inconsistent response across the public sector. When we are considering reductions on a scale of 2.6 per cent per annum, which is the Government's estimate, we require a strategic response, not just salami-slice reductions across individual public bodies that are trying to manage a tight budget.

The strategic response must involve three key areas, on which we need more clarity on the Government's position. Those are the pay and conditions of devolved staff—the more than half a million public servants in Scotland; capital delivery and priorities in the capital budget; and how local services are delivered and redesigned and who delivers them.

With regard to the third point, I chaired a cross-party meeting on Monday in Galashiels, in my own

area of the Borders. It was hosted by Borders College and attended by 40 leaders, including representatives of community planning bodies, small businesses and voluntary sector bodies, as well as councillors. We discussed the public finance picture and the way forward. The meeting also included the Conservative member of Parliament for Tweeddale and the Conservative member of the Scottish Parliament for Roxburgh and Berwickshire.

The presentation by the chief executive of Scottish Borders Council, together with the director of social work and the chief operating officer of NHS Borders, gave a much clearer picture of how services in that region could be better co-ordinated. The aim is not just to deliver the same services, but potentially to achieve better outcomes for people with less spend. Whether we achieve that is a different matter, but it must be our ambition.

Margo MacDonald: Is Jeremy Purvis aware that Aberdeen City Council has taken the same type of approach to discussing the basic choices that are to be made? Is he aware that we could use STV to ensure that all of Scotland is incorporated?

Jeremy Purvis: Margo MacDonald pre-empted what I was going to say. The Borders is not unique, of course, and some other areas, such as west central Scotland and the north-east, have been taking such an approach.

Part of the approach that the chief executive of Scottish Borders Council outlined involved moving to a one Borders, one budget approach across the public sector, and—for the first time—mapping all the spend on services in that area. The aim is to deliver the same services for 90 per cent of the money.

With regard to the next steps on that, I would welcome a decision by the cabinet secretary to allow Scottish Government officials to work with the council, the health board and the community planning partners in that ambition as we go forward.

John Swinney: I am interested in and supportive of Jeremy Purvis's line of argument. I assure him that there is a Scottish Government representative at director level who engages with the community planning partnerships and all the bodies that he mentions. I would be delighted to reinforce that if it would assist the process that Jeremy Purvis describes.

The Deputy Presiding Officer (Trish Godman): Jeremy Purvis should now close.

Jeremy Purvis: I will close.

The cabinet secretary's offer is very welcome. The process is moving to the next stage, which

involves the redesign of local services, and I will address the conclusion of that work in my winding-up speech.

16:18

Linda Fabiani (Central Scotland) (SNP): I will, in the short time that we have today, look ahead—while recognising the current financial situation that faces Scotland—to an extremely important issue for the future: how we truly reform the delivery of our public services to the benefit of all, particularly those who receive them.

I found much of the committee's deliberations and the evidence that it received interesting and stimulating. I was pleased that those deliberations were, and continue to be, underpinned by joint working with Scotland's Futures Forum to set the framework for honest discussion and—if I may paraphrase—to recognise that there are no sacred cows.

The evidence that the committee took was mixed, but some witnesses recognised that out of current adversity comes opportunity. I particularly commend those who spoke about the personalisation of services and long-term thinking coupled with preventative resourcing and systems thinking, thereby challenging the status quo, centrally imposed targets and so-called received wisdom.

There are good examples out there. I am pleased that South Lanarkshire Council—which is local to me—has agreed with East Kilbride dementia group that it is in the best interests of the group's clients to use a direct payments system to allow the necessary services to be provided by its agency of choice. That is innovative thinking.

I was also pleased to learn today from Long Term Conditions Alliance Scotland that the self-management fund, which the Scottish Government funds, already supports 56 projects throughout Scotland, giving individuals ownership of the management of their lives and conditions. That, too, is innovative thinking, and we could do with more of it from the Parliament right through all our public services.

As I said at the start of my speech, I wish to look ahead and deal with the realities that face us in a very difficult financial situation. I had hoped that all speakers would do the same, then I read Labour's amendment. Mr Whitton wants a draft budget by September. That is impossible. Danny Alexander made a categorical statement at the Finance Committee the other day that if John Swinney asked for figures from Westminster at the beginning of September, they would not be provided. Mr Whitton heard that, because he asked the question.

In the light of that response, Mr Whitton expanded his amendment to say “or budget scenarios”. All of a sudden, he is into scenario planning, so let us consider the best and worst-case scenarios. The best case is that there will be no cuts, money due to Scotland will be delivered, the VAT rise will be rescinded, fiscal autonomy will be introduced and independence will be recognised as good for Scotland.

David Whitton: Will the member give way?

Linda Fabiani: No thank you.

Let us consider the worst case, which is, “I’m afraid to tell you there’s no money left,” confirming the words in Liam Byrne’s letter.

Labour seems content to budget on the basis of no figures or information. No wonder we now have the biggest ever peacetime deficit and Scotland suffered financial mismanagement until May 2007. I trust that the Parliament will reject Labour’s ridiculous amendment, look to the future, read the report that the Finance Committee compiled, follow closely the committee’s future work in this regard and agree the motion in Andrew Welsh’s name.

16:21

Ms Wendy Alexander (Paisley North) (Lab): Just over three years ago, on the day that he took office, the First Minister told the Parliament:

“The days of Scottish Government imposing its will on the Parliament are behind us”.—[*Official Report*, 16 May 2007; c 25.]

The amendment invites the Government to live up to those words.

The Scottish Government has told us that it faces the most serious cuts since the second world war. Throughout Scotland, thousands upon thousands of people are worried about their jobs. The Scottish Government’s defence for producing no draft budget until November is that it does not have a final Whitehall figure, but there are three reasons why there is no requirement to wait for Whitehall.

First, if the Calman recommendations are implemented next year, for ever more we will set a budget without a final figure for the cash that will come in through tax receipts, from income tax, stamp duty, aggregates and so on. If we want to take more fiscal responsibility, we should stop hiding behind the uncertainty about the final tax take or the grant.

Secondly, next year’s budget is about much more than the Treasury grant element, to which I will return in a moment. Scotland has a range of choices that should dominate our debate between September and November. Should wages at the

top be cut? What happens to bonuses? What about asset sales and efficiency savings? Should the council tax be frozen? Should the health service be protected? What happens to rates? Should we have charges to fund new infrastructure? Every one of those decisions has nothing to do with the Treasury grant and everything to do with us. However, options in an independent budget report are different from plans. A draft budget allows the country to compare and contrast its choices.

I come to the Whitehall grant figure. The crucial point is that it can be forecast, and I would even go so far as to say that we can forecast it with reasonable accuracy. In March, just after the previous budget, Andrew Goudie, the Scottish Government’s chief economic adviser, published three scenarios for next year’s DEL: a central forecast, a slow-recovery scenario and a scenario for protecting front-line services. Given a completely blank sheet, Scotland’s chief economic adviser came up with best and worst-case scenarios for next year that differed by a mere £200 million.

In April, the Scottish Government was willing to predict DEL to within 1 per cent of its budget. If it could predict the Whitehall grant on any option to within 1 per cent in April, the question must be how come we do not have the same forecasting post-June? Of course, the truth is that the Cabinet has seen the work and the only people who have not seen it are in the Parliament. Asking for submissions on an independent report simply does not cut it. The truth is that we can have a draft budget in September. I venture to suggest that the overwhelming majority of Scots, irrespective of their political allegiance, would like there to be a proper debate on the options that I have outlined.

If the Government is to think again over the summer, it is incumbent on the rest of us as a Parliament to invite it to think again in the nation’s interest, because in 10 weeks’ time, after we have had our summer holidays, the rest of the country will be looking for us to participate in a discussion about their spending choices in 10 weeks in September, October and early November. The best possible discussion that we could have would be on a draft budget. That would allow the Parliament to scrutinise, compare and contrast. Every single MSP of whatever party who denies Scotland that choice will have to answer to the people for doing so. The cuts are coming, and we will fail the nation if we dither, delay, disguise or dissemble about the choices.

16:26

Joe FitzPatrick (Dundee West) (SNP): The Labour Party’s suggestion that a budget bill should

be produced before we have the results of the comprehensive spending review takes political posturing to new levels. Deciding how much money will be spent before knowing how much there is would be foolish at a household-budget level, but setting a budget for a nation on such a whim would be irresponsible to the point that it could be contemplated only by a party that was responsible for the worst Government economic mismanagement in living memory.

Ms Alexander: Will the member take an intervention?

Joe FitzPatrick: No. I want to make some progress.

The UK budget has given estimated DEL figures for the coming years, but they are not broken down by department, and a small change at Westminster could have big ramifications for the Scottish budget. As the cabinet secretary and other members have stated, the UK chancellor has confirmed that the comprehensive spending review will be published on 20 October. The Scottish Government will present spending plans for the budget shortly after that. It would be irresponsible to bring forward a budget bill prior to receiving the actual numbers, although we know that those numbers will result in an unprecedented squeeze on the Parliament's spending power.

It is crucial that we prepare for the challenges ahead, which is exactly what the Scottish Government is doing. Setting up the independent budget review in February to take matters forward was part of the process. That panel is due to report in the coming weeks. It has engaged civic Scotland, business organisations, representative groups and other stakeholders in a constructive debate on the budgetary challenges that we face. The Finance Committee took evidence from it as part of our inquiry. That is the correct approach to take. I hope that all the parties will recognise the independence of the report and will add to the debate in a constructive fashion in the best interests of the people of Scotland.

However, there are cuts that we should be hearing about right here, right now. Andy Kerr stated that he wanted to cut £320 million from Scotland's budgets this year. He has the figures, but Labour members have been silent about where the Labour axe would have fallen if we had been unfortunate enough to have a Labour Government in Scotland today. Councils throughout Scotland will be echoing the words of the Glasgow councillor and shouting out, "God bless the SNP," and thanking their lucky stars that they do not have to make those Kerr cuts right now to budgets that were already squeezed by Alistair Darling's £500 million cut last year.

Labour is keen to keep letting us know where it would like to spend extra money. It promises another spending commitment every other day. However, that will not wash with the people of Scotland. Every Labour spending announcement implies deeper and more savage cuts somewhere else. The party that presided over the economic meltdown and saddled Scots with billions of pounds of debts under the buy-one-pay-for-eight-later private finance initiative scandal has a brass neck in criticising the Scottish Government's approach to budgets.

Labour's approach reminds me of a spoiled child in the supermarket, stamping their feet and crying because they cannot get any more sweets. It is time for the Labour Party to put up or shut up. I advise its members to take on board the cabinet secretary's comments and use the recess to reflect on their approach to the challenges that Scotland faces. The people deserve better from their elected officials.

16:30

Malcolm Chisholm (Edinburgh North and Leith) (Lab): Like Linda Fabiani, I would like to spend a bit of time dealing with some of the interesting and relevant evidence that was given to the committee, but I must start by disagreeing with her fundamental point that Labour's amendment is not consistent with the report. The report's central theme was to ask the Government to get specific about what it proposes. Other members have quoted some of the report's recommendations. It recommended that consideration be given to the impact of keeping universal benefits; that the Government should set out the impact of protecting health and the principles that will inform its approach to developing spending proposals; and that the options should be discussed in an open and realistic way. In addition, to quote the CPPR:

"The Scottish Government needs to start to outline where it envisages making upcoming cuts across services over the summer".

The main thrust of the committee's report was to say to the Government that we cannot wait until November and that some proposals must be produced now.

Although Linda Fabiani should reflect on that aspect of the report, I agree with what she said. In the short time that is available, we do not have time to look at all the evidence that we received, but it will be worth our while considering much of it as we debate the issues over the summer.

I will pick out two examples. Alan Sinclair and others gave extremely strong evidence on the importance of investment in the early years, which

is an area that might be vulnerable. He pointed out that early years support was the

“most efficient and effective use of public money”.—[*Official Report, Finance Committee*, 13 April 2010; c 2019.]

We should reflect on that evidence because, in my view, we must be extremely careful to protect that area.

For me, the most interesting aspect of the committee’s report was the perhaps unlikely coalition in favour of systems thinking, which embraced Professor John Seddon—who, at one level, seemed to be quite extreme, although he was interesting—and Unison. We must take on board the idea of systems thinking, which involves looking at the interdependencies within Government expenditure. If we do not do that, savings in one area will just impact somewhere else in the budget. The other key aspect of systems thinking is ensuring that we involve the workforce at the sharp end in finding solutions. Much of the committee’s evidence points to how best to deal with budget strategy.

However, we cannot forget the context in which we are operating. It would be remiss of us to look only at the situation that Scotland faces. We must never forget the wider context of why we are here. As he always does, Joe FitzPatrick waxed strongly about Labour’s financial mismanagement, but I must remind him that the SNP supported all Labour’s spending commitments until 2008; in fact, I seem to remember it asking for more to be spent. It also supported the action that Labour took to defend the economy against depression from 2008 onwards. For months I have been mystified about where the SNP disagrees with the spending decisions of the Labour Government.

I understand why Conservative and Liberal Democrat members do not want to deal with the wider context. Their view, as expressed by Danny Alexander on Tuesday, is that there is no choice at a UK level, but that is patent nonsense. We should remember that there is no sound economic rationale for making cuts so deeply and so fast. The action that the Tories and the Lib Dems are taking may well be counterproductive not just for growth, but from the point of view of its effect on the markets, which are already getting spooked by the impact on growth of the European deficit reduction programmes.

The distributional effect of the budget is quite calamitous, too. We must bear that in mind in the decisions that we take in Scotland. One of the key principles that we must follow is that we must mitigate the effects of the appalling budget decisions of the UK Government on the most disadvantaged people in Scotland.

The key point is that the debate must start now. We cannot wait until November. The Scottish

Government must show some leadership; we cannot wait another day.

16:34

Jeremy Purvis: I remind Mr Chisholm that the Cabinet Secretary for Finance and Sustainable Growth said in his statement last week that

“net borrowing”

in the UK

“is forecast to be £149 billion, or 10.1 per cent of gross domestic product. That is the highest rate of borrowing in the G20 ... The Scottish Government agrees that there is a clear need to deliver sustainable public finances and to set out a credible consolidation plan.”—[*Official Report*, 23 June 2010; c 27563-4.]

The issue is how the Scottish devolved Government will set out its consolidation plan, how that will be shaped and the judgments that the Government will present to the people.

If the Government has formally assessed that reductions are being made too fast now, it must say what percentage of UK GDP it is fair for net borrowing to be in 2014-15. If it does not say that, it will not have much credibility in arguing about the pace of reductions, because we will have nothing to compare with what the Government has said. When I asked the cabinet secretary about that earlier in the debate, he declined to comment.

In April, the Government projected DEL levels for 2023-24, but now it says it cannot give policy conclusions for next year’s budgets. That is inconsistent. I, too, do not think that a detailed draft budget can be prepared before the consequentials are available if we expect Government departmental budget lines to be set at levels 2 and 3, but I do not accept the Government’s statement that it cannot present its policy responses to the independent budget review on the direction of travel, especially on the three key matters to which I have referred before—pay, pensions and the public workforce; the prioritisation of capital expenditure; and the redesign of local services. The urgency of those three key subjects and others is the real issue.

I welcome the cabinet secretary’s commitment that a Government director will be fully engaged in the Borders initiative and I know that other parts of Scotland will do similar pieces of work in the summer. I am pleased that the Scottish Government will be actively involved in that work too, but if the committee received a clear message, it was that, as medium and long-term decisions are made on workforce planning, pensions, the delivery of local services and the potential redesign of local services, a much clearer steer from the Scottish Government is requested now.

The debate cannot be informed simply by the independent budget review group; it must also respond to the Scottish Government's policy proposals. A three-month gap between the end of the summer recess, when the independent budget review group will report, and the first statement of the Scottish Government's intentions in November, with a truncated budget process, is not conducive to an environment in which medium and long-term planning decisions can be made throughout the public sector. That was the committee's ultimate conclusion, which is why I support that component of Labour's amendment.

16:38

Gavin Brown (Lothians) (Con): The Finance Committee's first conclusion, which was unanimously reached, is important. In it, the committee calls on the Scottish Government, parliamentary committees and others

"to show far greater leadership by discussing in more open and realistic terms the impact that the budget cuts will have and the options that are available to deal with these cuts."

With that in mind, I will focus on a couple of issues.

I am a member of the Economy, Energy and Tourism Committee, which also investigated the position and reported to the Finance Committee. From that investigation, my overriding sense is that various Government departments and governmental bodies are doing nowhere near enough work now to consider the impacts of the cuts; very little discussion other than superficial discussion has taken place about how such bodies might approach their budgets next year, the year after and the year after that.

I will illustrate the point by referring to bodies that the Economy, Energy and Tourism Committee examined. Scottish Enterprise's grant-in-aid budget this year is £277 million. In its evidence to our committee, Scottish Enterprise said that it is working towards a budget next year of £285 million—albeit that that is obviously unconfirmed—and that its budget for the year after that is also £285 million. The grant in aid for Highlands and Islands Enterprise this year is £54.6 million. It is working towards exactly the same amount next year and, again, in 2012-13. VisitScotland, which is the other body that falls under the remit of our committee, has £43.6 million grant in aid this year and is working towards £43.2 million next year.

Those are just three of the bodies that the Economy, Energy and Tourism Committee looks at, but it was apparent to all committee members that no body or agency had done anywhere near enough work on how to tackle the difficulties that clearly will be thrown at them. Of course they do not yet know the exact extent of those difficulties

and cuts, but from reading various sources it is pretty apparent that cuts will come and the committee was disappointed to find that they had done so little work thus far. We appreciate that those bodies and agencies do not have precise figures on which to focus, but they can focus on principles. They can also consider the things that they ought to be doing less of and look at what their core work is. Also, given the likelihood of cuts to come, they should focus on what ought not to be core. We felt that far more work ought to be being done now, in advance of September, October and November.

My party has consistently called for the work that the cabinet secretary's directorate does on potential in-year revisions to be published. When I have put that point to the cabinet secretary he has said that the Government has decided not to have in-year revisions. If his directorate has done that work and papers have been produced, it would form a useful addition to the debate. If that work has been done, why will he not publish it? That would be in the interests of openness and transparency.

Ms Alexander: In the interests of transparency, the chief economic adviser published a very helpful report on the impact on Scotland of the March budget. Does the member think that it would be helpful for the chief economic adviser to publish a comparable report on the June budget, now that we have it?

Gavin Brown: Anything that contributes to the debate and makes it as open and transparent as possible ought to be considered and implemented. I take issue with Wendy Alexander and her colleagues where they try to force a Government to produce a full draft budget by September. That is not achievable; it is just not realistic. I think that the entire Finance Committee, including the Labour members, accepted that point. In its conclusions, the committee said that it knew that no draft budget would be made available until November. The amendment is a departure from what Labour members said in committee.

16:43

Andy Kerr (East Kilbride) (Lab): A national newspaper reported today on a marathon Cabinet meeting. Much of the debate today centres on what was discussed at that meeting. Members around the chamber have appealed for further information and an examination of the discussions. The HM Treasury figures are available to us, as are the CPPR forecasts and those from other organisations. We also have the Goudie reports that now form a central part of the discussion. In response to David Whitton, the cabinet secretary spoke of those reports, but the reports to which he referred are pre-budget and pre-election; we are

now post-budget and post-election. The accuracy and definition of those reports could be made much more effective. As Wendy Alexander noted, the margin for error in the previous forecasts is 1 per cent.

I return to the question that Wendy Alexander put to Gavin Brown. There was previously no shyness or embarrassment on behalf of the Government about publishing Mr Goudie's reports as a commentary on the March budget. In fact, the paper became a central element of discussion around Scotland. Now, the Government has had a sudden dose of shyness and embarrassment. For some reason, the information that is comparable to the information that we had previously is just not being made available to us. I am surprised by that. It runs contrary to the feelings of the Parliament in relation to the need for local authorities, the NHS and all other organisations in Scotland that rely on decisions that the Government and the Parliament make to have greater access to information.

Happy before, not happy any more; one senses that party-political advantage and protection are being put before the real need of body Scotland to challenge and take on the decisions that the Government is going to make.

Joe FitzPatrick: Will the member take an intervention?

Andy Kerr: Mr FitzPatrick—let us have some more fantasy from him.

Joe FitzPatrick: Does the member understand the difference between comment and information and a budget bill being produced?

Andy Kerr: "Can the member read?" I am tempted to put back to the member. Our amendment says:

"including a draft budget by September 2010 or budget scenarios that make clear where savings will be made".

Let us not get hung up on the language. There was a marathon Scottish Cabinet meeting and the information is available, but the Government is refusing to share it, not just with the Parliament but with public sector partners throughout Scotland.

Let us dwell a wee bit further on what Dr Goudie said. On 11 May, he responded to a question from Dave Whitton, who asked whether the document would be updated:

"I imagine that that will almost certainly be the case. We updated it as a result of the March budget, following the piece of work that I initiated and following the PBR in 2009. We will almost certainly do that again."—[*Official Report, Finance Committee*, 11 May 2010; c 2238.]

Has that been done? Was it discussed? Will the Government publish it? That is the kernel of the debate. I will ignore all the frivolous comments that other members have made on the economic position; we should focus on that singular point—

the information that all of us in the Parliament know to be available and which the Government is refusing to share with us. That runs absolutely contrary to some of the things that have been said.

I will close with some of the words that Mr Welsh used. He spoke about "challenges" and the need for debate. He mentioned the need for arguments "rooted in firm evidence", a "lack of urgency" and a need to "show far greater leadership". Actually, all those demands lie at the feet of his Government, and it is refusing to deliver.

16:47

John Swinney: I am always a bit surprised when Mr Kerr uses language such as "Happy before, not happy any more". I am not sure whether Mr Kerr is ever happy with anything that goes on in here, but I will try my best to cheer him up in the course of my speech.

Mr Kerr quoted Dr Goudie, who said that he will be updating the analysis. I am happy to confirm to the Parliament that Dr Goudie is indeed updating the analysis, and Mr Kerr will not be surprised to know that it will be published.

David Whitton: When?

John Swinney: I think that Mr Whitton muttered, "When?" The budget was last Tuesday, and Dr Goudie is working on the analysis. It is the work of the chief economic adviser, and I do not specify when it will be published. Dr Goudie will publish it, and I cannot imagine that it will take terribly long.

There is an interesting contrast between the assertion of Mr Chisholm, who expressed the committee's point of view that there has somehow been a lack of leadership in the debate, and the example of the event in the Borders that Mr Purvis described, regarding which I saw some media comment—and I very much welcome the fact that such an event took place. I am not sure whether it was originated by Mr Purvis or by Borders College, but it was clear that public sector partners in the Borders had been working on the agenda for the discussion. That utterly refutes the view that nobody has been working on the matter.

Gavin Brown asked about the preparations that are being made at economic development agencies. This might be a rather harsh comment for me to make, but head count has been reduced in both Scottish Enterprise and Highlands and Islands Enterprise for some considerable time, in the knowledge that we were moving into a fundamentally different financial climate. I might not have let off a fanfare about that, but it has been a matter of configuring organisations for the different period that lies ahead.

Mr Brownlee asked how we might encourage a debate on these propositions. I would be delighted if Parliament had a debate on the independent budget review after the recess; indeed, I would take part in it and set out some of our thinking. The central issues that Mr Purvis has raised—the pay and conditions of devolved staff, the contents of capital programmes and the delivery of local services—are the meat and drink of the choices that we have to make, and we have to make them, as Margo MacDonald has made clear, in consultation and dialogue with members of the public. After all, that is what Parliament is here to do, and ministers will be happy to be part of that approach by facilitating things and setting out our thinking.

Ultimately, ministers have to make choices. Last year, I made choices about particular projects; I know that they did not go down terribly well with Mr Kerr or Mr Whitton, but I did not duck them. The time to make such choices is when we have the financial information that allows us to do so.

I very much agreed with the central part of Wendy Alexander's interesting speech, which was that we should all be prepared to debate these questions. That is why I would be delighted to come to Parliament or the Finance Committee to discuss the independent budget review and the budget that we will set out and which will become the subject of the budget bill. However, she trivialised the issue a little bit when she said that all of this related to a mere £200 million of a difference in the projections. Ms Alexander knows as well as I do that particular decisions taken by the United Kingdom Government on the allocation of expenditure to particular UK departments have an enormous influence on consequential for the Scottish Government.

Ms Alexander: Will the cabinet secretary confirm that there was a mere difference of £200 million—or less than 1 per cent—between the best and worst-case scenarios in his own economic adviser's forecasts for next year's DEL? Is that true?

John Swinney: Dr Goudie was able to set out that information, but there is a fundamental difference between that kind of trend projection and the composition of a Government budget, which is the creation of decisions that the UK Government quite rightly and properly takes under the current Barnett formula arrangements. The Chief Secretary to the Treasury, the Chancellor of the Exchequer and the Prime Minister have made it clear to the Scottish Government that we will have input into the comprehensive spending review. On Tuesday, Mr Alexander told the Finance Committee that I would not be getting "a running commentary"; I am happy to cheer him up by telling him that I was not expecting to get one.

However, having an input into discussions on the balance of decisions that affect our settlement is fundamental to our reaching conclusions about our own budget.

I will submit to the Finance Committee a response that, I am sure, will set out the Government's guiding principles on the spending review. Following that, I will be delighted to take part in parliamentary debates on the conclusions of the independent budget review and to engage widely in discussions with members of the public in a way that most helps us to reach conclusions on how we protect economic recovery and the services on which the public depend and take the necessary action to fulfil our climate change obligations.

16:53

Tom McCabe (Hamilton South) (Lab): The timing of the committee's inquiry could justifiably be described as apposite, given that we are facing unprecedented and—certainly within this parliamentary session—unthinkable reductions in the Scottish budget. Indeed, speakers in today's debate have echoed many of the concerns that our report highlighted.

It would have been reassuring had we been able to report to Parliament that public sector organisations were facing up to the realities and planning accordingly. I am sad to say that it has not been possible for us to do so. The cabinet secretary seems to have indicated that he has some difficulty with that conclusion, but I remind him that the committee reached that view on the basis of the evidence that it took.

Equally, it would have been reassuring had we been able to report that the Scottish Government was adopting a Churchillian, Government-of-national-unity approach to a fiscal situation that could have catastrophic effects for some of the most vulnerable people in our society. I am sad to say, however, that political rhetoric and an impending election seem to be getting in the way of that.

The report makes the point that clarity, leadership and straight talking are required to respond to this situation. That is indeed the case.

The point has already been made about the chief economic adviser's impact analysis of the June budget. I am glad to hear the cabinet secretary confirm that that information will be published; it would be a good start to the debate to have it published.

John Swinney: Does Mr McCabe acknowledge that the way in which the Government has set the independent budget review in a place for open debate with the country and all parties is perhaps

an appropriate approach, given the Churchillian mantra that he set out for us today?

Tom McCabe: I gently remind the cabinet secretary that the independent budget review is due to report sometime in July. By his timetable, he is due to come to Parliament sometime in November. In between lies a very large gap for people in Scotland to be extremely concerned about.

One witness to our committee forecast a loss of 6,500 public sector jobs next year. That was before the emergency budget of 22 June and the comprehensive spending review that is heading our way. There is every indication that the Scottish departmental expenditure limit could drop by around 20 per cent, yet the Scottish Government claims that it will protect health spending, apply consequential direct to the health budget and maintain universal benefits. Those are bold statements, to say the least. There is no shortage of informed commentators on the Scottish economy who view them with extreme scepticism. The Scottish Government needs to lead the debate on this sooner rather than later. The idea that we can wait until November is untenable. The Scottish Government needs to explain to those who will suffer the most what the consequential effects of such promises will be on other services.

Similarly, as has been mentioned, the recent Fraser of Allander institute report has indicated the possibility of up to 90,000 job losses in the Scottish public sector over the next five years. The Scottish Government needs to confirm its view of that prediction and it needs to be honest and reassuring about how it believes that that can happen without the need for compulsory redundancies.

The committee took evidence from a wide range of public bodies in Scotland and it became clear that they require leadership and direction from the Scottish Government. It also became clear that few had any confidence that tinkering or platitudes would have any impact on the magnitude of the budget reductions. Few, if any, will take the radical action required without a firm lead and direction from the Scottish Government. That is why we need to debate and shed light on the full consequences of what lies ahead for the Scottish budget. We need to start that process now and we need to dispense with the notion that we can continue to put off discussion of uncomfortable realities.

The Finance Committee did not find a great state of readiness among the Scottish public sector for what is to come. We believe that the Scottish Government needs to be smarter and faster in outlining its proposed response, especially given that its own independent budget review group will report during our summer recess.

That in itself gives ample time for the Scottish Government to lay out some of the impending consequences, long before we reach November.

Parliamentary Bureau Motion

16:58

The Presiding Officer (Alex Fergusson): The next item of business is consideration of Parliamentary Bureau motion S3M-6693, on committee membership.

Motion moved,

That the Parliament agrees that Bill Wilson be appointed to replace Michael Matheson as a member of the European and External Relations Committee.—[*Bruce Crawford.*]

The Presiding Officer: The question on the motion will be put at decision time, which will be in just under one minute. I suspend the meeting until then.

16:59

Meeting suspended.

17:00

On resuming—

Decision Time

The Presiding Officer (Alex Fergusson): There are four questions to be put as a result of today's business.

The first question is, that motion S3M-6605, in the name of Roseanna Cunningham, on the Crofting Reform (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 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)
 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)
 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)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (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)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)

Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 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)

Abstentions

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)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (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)
 Hume, Jim (South of Scotland) (LD)
 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)
 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)
 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)
 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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (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 66, Against 0, Abstentions 59.

Motion agreed to,

That the Parliament agrees that the Crofting Reform (Scotland) Bill be passed.

The Presiding Officer: The second question is, that amendment S3M-6670.1, in the name of David Whitton, which seeks to amend motion S3M-6670, in the name of Andrew Welsh, on the Finance Committee's report on the budget strategy phase, 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)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (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)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 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)
 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)
 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)

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)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (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)

Against

Adam, Brian (Aberdeen North) (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)
 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)
 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)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 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)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (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)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)

Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 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)

The Presiding Officer: The result of the division is: For 62, Against 64, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The third question is, that motion S3M-6670, in the name of Andrew Welsh, on the Finance Committee's report on the budget strategy phase, be agreed to.

Motion agreed to,

That the Parliament notes the 4th Report, 2010 (Session 3) of the Finance Committee on the Budget Strategy Phase (SP Paper 455) and refers the report and its recommendations to the Scottish Government for consideration.

The Presiding Officer: The fourth question is, that motion S3M-6693, in the name of Bruce Crawford, on committee membership, be agreed to.

Motion agreed to,

That the Parliament agrees that Bill Wilson be appointed to replace Michael Matheson as a member of the European and External Relations Committee.

Meeting closed at 17:02.

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