



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Thursday 31 May 2012

Session 4

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## Scottish Parliament

*Thursday 31 May 2012*

[The Presiding Officer *opened the meeting at 09:30*]

### Business Motion

**The Presiding Officer (Tricia Marwick):** Good morning. The first item of business is consideration of business motion S4M-03112, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Land Registration etc (Scotland) Bill.

*Motion moved,*

That the Parliament agrees that, during stage 3 of the Land Registration etc. (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the stage begins and excluding any periods when other business is under consideration or when 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 to 4: 1 hour.—[*Bruce Crawford.*]

*Motion agreed to.*

## European Strategy and Minor Rule Changes

**The Presiding Officer (Tricia Marwick):** The next item of business is a debate on motion S4M-03052, in the name of Dave Thompson, on the European strategy and other minor rule changes. I call Dave Thompson to speak to and move the motion on behalf of the Standards, Procedures and Public Appointments Committee.

09:31

**Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** The changes to the standing orders that are proposed by the Standards, Procedures and Public Appointments Committee's report support the operation of the European strategy that has been developed by the European and External Relations Committee. The proposed changes put in place a mechanism for the Parliament to communicate its views to the United Kingdom Parliament on European legislative proposals in areas of devolved interest. That gives the Parliament an opportunity to contribute to UK Parliament consideration of whether a proposal complies with the principle of subsidiarity. When the UK Parliament considers that a proposal does not comply with that principle, it may, within eight weeks of the proposal being transmitted to it, submit to the European institutions a reasoned opinion setting out why the proposal does not comply. Under the strategy, the Scottish Parliament would be required to transmit its own views to Westminster before that deadline was reached.

To that end, a legislative proposal that has been identified within the Parliament as raising subsidiarity concerns will be referred to and considered by a lead committee. If the proposal falls within the remit of more than one committee, the bureau can designate a lead committee. If the committee agrees that the proposal raises subsidiarity concerns, it will be required to report to the Parliament and a motion to reflect the committee's conclusion will be lodged by the convener for debate. The rules provide for the bureau to allocate such time for the debate as it considers appropriate. If the motion is agreed to, the opinion of the Parliament will be transmitted to the European committees at Westminster. However, it is recognised that the eight-week deadline for Westminster may mean that there is not sufficient time to complete the full procedure that I have just set out. In such cases, the draft rules allow for the lead committee's concerns to be notified to the Westminster committees. Similarly, provision is made for notification on behalf of the committee to be provided if the Scottish Parliament is in recess for more than four days.

A rule change to require each subject committee and the Equal Opportunities Committee to appoint a European reporter is also included. A reporter would promote the European Union dimensions to a committee's work and lead on early engagement on any issues emerging from Europe.

The Standards, Procedures and Public Appointments Committee intends to review the operation of the rules once relevant committees have had an opportunity to put them into practice. To ensure that the standing orders remain up to date, we are also replacing the now defunct term "European Communities" with "European Union".

I turn to the minor standing order rule changes. The first change is a proposal to remove the requirement to consider statutory instruments that, although laid before the Parliament, are not subject to any form of parliamentary control. That was a consequence of the Interpretation and Legislative Reform (Scotland) Act 2010 and meant that lead committees had to consider instruments that they would not have had to consider prior to the implementation of the 2010 act. The change that is recommended by the committee removes that requirement while still enabling a subject committee to consider an instrument if it wishes to do so.

The second change is to alter the reporting deadline for the Subordinate Legislation Committee in relation to instruments that have a period of parliamentary consideration that is longer than the usual 40 days. On a previous occasion when an instrument with a longer consideration period had been laid, the Parliament decided to suspend rule 10.3.2 in relation to it. So that the Parliament does not have to suspend standing orders in that way in future, the committee proposes a rule change to require the SLC to report within a longer timeframe, subject to the consideration period that applies to the particular instrument.

The third change to standing orders is to remove the requirement for legislative consent memorandums to be printed when they are first published, given that they will in any case be printed as part of the lead committee's report. By amending standing orders so that LCMs require only to be published, rather than printed and published, the Parliament will have flexibility in deciding whether it is necessary to print LCMs in addition to publishing them on the Parliament's website.

Fourthly, rule 1.8.3 requires that members are consulted on the terms of a proposed resolution or determination to be made under the Interests of Members of the Scottish Parliament Act 2006. Recent practical use of the rule highlighted that members essentially have to be consulted twice on the same thing. The proposed amendment will

ensure that members will be consulted on the substantive content of any resolution or determination, but will not then have to be consulted again on the specific terms of the motion to agree that resolution or determination.

Finally, there are a number of references in standing orders to the Judicial Committee of the Privy Council. That body was replaced by the United Kingdom Supreme Court under schedule 9 to the Constitutional Reform Act 2005, so the Standards, Procedures and Public Appointments Committee proposes an amendment to update those references.

On behalf of the Standards, Procedures and Public Appointments Committee, I move,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 1st Report 2011 (Session 4), *Minor Standing Orders Rule Changes* (SP Paper 25) and 1st Report 2012 (Session 4), *European Strategy* (SP Paper 59), and agrees that changes to Standing Orders set out in Annexe A of the 1st Report 2011, other than those agreed to by motion S4M-01347, and in the annexe to this motion be made with effect from 20 August 2012.

09:37

**Aileen McLeod (South Scotland) (SNP):** As a member of the European and External Relations Committee, I welcome the opportunity to speak in support of the Standards, Procedures and Public Appointments Committee's motion to amend standing orders in order better to permit the Parliament to protect Scotland's interests in the legislative procedures of the European Union.

As is well known, the policy reach of EU legislation is extensive, and it continues to extend. Many of the EU's directives and regulations impact either directly or indirectly on a wide range of policy issues that fall within the competence of this Parliament. It is therefore essential that we, as a Parliament, avail ourselves of every opportunity to scrutinise and, where appropriate, influence EU legislative proposals that affect Scotland's strategic interests and impact on our legislative authority. The motion seeks to modify our standing orders to achieve that result. The context for the modification is the Parliament's European strategy, which was agreed to in December 2010 and which sets out a new approach for early engagement and scrutiny of EU policy initiatives and legislative proposals by the Parliament and its committees.

It is difficult to overstate the importance of early engagement and how it can make a real difference. For example, last Friday, the European and External Relations Committee brought together in this Parliament the Scottish Government, the UK Government, the European Commission, the European Parliament and key

stakeholders from across Scotland's university, research and business sectors to discuss Scotland's response to the Commission's proposed EU horizon 2020 programme for research and innovation. That afforded us the opportunity to contribute to the on-going debate in Brussels on the future of research funding across Europe. Early engagement by the Parliament is important to ensure that Scotland is able to take full advantage of the opportunities.

The key triggers for reconsidering the way in which the Parliament handles EU business are the new provisions introduced by the 2009 Lisbon treaty that require the European Commission to strengthen the role that the principle of subsidiarity plays in determining the reach of EU law. The strengthened subsidiarity protocol is therefore important as a device to restrict the unnecessary acquisition of legislative competences at the EU level and to stem the flow of unjustified legislation from Brussels.

I have made the point in the chamber before, and I make no apologies for repeating it today, that when the EU legislates in a particular area, it is not the powers of Governments that are reduced but the legislative powers of Parliaments, including this Parliament. For that reason, we must ensure that our parliamentary procedures for handling EU business are revised to allow our views on prospective EU legislation to be properly taken into account first by the Westminster Parliament and then in Brussels by both the Commission and our members of the European Parliament.

Although the motion sets out the formal changes that are needed to allow us to play our part in subsidiarity procedure, I am delighted that many of the wider recommendations that were made in the European and External Relations Committee's report of 2010 are being taken forward. For example, the establishment of the position of European reporter in each of our parliamentary committees has greatly improved the capacity of each committee to ensure that, collectively, the Parliament is aware of the impact of EU legislative proposals on specific subject areas suitably early.

The amendments to the standing orders will help to strengthen the Parliament's European engagement. Key negotiations are under way in Brussels on the EU budget, reforms to the common agricultural policy and common fisheries policy, state aid, financial services reform, EU structural funds and horizon 2020, and it is vital that the Parliament's voice is heard in those discussions. That requires a more proactive approach from the Parliament.

## Land Registration etc (Scotland) Bill: Stage 3

09:40

**The Presiding Officer (Tricia Marwick):** The next item of business is stage 3 proceedings on the Land Registration etc (Scotland) Bill. In dealing with the amendments, members should have before them the bill as amended at stage 2, which is SP bill 6A, the marshalled list, which is SP bill 6A-ML, and the groupings, which is SP bill 6A-G.

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

Members who wish to speak in the debate on any group of amendments should press their request-to-speak button as soon as possible after I call the group.

Members should now refer to the marshalled list of amendments.

### Section 31A—References to certain entries in the Register of Inhibitions

**The Presiding Officer:** Group 1 is on effective registration. Amendment 6, in the name of Murdo Fraser, is the only amendment in the group.

**Murdo Fraser (Mid Scotland and Fife) (Con):** I start by declaring my interest as a member of the Law Society of Scotland. Amendment 6 and amendment 7, which is also in my name, originate with the Law Society. They do not make any political points but rather seek to address a problem that has arisen because the practice of the keeper of the registers of Scotland is out of step with the established understanding of Scots property law.

As members will be aware, an inhibition is a charge that is registered against a property that means that it cannot be sold without the creditor being repaid. It has always been understood in Scots property law that an inhibition would not be effective if it was registered after the date of completion of missives for the sale. That is because the conclusion of missives is in effect the creation of a contract. The subsequent grant of a disposition of the property by the seller is therefore, in effect, an involuntary act. That understanding of the law is confirmed by Professor George Gretton in his seminal text book, "The Law of Inhibition and Adjudication".

Unfortunately, some confusion was caused by section 160 of the Bankruptcy and Diligence etc

(Scotland) Act 2007, which has led the keeper to have a policy of excluding indemnity in land certificates that have been issued to a purchaser where an inhibition has been registered against the seller after missives have been concluded. That has caused problems for purchasers in that situation and their lenders.

Amendment 6 seeks to clarify that section 160 of the 2007 act does not alter the common-law position. Accordingly, inhibitions registered against the seller after missives are concluded remain ineffective, as the seller is already contractually bound to dispose of the property. That will allow the keeper to change the current policy, which is causing difficulties for purchasers and inaccuracies in the land register.

It is important to stress that no one will lose if amendment 6 is agreed to, as the holders of inhibitions would be in no worse a position than they were previously. However, the purchaser will get a clear land certificate, instead of potentially having to face an application to the Lands Tribunal for Scotland to achieve that result, which is the remedy that is currently available. As well as the support of the Law Society of Scotland, the amendment has the support of the Council of Mortgage Lenders in Scotland.

I have pleasure in moving amendment 6.

09:45

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** I, too, am a member of the Law Society of Scotland, albeit as a non-practising solicitor.

Amendment 6 would have the effect of barring the keeper from reflecting in the title sheet, when registering a disposition, an inhibition dated later than the date on which the missives were concluded.

Murdo Fraser said that the amendment is necessary because of the problem created by section 160 of the 2007 act. The issue is whether section 160 replaces the common-law rule that an inhibition strikes only at voluntary dealings with the inhibited land by a debtor. A sale by a debtor under missives that were concluded before an inhibition was registered is not a voluntary dealing and so is not affected by the inhibition. To be fair, I think that Mr Fraser made that point. However, the amendment does not affect or clarify whether such an inhibition is effective against the disposition. It simply instructs the keeper to act in a certain way, regardless of the underlying legal position.

One of the purposes of the bill is to bring registration law into line with property law by, for example, removing the complex structure of bijuralism created by the Land Registration

(Scotland) Act 1979. Bijuralism is the term used by the Scottish Law Commission to describe the simultaneous application of two different systems of law: the special rules of registration of title and the ordinary rules of property law. Instead, the bill tries to simplify the position by requiring the land register, where possible, to reflect the property law position. Requiring the keeper to ignore certain inhibitions is undesirable, as it risks reintroducing the confusing principles of bijuralism that the bill seeks to eliminate.

In addition, I do not believe that amendment 6 will help conveyancers or those who use the land register for other purposes. Indeed, it may well hinder the conveyancing process. An inhibition or other entry in the register of inhibitions will be effective, or ineffective, as a matter of law, whether or not the keeper notes its existence on the title sheet. To make that change would go some way towards undermining one of the main purposes of the land register: that of keeping relevant information about the title on the title sheet where necessary. The place to deal with section 160 of the 2007 act is in a bill about diligence, not this bill.

Part 4 of the bill, on advance notices, already provides a practical solution to the issue that Murdo Fraser raises. As a result of section 58B, an advance notice will protect a named deed from, among other things, inhibitions entered in the register of inhibitions during the protected period. An advance notice granted on the conclusion of missives, or a day or two before, will protect the grantee from an inhibition registered before registration of the disposition for 35 days. A further advance notice may be used if the protected period is coming to an end. As such, the grantee of such a disposition will be protected by the advance notice without the uncertainty introduced by amendment 6.

However, I say to Mr Fraser that the Government will continue to monitor the issue. I respect the fact that the Law Society has raised the issue. I have given the technical arguments for why we do not think that amendment 6 is the correct way to deal with it and outlined how we believe that it can be dealt with through another route.

**Annabel Goldie (West Scotland) (Con):** I would like to put the issue beyond doubt. Is the minister confirming that, in the absence of amendment 6 being agreed to, innocent purchasers will continue to be in doubt—even after the conclusion of their missives—about whether and when they can get a clear title?

**Fergus Ewing:** I think that Annabel Goldie is asking me to speculate on what is in the mind of purchasers. I am not sure how I can answer that question. However, I can say that the law, as I



have set out, is fairly clear that an inhibition after the conclusion of missives would not vitiate the transaction, because inhibitions affect only voluntary grants, and therefore an inhibition after the conclusion of missives would not be effective. However, I cannot be expected to know what is in the mind of purchasers.

We will continue to work with the Law Society of Scotland. If it becomes clear that there is a continuing problem and that advance notices have not in practice removed any difficulties in this area, the Scottish Government will, as is appropriate, look for an opportunity to consider making appropriate provision in the law in this area in other legislation. Amending the bill is not the appropriate means of so doing.

For the reasons that I have outlined, I cannot support amendment 6 and ask Mr Fraser to withdraw it.

**Murdo Fraser:** I am grateful to the minister for his detailed response. He rather argued against himself, because he accepted and, I think, understood the point in law that I made about inhibitions being ineffective after the date of conclusion of missives, but he did not justify why the keeper's practice does not reflect that understanding of Scots law.

Having said that, I welcome the minister's assurance that he will work with the Law Society of Scotland to try to find a solution to the problems. In drafting the amendment, the Law Society took academic opinion from Professor Robert Rennie, who I am sure the minister will know is an expert on such matters.

In view of the minister's assurance that he will try to find a way forward, and given that the amendment does not have the Government's support, I ask to withdraw my amendment.

*Amendment 6, by agreement, withdrawn.*

### **Section 111—Land register rules**

**The Presiding Officer:** Group 2 is on proprietorship section of title sheet: additional information. Amendment 1, in the name of Rhoda Grant, is the only amendment in the group.

**Rhoda Grant (Highlands and Islands) (Lab):** In speaking to my amendment, I make it clear that I believe that all land ownership in Scotland should be open and transparent. Knowledge of land ownership and beneficial ownership should be in the public domain.

I heard with interest what the Government said about my stage 2 amendments on the issue. The Government did not agree with those amendments because it was concerned about bureaucracy and increased staffing and cost requirements. Rather than amend the bill in the way that I previously

proposed, I now seek to amend it in a practical way that I hope would deal with the problems that the lack of transparency causes.

Land in Scotland can be owned by offshore companies or trusts. That in itself does not cause a problem, unless such a landowner acts irresponsibly and refuses to enter into discussion with tenants and crofters. I have dealt with cases in which crofters and tenants wished to develop projects that would lead to jobs and an economic boost in their areas, but such projects fell because permission could not be obtained from landowners.

My amendment 1 would allow the Government to make regulations that would permit tenants and crofters to discover the true identity of landowners. The amendment is narrowly drawn, as not all landowners would be required to provide the information that is referred to.

If a company were publicly floated, it would be impossible to identify every shareholder. However, the names of the organisation's decision makers would be publicly available and the company would be required to hold an annual general meeting. Those are mechanisms that a tenant could use to make contact. It would be allowable and desirable not to require such companies to give the information mentioned in the amendment.

The beneficial owners that I wish to be identified are those who abuse their position and hide behind offshore companies. The amendment is so narrowly drawn that it does not include all offshore companies and the like; it would cover only those in relation to which someone with an interest, such as a tenant, had applied to the keeper for information.

Amendment 1 is a simple amendment that would solve the problem, although it is a long way short of the amendment that I would have wished to lodge.

I move amendment 1.

**Roderick Campbell (North East Fife) (SNP):** I refer to my registered interest as a member of the Faculty of Advocates.

I have the disadvantage of not being a member of the Economy, Energy and Tourism Committee and not having heard the evidence, but I thought that the bill's primary aim related to registering title and completing the existing land register. It is, of course, about title to land, not who might have a beneficial or financial interest, which is a much wider issue.

Amendment 1 seeks to amend section 111. I accept that the minister directed members to that section at stage 2, which might be considered a bit of an own goal. I am not convinced that we should tag on to that section something that is a great

deal more complicated than Rhoda Grant gives it credit for being.

In the case of a publicly owned company, interests would be likely to change frequently. Foreign companies might have diverse ownership structures, which would raise issues of property taxation and company law that are outwith conveyancing practice. I am not sure what evidence the committee has taken on the issues. Any such regulations may have an impact on the market for land, and proper expert evidence in that respect should be considered.

To my knowledge, there are no such requirements for land registration elsewhere in the United Kingdom, although Andy Wightman made certain critical comments to the committee in that regard.

There may also be unspecified costs on and expense for the keeper. I therefore strongly suggest that much more thought and consideration is required before we agree to such regulations being made, and that provision for them ought not to be part and parcel of the bill at this time. I recommend that we reject amendment 1.

**Patrick Harvie (Glasgow) (Green):** The committee took evidence on the issue at stage 1 and considered a number of different options for addressing it at stage 2. Although there is something in what Roderick Campbell says, the recurring theme is that the criticisms of the bill are not so much about what is in it as what is not. The Government has made a policy decision not to address certain wider issues, which is part of the problem that the bill's critics have with it.

I endorse some of Rhoda Grant's comments and her amendment, and point out once more that paragraph 219 of the committee's stage 1 report, which we agreed unanimously, states:

"We consider that the Scottish Government should reflect further on options for ensuring that the land registration system reduces the scope for tax evasion, tax avoidance and the use of tax havens, and that the Government should explain prior to Stage 2 what additional provisions can be included, whether in the Bill or otherwise, to achieve this objective."

I am not sure that the Government has properly considered those options, and I am concerned that it seems to continue to consider the use of tax havens in particular as unproblematic and as something that it has no responsibility to address. I accept that we cannot control the tax system and define what tax havens are, but we can use other means to create barriers to the exploitation of those immoral loopholes, and I regret that we are not taking the opportunity to do so in the bill.

**Ken Macintosh (Eastwood) (Lab):** I support amendment 1 in the name of my colleague Rhoda

Grant, and echo the sentiments that Patrick Harvie expressed. There is no point in pretending that the bill has created widespread excitement among the general public, but the issue of beneficial ownership of land and the concerns about greater transparency around who owns land and property in Scotland have engaged slightly wider interest.

It is clear from the committee's deliberations and findings in its stage 1 report that there was a lot of sympathy among committee members for the need for further measures to promote the accessibility and transparency of the register. I understand why the committee could not accept Andy Wightman's suggestions at stage 2, but I believe that Rhoda Grant has come up with an alternative and fairly tightly drawn amendment that would provide further information on proprietors, which I hope the Scottish Government is minded to accept.

**Rob Gibson (Caithness, Sutherland and Ross) (SNP):** Amendment 1 aims to reveal the beneficial owners of land, which is a laudable aim if unforeseen consequences are avoided, and if it adds to the effective work of the keeper of the register in carrying out the duties that the bill delivers to him, at an acceptable cost to the country.

Members will be aware of the difficulties in the area of farming payments. The European Union has precluded ministers from revealing the names of individual recipients; only companies can be revealed. There is therefore a problem with revealing who gets such money.

We might want to address that question in another way, and members on all sides of the chamber might wish changes to be made in that regard. That is a fact. However, amendment 1 is more of the heart than the head. The case has not been made for the proposals—indeed, section 111(1) of the bill allows Scottish ministers to make specific land register rules. For example, section 111(1)(e) states that rules can be made

"requiring the Keeper to enter in the title sheet record such information as may be specified in the rules or authorising or requiring the Keeper to enter in that record such rights or obligations as may be so specified".

Amendment 1 is therefore not necessary. I encourage Rhoda Grant to join us in deciding what the aims of land reform should be, rather than making imperfect amendments to a limited land registration bill that relate to beneficial ownership.

10:00

**Fergus Ewing:** I thank members for their contributions to this debate on an issue that was debated at great length during stage 2.

Rhoda Grant's amendment 1 is similar to amendments that she lodged at stage 2, which the committee rejected. I understand the sentiments behind amendment 1, but it is as unworkable and undesirable as I suggested that her stage 2 amendments were. I will say why that is the case.

The land register is, of course, open and transparent and shows who owns land in Scotland, as does the register of sasines, albeit not in the same modernised, map-based form. The land register is for registering titles. It allows for the creation of real rights in land and publicises key information that allows the conveyancing process to operate. I reminded myself this morning that a body no less august than the United Nations commended the importance of countries having a land register for economic development purposes. Such a register is important so that trade can be conducted and securities over land can be created. I am sure that members will recall that that is stated in the bill's policy memorandum. The purpose of the land register is not to allow every piece of information relating to an area of land or its owner to be public knowledge. Its primary purpose is to allow trade to be conducted, property rights to be acquired and economic development to be pursued.

I think that amendment 1 is intended to allow certain as yet unspecified extra information to be entered on a title sheet at the request of a third party with no interest at all in the land, but it does not specify in any way whatsoever what that information would be. As Rob Gibson correctly pointed out, section 111(1)(e) already provides for the keeper to require information to be provided on the title sheet.

The result of the amendment would be a disincentive to people buying and selling land in Scotland, and it could add quite considerable costs for people who use the land register. In other words, it would put up the costs of buying or selling property in Scotland. I respectfully submit that that is the very last thing that we would wish to do at a time when it is very difficult for first-time buyers to get into the property market.

During the previous stages of the bill, we debated the importance of the completion of the land register. In a later speech, I will outline the significant progress that we will make towards that end as a result of the bill. I mention that because, if the keeper were required to do all the extra work of an unspecified nature to enter on the title sheet details of the shareholdings of every property owned in Scotland and to keep track of that—I presume that that would be on a daily basis, as shareholdings are transacted on a daily basis—no matter how that was dealt with, there would be an additional burden. That burden would be imposed on the keeper's staff at a time when the

Parliament will, I hope, support the principle that we want the keeper to extend the land register to cover as many properties in Scotland as possible and to focus the resources of their excellent staff on that task rather than on unspecified tasks that would confer very little, if any, real benefit.

I understand and respect members' sentiments and confirm that we looked carefully at options that were theoretically available to us. However, for the reasons that I have given, I cannot support amendment 1, and I respectfully ask Rhoda Grant to seek to withdraw it.

**Rhoda Grant:** I wind up with a degree of concern because my amendment has been misrepresented. The minister said that it would lead to higher costs. It would not, because it is narrowly drawn and it leaves many powers to the minister to use in coming forward with subordinate legislation on the practicalities of how the proposal would work.

Unlike the provision in section 111, which the minister says does the same thing, the amendment is not blanket legislation. It would require certain companies to give information at the request of certain interested parties. Those interested parties could be Her Majesty's Revenue and Customs, in the case of tax evasion, or they could be tenants, crofters or neighbours. The provision could be so narrowly drawn that there would be perhaps one or two occurrences of its ever being used. It would not create a new bureaucracy or impose additional costs. Indeed, if HMRC made a request, it might save the public purse a huge amount of money.

Another misconception is that there would be a need to list the names and addresses of all shareholders. That would not be the case. When such information was publicly known and available, that type of company could be excluded. The amendment would not lead to huge bureaucracy and it would not be expensive.

Rob Gibson said that amendment 1 was more about heart than head. As I said, if this was about heart I would be taking forward a totally different amendment. This is about head—it is about having a practical solution to a difficult problem that occurs every day. We need to ensure that loopholes are closed and that is what amendment 1 does.

The amendment does not create a bureaucracy, unlike the provision in section 111. The minister argues that that provision does the same thing as amendment 1—I argue that it does not. The amendment says that ministers "must make regulations"; section 111 allows ministers to make regulations at their own behest if they so wish. Section 111 also ensures that every property will be subject to those regulations and that anyone

can request the information. The amendment narrows that down to cover only certain types of property ownership and certain types of interested people.

I press amendment 1.

**The Deputy Presiding Officer (John Scott):**

The question is, that amendment 1 be agreed to. Are we all agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division. As this is the first division at stage 3, I suspend the meeting for five minutes.

10:07

*Meeting suspended.*

10:12

*On resuming—*

**The Deputy Presiding Officer:** We now proceed with the division on amendment 1.

This is a 30-second division, and members should cast their votes now. However, before they do, they should make sure that their cards are fully inserted into their consoles; we have noted that some are not fully pressed in.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Smith, Drew (Glasgow) (Lab)

Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 37, No 73, Abstentions 0.

*Amendment 1 disagreed to.*

### Section 119—Commencement

10:15

**The Deputy Presiding Officer:** Amendment 2, in the name of the minister, is grouped with amendments 3 to 5.

**Fergus Ewing:** These minor and technical amendments are all related to commencement. Amendments 2 and 5 form a pair and seek to split the commencement of section 110's subsections (1) and (2). Currently, all of section 110 will come into force on the day after royal assent. That is usual practice for definitions of the type that is contained in section 110(1), and amendment 2 seeks to ensure that that subsection can be commenced on that day.

However, as section 110(2) is not merely a definition, but a gloss for construing references to "registering" elsewhere on the statute book, it might have an effect if commenced on the day after royal assent. Accordingly, amendment 5 seeks to ensure that section 110(2) comes into force on the designated day along with the bill's other main provisions, in particular sections 30 and 31 on registration.

Amendments 3 and 4 seek to ensure that certain delegated powers in the bill can be commenced by order so as to be exercised before the bill's main provisions come into force on the designated day. It is important that ministers have that ability to ensure that the necessary implementation work can be undertaken ahead of the main parts of the bill coming into force.

I move amendment 2.

*Amendment 2 agreed to.*

*Amendments 3 to 5 moved—[Fergus Ewing]—and agreed to.*

### Schedule 5—Minor and consequential modifications

**The Deputy Presiding Officer:** We move to group 4. Amendment 7, in the name of Murdo Fraser, is the only amendment in the group.

**Murdo Fraser:** Amendment 7 is another that has originated with the Law Society of Scotland and, like amendment 6, it seeks to clarify the law to deal with a situation in which the keeper's policy causes purchasers undue problems. It seeks to provide clarification that section 26 of the Conveyancing and Feudal Reform (Scotland) Act 1970 will operate to remove from the title sheet any remaining prior ranking or *pari passu* securities following a sale of repossession, even if the calling-up procedure did not comply with the interpretation of the statutory requirements in the Supreme Court decision on *RBS v Wilson*.

In Scots property law, the established position has always been that where a standard security is called up and the property is repossessed, then subsequently sold by the first security holder, subsequent or *pari passu* securities are treated as having been automatically discharged.

However, the keeper's current policy when processing applications for registration of a dealing that is affected by the decision in *RBS v Wilson* is not to remove from the relevant title sheet any additional securities on the property that rank as *pari passu* with, or postponed to, the security that has been called up, unless they have been formally discharged.

It is also the keeper's policy to expressly exclude indemnity in respect of loss arising from rectification to delete such securities, or from the subjects being found not have been disburdened of them under section 26 of the 1970 act.

The consequence of that policy is that land and charge certificates that are issued to the purchasers in such circumstances indicate that the title is still subject to *pari passu* or postponed securities granted by the previous owner, and that such securities rank ahead of any new security that is granted by the purchaser, for example for a mortgage. That situation causes serious difficulty to purchasers, lenders and solicitors.

There is academic opinion that states that the keeper's policy is incorrect, but if amendment 7 were to be agreed to, it would put the matter beyond doubt and would allow the keeper to change policy to ensure that the purchasers of repossessed properties are not put at a disadvantage.

Amendment 7 has the support not only of the Law Society of Scotland but of the Council of Mortgage Lenders, which is keen that the issue be resolved. I also record that if a property that has been repossessed is sold, any excess sum that is left over once the first security holder has been paid will be accounted for by the second, or subsequent, security holder. As a result of that, no individual or institution would suffer any loss.

Amendment 7 will represent a real benefit to many purchasers who are caught in this unfortunate situation as a result of the RBS v Wilson judgment, which suggests that the keeper's practice is unfortunately out of step with general understanding of Scotland's property law.

I have pleasure in moving amendment 7.

**Fergus Ewing:** I fully understand the difficulty that has arisen for conveyancers, lenders and home owners as a result of the clarification of the procedures in relation to power of sale by the Supreme Court in the case of RBS v Wilson.

However, I cannot see quite how amendment 7 would help to resolve the mischief that is at the root of the issue. Conveyancers and lenders are now fully aware of the decision in RBS v Wilson and have, I understand, amended their procedures accordingly; practitioners are to be praised for their swift action. As a result, amendment 7 is unnecessary because proper procedures are now clear and are being followed.

There remains a possible difficulty for a relatively small number of cases that were completed or were on-going at the time of RBS v Wilson. Technically, the change that amendment 7 proposes may not be a retrospective change to the law, but it is not clear how it would work. Crucially, it could remove the rights of those who might be adversely affected by the subsequent sale to seek redress in line with their rights as declared by the Supreme Court.

If amendment 7 is intended merely to clarify the law, it appears to the Government that it would go much further than is necessary. The difficulty in the existing cases is limited to the failure to issue a calling-up notice. Amendment 7 would operate on any and all failures by the creditor to follow the law on calling-up procedure. That would be a quite extraordinary result, and the potential for unintended consequences is considerable. In the Home Owner and Debtor Protection (Scotland) Act 2010, Parliament passed legislation that is designed to offer protection to home owners, which is absolutely crucial in the current climate. Therefore, I cannot support an amendment that risks cutting across such protection.

**Murdo Fraser:** The minister fairly identified that there is a problem that is a result of the keeper's interpretation of the consequences of the RBS v Wilson case, which I believe affects the purchasers of several hundred properties. Can the minister assure me that he and his officials will work with the Law Society of Scotland and with the keeper's office to find a resolution to the difficulties that have been presented to that group of individuals?

**Fergus Ewing:** Yes—I will be pleased to do that. Murdo Fraser has quite properly brought to

Parliament a matter of particular significance and importance to a number of people in Scotland who may be affected by the RBS v Wilson case. I do not think that a legislative solution is appropriate, but I will take up Mr Fraser's suggestion. In discussions with my officials yesterday evening, I was minded to act in such a way. I have instructed my officials to work closely and promptly with the Law Society and others, including the Council of Mortgage of Lenders, to see what assistance, if any, the Scottish Government can provide to progress the relatively small number of cases that are affected. I am happy to provide that assurance to Mr Fraser and Parliament.

I cannot support amendment 7 for the reasons that I have outlined and which I hope Murdo Fraser will accept, so I respectfully ask him to withdraw it.

**Murdo Fraser:** I very much welcome the assurance that the minister has given me. The purpose of amendment 7 was to resolve a difficulty that has arisen because of the keeper's practice. The minister has fairly indicated that he and his officials will work with the keeper and the Law Society to find an alternative way of resolving the difficulty. In view of that, I do not intend to press amendment 7.

*Amendment 7, by agreement, withdrawn.*

**The Deputy Presiding Officer:** That ends consideration of amendments.

## Land Registration etc (Scotland) Bill

**The Deputy Presiding Officer (John Scott):** The next item of business is a debate on motion S4M-03070, in the name of Fergus Ewing, on the Land Registration etc (Scotland) Bill.

As the bill contains provisions that require Crown consent, I call on John Swinney to signify consent under rule 9.11 of the standing orders.

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** For the purposes of rule 9.11 of the standing orders, I advise Parliament that Her Majesty, having been informed of the purport of the Land Registration etc (Scotland) Bill, has consented to place her prerogative and interest, so far as they are affected by bill, at the disposal of Parliament for the purposes of the bill.

**The Deputy Presiding Officer:** Thank you. We now move to the debate. I call Fergus Ewing to speak to and move the motion. You have a generous 10 minutes, minister.

10:25

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** Thank you for your generosity, Presiding Officer.

I am pleased to open the stage 3 debate on the Land Registration etc (Scotland) Bill. First, I thank the members of the Economy, Energy and Tourism Committee, the Subordinate Legislation Committee, and the Finance Committee for their hard work and careful scrutiny of what is, in essence, a technical bill. I also thank all the organisations and individuals who provided oral and written evidence to the committee, and briefings for members on the bill's provisions.

I also pay tribute to the Scottish Law Commission for the work that it has carried out since 2002 in developing most of the policies that appear in the bill. I particularly thank the officials, especially the keeper of the registers of Scotland and her staff—many of whom I had the pleasure of meeting earlier this week—for the hard work and dedication that has gone into the preparation of the bill.

The bill seeks to provide the people of Scotland with a land register that is fit for the 21st century. It will place on a statutory footing many of the sound policies and practices that have been developed by Registers of Scotland since the introduction of the land register in 1981. I remember that event because it occurred towards the end of my apprenticeship.

The bill will also provide for a fairer and more balanced system of land registration. It is recognised internationally that an efficient and secure system of land and property registration is fundamental to the operation of the economy. Registers of Scotland and the land register are a key part of that process and they support the Scottish economy by underpinning a property market that can be worth more than £24 billion each year. Registers of Scotland sets the standard in how information about land and property is captured, held, analysed and made available to the people of Scotland. I believe that emerging evidence shows that our system of land registration is increasingly of interest to other countries with whom—as I learned earlier this week—the keeper's staff are regularly in contact. That is an accolade to the quality of our land register and our system.

Recent evidence of the importance of the role of the land register is shown by the purchase of Grangemouth oil refinery. The new owner, which is based outside Scotland, sought the surety of having title held on the land register. I am informed that, hitherto, the oil refinery's title was based on a large number of farms that existed before the refinery was set up. The new owners sought a land-register based title and Registers of Scotland carried out that voluntary registration rapidly so that the transfer of ownership could be completed. I mention that because it is the kind of act that one does not read about in the newspapers, but it plays an important part in helping to promote economic development in Scotland.

By bringing registration law more closely into line with general property law, the bill addresses legal tensions that have caused confusion and uncertainty for property owners since the introduction of the land register. The changes will ensure that the land register continues to underpin the Scottish economy.

The bill also provides the legal framework that will allow the land register to be completed. There has been much debate in Parliament on this topic, including in this morning's proceedings. I note and understand the eagerness of members of all parties that the land register be completed as soon as possible. So far, about 55 per cent of titles and about 22 per cent of the land mass of Scotland have been registered. The keeper is keen to expand coverage of the land register and plans are being put in place to take advantage of the power that is contained in the bill for keeper-induced registration in order to expand the title coverage of the land register.

Research that has been carried out by the keeper indicates that some 700,000 properties, for which her staff have carried out some form of preliminary title examination, are not yet on the

land register. The keeper is exploring options for bringing those properties onto the land register within this decade, and aspires to have the titles registered by 2017, to coincide with the 400th anniversary of the general register of sasines. Doing so would increase the percentage of titles on the land register from 55 per cent to almost 80 per cent, which would be consistent with my previous commitment in Parliament that there will be no keeper-induced registrations of large and complex titles during this parliamentary session. We do not want a system of compulsion; we want a system of increased triggers for registration, which includes keeper-induced registrations where appropriate, but which also includes the use of voluntary registration.

**Murdo Fraser (Mid Scotland and Fife) (Con)**  
rose—

**Patrick Harvie (Glasgow) (Green)** rose—

**Murdo Fraser:** I may have beaten Mr Harvie to asking the same question.

The minister hopes that 80 per cent of properties will be registered by 2017. What proportion of the land mass of Scotland does that represent?

**Fergus Ewing:** I suspected that members might be interested in the answer to that question, so I consulted officials about it yesterday evening. Most of the 700,000 properties that we anticipate would be appropriate subjects of keeper-induced registrations are properties such as the last flat in a tenement block of six flats—in other words, the flat that is preventing the transfer of the whole block to the land register—or the last house in a modern housing estate of 30 or 40 houses. In such cases, completion of the land register requires removal of the whole estate or tenement from the register of sasines. They are the kinds of property, by and large, for which the keeper anticipates that keeper-induced registration will be used in transferring properties from the register of sasines to the land register.

Let us not forget—I know that Mr Fraser would never forget this—that transferring properties to the land register means that processes will be simpler, clearer and cheaper. Those are three pretty good benefits.

**Patrick Harvie** rose—

**Fergus Ewing:** I do not know whether Mr Fraser and Mr Harvie have the same question to ask; it would be a parliamentary first. Let me not be accused of dodging any question in this chamber. I will come to Mr Harvie in a moment: I have not quite finished with Mr Fraser.

We do not expect coverage by area to advance as significantly. The answer is that it is likely to increase by a few percentage points. Nonetheless,

moving from 55 per cent to 80 per cent of properties would be fairly solid and impressive progress.

**Patrick Harvie:** My question is related. The minister is talking about moving from 55 per cent to 80 per cent of titles being covered but says that there is likely to be only a very small increase in the overall proportion of Scotland's land that is included on the land register. He therefore has another question to answer. Under the voluntary approach that he is taking, when does he expect the principal policy objective of the bill, which is stated as being completion of the land register, to take place?

**Fergus Ewing:** We have made it clear that the process cannot happen overnight and will take many years to complete. Mr Harvie is entitled to suggest alternative approaches. Any alternative approach would involve compulsion and additional costs. We feel that that approach would not have been correct—especially in a recession, when the imposition of additional costs is not justifiable and would likely have caused considerable outcry, on the basis that the money might be used for better purposes, such as the creation of more employment.

We think that the voluntary approach is correct, and I inform Parliament that it is working. It is working in relation to the Forestry Commission, which has excellent plans to include much more of what it owns on the land register, which will, over time, be a significant step in respect of the proportion of land that is shown on the register. I encourage public sector bodies, including local authorities, to follow the Forestry Commission's example. I am sure that many public bodies are considering that.

**Jenny Marra (North East Scotland) (Lab):** Given that our system of conveyancing is based on mutual trust and professional obligation, what consideration was given to safeguards against criminal and fraudulent activity? What guarantees, over and above the master policy, were considered?

**Fergus Ewing:** The point of land registration legislation is to provide a state guarantee to title; the bill extends that protection. The protection of the public is also secured by the Solicitors (Scotland) Act 1980 and by the requirement that every solicitor have professional indemnity and fidelity insurance. The protections are substantial.

To address Jenny Marra's question directly, I will comment on the offence provision, which has caused controversy, but which we believe is absolutely essential. The level of fraud in Britain is extremely serious; it rose last year from £33,000 million to £73,000 million. In response to correspondence from me, the Law Society of



Scotland has indicated that, sadly, there have been instances of mortgage fraud. The Scottish Crime and Drug Enforcement Agency has identified no fewer than 291 individuals—including lawyers, financiers, security experts and accountants—who are professional facilitators and specialists who are providing advice and support to organised crime groups. The problem is serious, which is why the offence provision is in the bill.

I acknowledge that the Law Society of Scotland has concerns about the provision, but we addressed some of those concerns at stage 2. We believe that it is absolutely right that Parliament tackles fraud in every possible way. We are following the advice of the Lord Advocate—as given clearly to the Economy, Energy and Tourism Committee—and we believe that the measure will be effective.

There are matters that I have not covered, but with your forbearance Presiding Officer, I might have the opportunity to do so in my closing speech.

I move,

That the Parliament agrees that the Land Registration etc. (Scotland) Bill be passed.

10:38

**Ken Macintosh (Eastwood) (Lab):** As I suspect all members will do today, I begin by welcoming the reforms in the Land Registration etc (Scotland) Bill and the improvements that we hope the bill will introduce to the system of land registration in Scotland. Our country has one of the oldest public registers of property and land, which dates back almost exactly 400 years to 1617 and the establishment of the register of sasines, which is the original national register of property deeds. I was slightly worried when Mr Ewing seemed to suggest that he can remember the old system. A replacement for the register of sasines was introduced in 1979 with the Land Registration (Scotland) Act 1979. We hope that the passage of the bill today will improve further on that modernisation process.

Before I go further, I thank all those who have been involved in introducing and working on the bill: the Minister for Energy, Enterprise and Tourism and his team; members of the Economy, Energy and Tourism Committee and their clerks; the researchers at the Scottish Parliament information centre; all those who gave evidence or responded to the consultation, including the Law Society of Scotland; and of course the Scottish Law Commission, whose original report and recommendations were the basis for this reforming bill.

There are a number of reasons why the bill is necessary and welcome. An effective system of land registration is important to any modern economy. To give an idea of that importance, it is worth mentioning that the Scottish property market, including mortgages and remortgages, was worth more than £24 billion in 2009-10.

The new land register of Scotland was introduced in 1979 to replace the register of sasines. It was gradually brought into operation and, since 2003, it has applied across the country. In fact, I note that Renfrewshire, in my constituency, was first to use the new register. Unlike the old register of sasines, which often only contained a written description of the legal boundaries to a property or a poor quality plan, the land register describes the property by reference to the relevant part of an Ordnance Survey map.

The land register is a register of title, not of deeds. For example, on the one hand, a person who buys land on a register of deed has to verify the seller's legal title by examining the sequence of prior deeds, which is a complex task. On the other, if the land is on a register of title, it is only necessary to check that the seller is the person who is listed on the register as the owner. I note that the documentation accompanying the bill stated that that job could therefore be carried out by a paralegal, rather than by a trained lawyer, which means that the process should be much cheaper for all involved. I am not sure whether that saving has been necessarily passed on yet, but I look forward to that happening under the new system.

There have been big improvements, but until now a number of concerns have remained about operation of the new land register, which the bill will address. The main concern is that, despite the register's having been operating for more than three decades, only 55 per cent of Scotland's more than 2 million property titles have been switched to the new register. In terms of area, that represents only 21 per cent of the land mass of Scotland. As members know, that is because land belonging to the Crown, local authorities, the churches, and some of the larger estates is rarely sold.

The bill addresses that concern and the other key weaknesses with four specific measures that are designed to ensure the eventual transfer of all property in Scotland to the land register, and the subsequent closure of the register of sasines.

The bill improves the law relating to rectification of inaccuracies in the land register, and operation of the state guarantee of title, which was criticised for being legally complex. The bill rebalances the law towards the true owner of the affected property, rather than the person who acquires the property.

However, the bill does not do everything. There has been criticism of the mapping system that is operated by Registers of Scotland. That issue has not been addressed by the bill, although I note that Registers of Scotland has set up a mapping forum with the Law Society of Scotland and other interested bodies.

I confess that I found the bill—or, at least, the informed briefings that have accompanied its parliamentary passage—to be very educational. I admit that I was one of those who thought that, following the initial missives, the exchange of keys to a property, accompanying the settlement, marked the transfer of ownership. I am reliably informed that ownership transfers in law only when it is registered in the land register. Of course, there is typically a delay between receipt of an application and its registration. Part 4 of the bill introduces a new system of advance notices that are designed to protect the buyer of the property from the risks that he or she is exposed to in the short gap between handing over the purchase price and receiving legal title.

The only major disagreement or, rather, disappointment with the bill is that it misses the opportunity to move the land reform agenda on apace. The Minister for Energy, Enterprise and Tourism made the point at Stage 1 that the bill is not about reform of the law on property, but about reform of the law on registration of property. The trouble with that argument is that there are issues that are to do with registration alone and, in particular, to do with access to information and transparency, which would help communities across Scotland.

The minister, in rejecting Rhoda Grant's amendment 1, suggested that the land register is sufficiently open and transparent. He argued that the point of the register is simply to establish or validate ownership. The argument that I and many others who have an interest in wider land reform in Scotland share, is that there are still plenty of murky practices and a great deal of obscurity about who owns land and property. The best way for us to end that unwelcome state of affairs is simply to shine a light on the matter. People and companies who operate openly and are potentially subject to wider public scrutiny are far more likely to act in the wider public interest than in self-interest.

I believe that we have a choice: we can simply allow the land register to be used by any and all property owners to secure their own interests, or we can use the register as a tool of public policy that is designed to encourage beneficial ownership. I am disappointed that we have not taken the opportunity to pursue the latter option, and I hope that the Parliament will have the

opportunity to come back to and address that issue.

As many others are, I am particularly anxious that people in urban areas and not just those who live in rural Scotland become more aware of their own environment and exercise greater responsibility over that space. How many of us as constituency MSPs have been approached over the years about land ownership issues? Such issues include, for example, local eyesores or patches of ground for which no one seems to claim ownership and which become magnets for refuse and litter. Finding out who owns and is responsible for maintaining land in Scotland should be simpler and more straightforward. On that point, I am pleased to see the measures in part 10 of the bill that will make use of electronic documents easier.

Despite our achievements early on in this Parliament in abolishing feudal tenure, guaranteeing the right to roam and introducing the right for some communities to buy their land, Scotland still enjoys the most inequitable distribution of land ownership in Europe. I believe that there is a clear majority in the Scottish Parliament in support of further land reform, so I am anxious because today is a bit of a missed opportunity. Having said that, I am pleased to welcome the measures that the Land Registration etc (Scotland) Bill will introduce and I hope that they make a marked and welcome difference to our 400-year-old system of public land and property registration.

10:46

**Murdo Fraser (Mid Scotland and Fife) (Con):** I declare my interests as a member of the Law Society of Scotland and the convener of the Economy, Energy and Tourism Committee, which was responsible for stage 1 scrutiny of the bill.

I acknowledge that many of the issues that the bill deals with are highly technical. Even though I have a background in property law, on more than one occasion I struggled to grapple with some of what we had to deal with. I therefore pay tribute to all my fellow committee members, some of whom are in the chamber today and none of whom had, unlike me, a professional background in law. Nevertheless, they all did an excellent job in producing the stage 1 report and dealing with the bill at stage 2. I put on record my thanks to our team of clerks, to SPICe and to our committee adviser, Professor Kenneth Reid.

It is fair to say that this has not been the most exciting piece of legislation that we have ever dealt with, nor is it the most politically controversial. The bill represents a much-needed update to, and extension of, existing legislation. As

the minister pointed out, the bill will allow faster completion of a land register and eventually the closure of the register of sasines so that we will not have two parallel systems of title registration in Scotland, as we have had since 1979. As the minister pointed out, that should mean a simpler process for the conveyancing of property.

The minister also said that the legislation would lead to a cheaper system. I know from my experience of lawyers—I am sure that the minister would agree—that while that might be true in theory, it remains to be seen whether it will necessarily be the case in practice. As many people involved in the legal profession know, most of the costs that are involved in property transactions are around not the title transfer, but the conclusion of the missives and negotiating the terms of the sale. The transfer of the title represents a very small part of the work involved in a property transaction. However, I share the minister's high hopes that the bill will lead in due course to a reduction in costs for the consumer.

The bill permits modernisation of procedure, such as an acceleration of the move to e-documents. Ken Macintosh made a fair point about the increasing use of new technology. It is something of an irony that we can now go on the internet and look up Google Earth or similar websites and see an excellent aerial view of virtually any property in Scotland. We have not really kept up with that technology when it comes to producing title documents.

The committee was concerned about a number of issues, which it addressed in its stage 1 report. Probably the most controversial of those was around section 108, which is intended to tackle mortgage fraud. The Law Society of Scotland was extremely concerned that the section was too broad in its scope. I lodged a number of amendments at stage 2 to try to address that but, unfortunately, I was unable to attract much support for them from my committee members. Despite that, there are still concerns about how the provisions in section 108 will operate in practice. I hope that the minister will ensure that there is very close engagement with the Law Society on how the provisions will be implemented. It is important that the new offence will not mean that those who simply make a genuine mistake will find themselves on the wrong side of the law.

Another issue that was dealt with at stage 2 was the settlement of boundary disputes. From their casework and surgeries, all members will be familiar with disputes over property boundaries, in which just a few feet or inches can cause a great deal of heat between the parties involved. At present, the only way in which to resolve such issues is through the courts, which is a very expensive way of addressing the matter. At stage

1, the committee recommended that the Lands Tribunal for Scotland should have a greater role in resolving such disputes, in an effort to reduce costs to the parties involved. Mike MacKenzie lodged an amendment at stage 2 to that effect, which was agreed unanimously. That is a great improvement to the bill and will mean that, in the future, we will have greater scope for using the Lands Tribunal to settle such matters. There will, however, be a resourcing issue for the Lands Tribunal, and I hope that the Scottish Government will consider that.

Earlier this morning, I spoke to two amendments originating from the Law Society, which tried to deal with situations in which the keeper's practice has become out of step with the established understanding of property law. Although I did not press those amendments to a vote, they deal with issues of serious concern and I welcome the minister's assurance in both cases that he and his officials will consider how those matters might be resolved. There is also concern among some in the legal profession about the keeper's approach to a number of similar issues. There is a perception that she is a law unto herself in the way in which she interprets the law and devises her practice accordingly. The keeper will obtain her own legal opinion on matters and refuses to share that with others. I understand that that is the policy across the Government as a whole. Nevertheless, when legal opinion from learned professors of conveyancing takes a different view it is disappointing that the keeper appears to be digging herself in on issues. I hope that we will see a more open approach in the future.

The bill will be welcomed not just by property lawyers, but by all those who have an interest in the ownership of Scotland's land. With a complete land register, eventually, it will be far easier to identify who owns Scotland, which will no doubt make my good friend Andy Wightman very happy. However, the committee was not able to support at stage 2 amendments to change substantially the law on prescription, in which I know that he has a particular interest, so perhaps his joy will be a little muted.

Despite our minor misgivings, this is an important, welcome and necessary piece of law reform, and the Scottish Conservatives will be pleased to support the bill at stage 3 at decision time.

10:53

**John Wilson (Central Scotland) (SNP):** As deputy convener of the Economy, Energy and Tourism Committee, I sat through a number of evidence-gathering sessions and read a number of the written submissions that were made to the committee in its examination of the bill. The bill

builds on the previous legislation, which dates back to 1979. It attempts to bring a degree of modernity to the law and restates the law on the registration of rights in the land register.

It was clear to me and probably to other committee members that, since the introduction of the Land Registration (Scotland) Act 1979, progress on land registration has been uncomfortably slow. I welcome the minister's statement today that the keeper hopes to have around 80 per cent of property titles registered by 2017. Nevertheless, there are still concerns regarding land registration and when we will see a complete land register of Scotland, which committee members made known at the committee. We attempted to get some dates or timetables into the bill towards which the keeper could work, and I am glad to hear from the minister that the keeper hopes to have the registration of land ownership and title up to 80 per cent by 2017. I welcome that advance.

One of the bill's key objectives is to create the fastest possible method of efficiently completing land registration for the whole of Scotland, with sufficient safeguards being built in, in order to strengthen the overall process. There has been concern that the current procedure is overly bureaucratic and it has been argued that confidence needs to be developed, so the introduction of electronic conveyancing is a welcome move in developing new processes.

There is a human cost to these matters that needs to be reflected upon. I hope that the bill will go some way towards tackling disputes about land ownership and registration. As Murdo Fraser intimated, examples of disputes about land ownership and boundaries were brought to the committee during our evidence sessions, and members were able to give examples from their postbags of constituency inquiries that they have received regarding title and ownership of land and property. In some cases, new owners have found that they do not actually own the property that they thought they owned.

As I stated when the bill was debated in the chamber at stage 1, a key aspect of the proposals is the creation of a statutory offence of making a materially false or misleading statement to the keeper. I know that the minister and the Solicitor General for Scotland believe that that measure is a vital part of the bill as it will give them legal powers to deal with organised crime. The committee received a written submission from the Association of Chief Police Officers in Scotland that supports section 108 of the bill.

I recognise that there is a significant problem, and the bill attempts to address some of the concerns about the process that have been identified, particularly in relation to the tackling of

fraud. The oral evidence that the Solicitor General, Lesley Thomson, gave to the committee, which was reflected in its stage 1 report, highlighted the importance of the creation of an offence to deal with organised crime.

I am aware that officials from the Crown Office and Procurator Fiscal Service and the Scottish Government met the Law Society of Scotland to discuss the scope of the offence in section 108. It is desirable that the Solicitor General ensures that there is regular dialogue with the Law Society on what further guidance and advice can be provided to solicitors once the bill has become law.

I welcome the stage 3 debate and the wide-ranging principles that are contained in the bill. I was glad to hear that the committee convener found our consideration of the bill an education. I think that all members of the committee found it an education, either as home owners or landowners. I thank all those who provided oral or written evidence to the committee. In particular, I thank Andy Wightman for his insight into the land ownership issues that arose in the debate. I also thank the committee clerks and SPICe for their support and assistance, as well as my colleagues on the committee for their work in enabling the bill to reach this stage of the legislative process.

10:58

**John Park (Mid Scotland and Fife) (Lab):** I echo the sentiments and words of John Wilson on the work that the committee clerks and other parliamentary staff did on the bill. The bill is technical in nature and a considerable amount of work went on behind the scenes to enable committee members to draw up our stage 1 report and scrutinise the bill as effectively as we could. I think that we did that.

Murdo Fraser said that the bill is not the most exciting piece of legislation that he has been involved in, but I actually found it quite exciting. That might be a reflection of how dull my life is, but I found it very interesting. We moved from debating the policy issues to coming up with proposals that will make a difference, and consideration of the bill was a worthwhile process for everyone who was involved.

I had not intended to say anything about section 108, but I note John Wilson's suggestion that we should consider the concerns that were highlighted to the committee and ensure that the policy decisions that are taken address the practicalities and the concerns that people have. That suggestion is important, because we need to build confidence. Certainly, as someone without a legal background, I understand some of the commonsense concerns about section 108. John Wilson's suggestions are valid and very important

to help ensure that we get something that delivers what it was designed to do.

The minister said that the bill is about developing a land register that is fit for the 21st century. That is why the e-conveyancing and e-documents that we discussed are important. They will ensure that the land register reflects how people live their lives these days—how they perform various financial transactions and how they gather information predominantly from the internet. In that regard, there is a bit of catching up to do on how the bill may work. However, the provisions in the bill will ensure that there is confidence to develop electronic services such as e-conveyancing, to ensure that the bill makes a difference in that area.

Consumers, individuals and communities will be able to engage with the system in the same way that they can with many other organisations, for example in the financial services area. That is important. I have worked with community groups that try to identify people who own land, get involved in proposals and work to develop proposals in their areas that will make a difference to their communities. Such groups are hindered by the inability to access the information that they need, and it is important that the committee considered that in its scrutiny of the bill.

I hope that the Lands Tribunal proposal, which was agreed to at stage 2, will make a fundamental difference. With that in place, some of the issues that we read about daily or which, as Murdo Fraser said, we deal with in our constituency casework, will be able to be tackled in a way that is cost effective for people who may previously have been excluded. I have a concern on one issue, or rather a request for some clarity from the minister when he winds up. Obviously, some people are already in the dispute system, while others are on the cusp of that system. Regarding the policy development that will flow from the bill, it would be helpful to know the Scottish Government's view on how to deal with those who may have problems retrospectively. I have a constituent in Newburgh with an on-going case who would find that helpful.

There is expertise out there, which helped the committee to form opinions. That expertise deserves some policy development, going forward from the bill, which reflects our aspirations and concerns. I hope that the process will deliver that.

11:03

**Mike MacKenzie (Highlands and Islands) (SNP):** I compliment my fellow members of the Economy, Energy and Tourism Committee for their considered and intelligent scrutiny of the bill, and the clerks, who provided their usual high

standard of support. Most of all, I want to record a personal thanks to Professor Kenneth Reid, who provided us with specialist legal advice. It is a great tribute to him that he did so in a way that facilitated our understanding, as lay people, of some fairly technical issues with both humour and patience. I also thank the many witnesses who gave evidence, and the people who wrote to me and took an interest in the committee's work.

We all agree that the bill's general thrust and focus is to be welcomed. Completion of the land register is itself a worthy goal. Smoothing and rendering more efficient the processes that pertain to property transactions are equally worthy objectives. However, my concern throughout has been that, in our bid to complete the land register, we do not sacrifice quality for speed and that we recognise some of the problems of the system and attempt to deal with them, so far as we reasonably can.

I am therefore glad that Mr Ewing, the minister, engaged constructively with the committee and with the various stakeholders. He listened carefully and responded to suggestions for improvements to the bill when it was wise to do so. For example, in section 42, on prescriptive acquisitions, he reduced the period of abandonment of land from the originally proposed seven years. That is only one example of a practical and wise judgment being made when it had to be made.

A certain amount of idealism was displayed in the amendments that were lodged by some of my colleagues on the committee. Idealism, of course, is a fine thing and I am glad that the spirit of idealism is alive and well in the Parliament. However, we must never enforce our idealism when it will cause harm and difficulty, when ordinary people going about their business will be victims of that idealism, or when the practical difficulties far outweigh any benefits that the idealism might bring. I therefore hope that Mr Harvie and Ms Grant will understand why I felt unable to support their amendments.

However, even the best of systems can never be perfect. Despite the keeper's reassurances that all was well, I felt that it was important that a more efficient and perhaps more cost-effective mechanism than the courts ought to be available for resolving mistakes or disputes. I was therefore glad to be able to lodge an amendment at stage 2 that will have the effect of allowing the Lands Tribunal to provide such a mechanism. The unanimous support that the amendment achieved in committee was due much more to the common sense of my colleagues and the compelling evidence that we had heard than to any persuasive ability on my part.

The bill has been much improved in its course through the Parliament. I have been pleased to

play my own small part in the process and I hope that members throughout the chamber will support the bill.

11:07

**Patrick Harvie (Glasgow) (Green):** I echo the thanks that have been expressed to my fellow members of the Economy, Energy and Tourism Committee, to our clerking team, to the officials who supported the process, to our adviser and to all our witnesses.

Murdo Fraser reminded us that he was the only lawyer on the committee and that that gave him a perspective that, perhaps, a few of the rest of us found difficult to keep up with. He seems to have been on the receiving end of some rather cutting remarks about lawyers during recent committee meetings, so perhaps the rest of us should be grateful that we have been protected from those.

Whatever approach the Government took to the bill, there was bound to be a lot of technical content and a lot of expectation on members to deal with that. My regret, which I spoke about during the debate on Rhoda Grant's amendment 1, is that the minister seems to regard this purely as a technical bill. Its weakness is in the policy content that is not there, rather than in what the Government has chosen to do.

Members may know that I drew most heavily on one witness in particular and I will cite him again. Andy Wightman's written evidence to the committee pointed out that

"This is the first time in the history of Scotland that a democratically-elected Scottish Parliament has considered the statutory basis for sanctioning who owns land in Scotland and providing the benefits that accrue to landowners with a recorded title. It is therefore vital that Parliament consider some wider questions of public interest that come within the scope of the Bill."

That is what has not been done and that is the opportunity that has been missed. It comes down to the purpose of the bill. In the policy documents that accompany the bill, its principal purpose is stated clearly:

"Completion of the Land Register".

However, to listen to the minister's remarks, both in committee and today in the chamber, it would seem that the bill's purpose is purely transactional and that it is, in fact, just about facilitating sales, protecting landowners' interests and promoting economic development.

Questions about the wider public interest and about what the public gain from having an effective and modern land registration system have been missed. A number of those aspects were addressed in stage 1 discussions and in stage 2 amendments, and it became clear that the

Government had decided that it was determined not to budge on those issues.

I will address the idea of including a target date for completing the land register. If we believe the assertion that the bill's principal policy objective is completing the land register, it is odd that the bill does not include a target date—even an indicative target date—as is set for a host of other policies, such as the eradication of fuel poverty. In many areas, we set a target date and give ministers a duty to act in the way that is best calculated to achieve the aim by that date.

**Mike MacKenzie:** If a target such as the member describes was set, what mechanism could the Government use to ensure that it was achieved?

**Patrick Harvie:** That goes back to the minister's response to my earlier comments. He said that an alternative to the purely voluntary approach, which we know will not achieve completion of the land register, would involve compulsion. The Government has set out the mechanism by which keeper-induced registrations can take place. The question is simply about the context in which we would choose to use that mechanism.

The minister talked about the costs that would be incurred. Let us remember that some of those who will dig their heels in most determinedly and who will not register will be the largest estates. We are talking about very wealthy people who can well afford to bear the costs. Why should those who choose to register or who comply with the expectation to register meet all the costs, while those who dig in their heels have the costs met by the taxpayer? I do not accept that.

As there is not a target date or even a prediction or expectation from the minister in the chamber about when the register will be complete, it is clear that he does not know when that policy objective of the bill will be met. I can conclude only that that is not the bill's real policy intent and that the policy intent is to deal with the purely transactional issues that I mentioned.

Other specifics relate to the beneficial ownership arguments that Rhoda Grant expounded, prescriptive claims issues and community land questions. I regret that the Government decided not to give way to any amendments from Opposition parties throughout the bill's passage. In reply to Mike MacKenzie, I suggest that the bill is the victim of a lack of idealism and that we could have done a great deal better.

11:13

**Stuart McMillan (West Scotland) (SNP):** As one of the Economy, Energy and Tourism

Committee members who scrutinised the bill, I am happy that it will provide an improved framework and experience for all stakeholders.

In the stage 1 debate on 14 March, I highlighted my “sense of trepidation” at the beginning of the bill’s progress through Parliament. However, the bill has been extremely interesting, in contrast to what Murdo Fraser said. I do not know whether he takes his view because he is a lawyer—the only lawyer on the committee. The bill has been extremely interesting and it is important, because it will bring an element of public and private life up to date.

A number of issues were raised during the bill process. I took a particular interest in the automated registration of title to land system and the use of information technology under part 10. In this day and age, there is absolutely no reason whatever why the use of electronic means—or, to coin a phrase, electronic wizardry—should not be increased.

In paragraph 103 of our stage 1 report, we suggested that the keeper should “consult and test widely” to get improved buy-in from the sector for e-registration. I am content that Registers of Scotland will undertake appropriate consultation and testing with stakeholders and end users in developing new or upgraded electronic registration systems. However, I reserve the right—I am sure that every member in the chamber would do the same—to challenge the Registers of Scotland if it does not undertake those actions.

We all understand that public consultations sometimes do not get full backing. In listening to some of the evidence throughout the bill process, it was clear that there was a level of scepticism towards the keeper, particularly with regard to consulting and listening to practitioners. I hope that the process of consultation and testing will continue once the bill is enacted. I am sure that an improved dialogue will take place, and I hope that the end user will obtain a better experience.

A key aim of the bill is to bring land registration into the 21st century. However, a further key aim is to use land registration as an economic driver, as the minister highlighted earlier. The SPICe briefing for today’s debate highlighted the challenge that we as a Parliament face in progressing registrations. There are 2.6 million units of property in Scotland, of which 55 per cent have switched to the land register, and 21 per cent of Scotland’s land mass is on the register. That has come about since the Land Registration (Scotland) Act 1979 was passed.

The bill will have a positive effect on the number of registrations, and on the percentage of land mass that is registered. However, I hope that the Parliament will return to various land registration

issues in the future. Patrick Harvie mentioned compulsory registration, which the minister indicated that he does not wish to include in the bill.

I agree with the minister’s comments on the economic potential of the bill and the economic driver theory behind it. However, future Governments will need to continue to scrutinise the progress of land registration. If that happens, the land register will indeed be completed. The Parliament has not undertaken much post-legislative scrutiny since it came back into being because it has had so many other issues to deal with. However, regular scrutiny would allow future Governments the opportunity to act swiftly if the bill’s aims were not being achieved.

I will back the bill tonight, and I thank my colleagues on the Economy, Energy and Tourism Committee for the way in which they have scrutinised it. I also thank the clerking team, the SPICe team, the committee adviser and the witnesses who gave evidence to the committee.

I have enjoyed the bill process, and I have learned a tremendous amount. I am sure that when the bill is enacted, it will bring about an improved level of land registration. I am convinced that we will reach the 100 per cent registration target in future.

11:18

**Annabel Goldie (West Scotland) (Con):** As I mentioned at stage 1, I am now a retired solicitor, but when in practice I undertook conveyancing work over many years. As my colleague Murdo Fraser commented, the issue is extremely technical, and I realise that neither the subject matter nor myself is likely to set the minister’s heart a-beating. However, I hope that he may heed some of what I have to say in my subsequent observations.

Like other members, I thank Murdo Fraser and his fellow committee members for their thorough work in scrutinising the bill. That scrutiny, coupled with subsequent amendments, has ensured that the bill is in a better state now than it was at the beginning of the process.

The bill’s purpose is to ensure that the registration of title to land in Scotland is fit for 21st century purposes, and that the transition from sasine to land register title is accelerated so that, in the not-too-distant future, all titles will be registered. That is a sensible aspiration, and the bill maps out the route to achieve it.

However, under what may look like a calm surface, there are still some reefs in the water that require careful navigation. At stage 1, I expressed a slight misgiving about how rapidly voluntary

registrations would proceed without some encouragement to the landowner in the form of reduced fees. I see that the minister has been entirely unmoved by my entreaties, so, aside from a strong sense of personal slight, I will just have to endure his indifference.

On a serious note, as the whole purpose of the bill is to make sasine titles a thing of the past, will the minister at least instruct the keeper to monitor progress over the next five years? I was interested in the minister's remarks in his speech about the target for 2017. If we do not see the necessary pace of change on the numbers of titles and the land mass being transferred to land registration, he needs actively to investigate some form of discounted fee to encourage action.

**Stuart McMillan:** Does Annabel Goldie agree that it should not be about just the next five years, but that there should be continual scrutiny by future ministers to ensure that we reach the 100 per cent target?

**Annabel Goldie:** Yes. My remarks were prompted by the minister's specific comments about 2017 in the debate. The critical period of five years is significant.

I share the concerns that my colleague Murdo Fraser expressed in speaking to his amendment 6. The position in law to which the minister referred in respect of inhibitions striking only at voluntary disposals is correct, but apparently the keeper is not reflecting that position in current practice, and I think that that is causing delays and uncertainty. I urge the minister to engage in urgent discussions with both the Law Society of Scotland and the keeper to ensure that the keeper's practice reflects current law.

Section 108 of the bill was the section that troubled me and others most. I voiced my concerns at stage 1, and wish to place them on the record today.

I am aware that, through lodging amendments at stage 2, my colleague Murdo Fraser endeavoured to give some sense of proportion to section 108, but those amendments were not agreed to. I note with some alarm that the Government amendment at stage 2 to remove section 108(4)(c) from the bill as introduced, which was agreed to, leaves the defined person under section 108 even more vulnerable. Currently, when legal experts and the keeper cannot agree on legal issues surrounding aspects of land registration, it is clear that what may be deemed to be materially misleading in the opinion of one lawyer may be deemed to be innocent representation in the opinion of another, and what may constitute reckless disregard for one lawyer may reflect due diligence and adequate professional service for another.

The difficulty is that, where a client or an adviser to the client other than the solicitor, or a third party who is dealing with or for the client gives erroneous information to the solicitor with malign intent and is determined to deceive the solicitor to induce a fraudulent land registration, the hapless solicitor is the easy target and could be subjected to the nightmare of a technical criminal prosecution that is made possible by the section. As I observed during stage 1, existing law covers such dishonest or fraudulent activity, and the Scottish Law Commission did not seek a new criminal provision in its original bill, the provision was not consulted on pre-legislation, and it did not find support from witnesses who gave oral evidence to the committee. The one exception was the Solicitor General; I might suggest that the Solicitor General's office naturally relishes a growth industry in new criminal offences. I would have thought that all that would ring serious alarm bells for most people. I am sorry that the Scottish Government is not among them.

With those reservations, I accept that the bill makes good progress towards an objective that we all want to be reached and my party will support it.

11:23

**Rhoda Grant (Highlands and Islands) (Lab):**

I, too, want to put on record my thanks to the committee clerks, our adviser Professor Kenneth Reid, SPICe, all the other officials who gave us advice and all those who responded to the consultation.

Unlike John Park and Stuart McMillan, I found the bill quite dry and complex. Perhaps they need to get out more if they found it exciting. Nonetheless, it is a good bill as far as it goes. It will streamline our processes and allow for mistakes to be corrected. Mike MacKenzie's amendment will allow the Lands Tribunal for Scotland to adjudicate where there are concerns about mistakes that may have been made. Therefore, although it lacks policy, it will put in place some very good administrative practice.

There are issues missing from the bill that could have been addressed. One of those is the issue of prescriptive claims, when unscrupulous people acquire land—ransom strips—and hold back development. The aim of having a prescriptive claim in legislation is to do the opposite of that, but we need to look at the process again to ensure that it meets the public interest. The bill is a missed opportunity to rectify that problem. Patrick Harvie was right when he said that many aspects of the bill do not address the public interest.

Another issue that is missing from the bill is beneficial ownership. I tried to do something about



that earlier with my amendment, which would have allowed those who had real concerns about the ownership of land that they were interested in to have that beneficial ownership registered. That would have created transparency when there were problems. I am disappointed that the amendment was not supported. Organisations such as HMRC, as well as tenants, crofters and neighbours of unscrupulous landowners have been let down because that amendment was not agreed to.

Mike MacKenzie levelled the charge of idealism at me. If I were being idealistic, I would have moved a totally different amendment that would have made the whole process much more transparent and accessible. I did not—I moved an amendment that was a practical solution to a difficult problem. As Patrick Harvie said, the bill would benefit from a good dose of idealism—we have missed that opportunity.

The other issue that has not really been touched on is the need for the register to be open and available to members of the public. People need to be able to access the register without any great cost. Information about who owns land in Scotland needs to be open and transparent. I hope that the minister will keep an eye on that issue to ensure that that is the case in the future.

Many of the contributors talked about completion of the register, as is right and proper, because that is one of the main aims of the bill. The statement was made that keeper-induced registration will not be compulsory. That raises concerns. How will we get a transfer to the new register if much of the land in Scotland remains unregistered? A lot of the land may pass into new ownership, but because that land ownership is in a trust, it is the ownership of the trust that changes, not the ownership of the land itself.

There may be an inducement in the bill—if not in the bill itself, certainly in the policy behind the bill—to encourage large landowners to register their land, especially if the land title is complex, because the minister suggested to the committee that there may be a change to how fees for land registration are charged. It may become much more expensive to register complex land titles in the future. Owners of large and complex estates might do well to consider that and get in early with their registration.

Mike MacKenzie talked about quality being sacrificed for speed—he is right. There were complaints about inaccuracies in the register and concerns about errors that were made by the keeper. The bill allows for those errors to be rectified, but we need to be careful. Land registration is extremely important. If it goes wrong it leads to disputes that can be expensive and difficult to put right. I hope therefore that accuracy will be given a high priority.

Section 108 was mentioned by Murdo Fraser, John Wilson, John Park and Annabel Goldie. There is a real concern that in trying to ensure that the transfer of land and land purchase is not open to fraud, solicitors may end up being prosecuted for fraud when they acted in good faith on the information that they had. We need to look at the guidance that goes with that part of the bill, because even an investigation can cause huge problems. A solicitor acts on the basis of their good character and people trust them because of that good character. If there is any question about their reputation it could damage their business, so I urge the minister to look at that guidance closely and to make sure that that damage cannot happen.

As I said earlier, I am pleased that the Lands Tribunal is being used to settle disputes. Mike MacKenzie pushed that in the committee and lodged amendments on the issue, and I congratulate him on getting his proposal accepted. Accessing the Lands Tribunal does not mean that people do not need lawyers, but it should mean that the process will be much simpler.

I thought that I would struggle to fill the seven minutes that you generously gave me, Presiding Officer, but I see that I am getting close to the end of that time.

This is a good and useful bill, but it is a missed opportunity to make good progress on the land reform agenda that the Government says that it supports.

11:30

**Fergus Ewing:** This has been a useful and constructive debate. I thank all members for their contributions. The debate has demonstrated that members agree that this is an important bill. Any disagreement appeared to centre on how exciting it is. I am pleased that all speakers have acknowledged that it is a useful, solid piece of work that will allow us to make great progress with our land registration system.

As has been mentioned, the register of sasines was revolutionary. In 1617, it was the first national land registration system in the world. For its time, it was pioneering. However, as those of us who spent many years in private practice dealing with conveyancing know, the old system involves poring over deeds, which are mostly handwritten and sometimes include quite vague descriptions of land. I remember one description that simply said, "All and whole of that three merk land of old extent." Goodness me. That conveyancing description must have been drafted after an extended lunch, because it did not provide much clarity about the boundaries of the land involved.

Equally, I am sure that Miss Goldie and Mr Fraser will remember spending far too many hours poring over handwritten documents such as contracts of excambion, charters of novodamus, feu contracts, feu dispositions, bonds and dispositions in security.

Of course, one of the great benefits of the land register is not that those deeds are somehow dispensed with and rendered no longer relevant, because, often, they may still be relevant, even if some of them have fallen into desuetude; it is that most of them will now be shown on the burden section—called land obligations, now—of the title sheet, in typewritten form. That has the practical benefit for the people whom we represent that their lawyers are not spending hours—for which they are paying—poring over old handwritten deeds.

It has been said that the purpose of this bill is purely transactional. I think that it is a good thing that we are helping to aid the process of making the job of land registration one that can benefit the people whom we represent who want to own their house. I do not think that it does justice to the work of the keeper or the profession to say that that is purely transactional. This morning, we are doing something that will benefit a great many people in Scotland and, in a modest way, will make Scotland a better place.

The bill creates more triggers for registration, allowing the process to encompass more transaction. I inform the chamber that I am advised by the keeper that that is likely to result in 7,000 additional first registrations in the first year after the designated day.

Earlier, I mentioned the Forestry Commission. I praise it for carrying out a survey of its land holdings in Scotland. The Forestry Commission owns 1,969 parcels of land covering 650,000 hectares, which accounts for 7.5 per cent of Scotland's land mass. That is a substantial proportion of our land mass, and I welcome the willingness of the Forestry Commission to engage in how we take the issue forward.

**John Wilson:** Will the minister give way?

**Fergus Ewing:** The member will have to excuse me, but I really want to give the chamber some more information that I did not have time to give earlier.

I understand from Registers of Scotland that, at a rough order of magnitude, the cost of the aspiration of undertaking the 700,000 keeper-induced registrations by 2017—I repeat, 700,000 registrations—is around £25 million. The keeper has set aside £10 million in the reserves in her trading fund, and the intention is to recoup the £15 million shortfall from the fee income over 10

financial years, which will have to be reflected in the biennial fee reviews.

Of course, all these things are kept under review; of course, they are studied; and, of course, ambitious, major and detailed plans have been put in place and will be enacted to extend the coverage of Scotland's land register. This is not minor progress; it is major progress that will happen not simply because we pass the bill—which, after all, is only words on a page, important though they are—but because team Scotland is working together to achieve the bill's aims and to ensure the gradual completion of the land register.

In fact, to pursue that aim, the keeper and I jointly wrote an article for *The Journal of the Law Society of Scotland* last year in which we encouraged landowners to get their titles registered. I take this opportunity to make the same encouragement to ensure that landowners receive the benefits of land registration. Indeed, plans are afoot to encourage landowners in this matter; for a start, Rhoda Grant was quite right to point out that because the fees have a maximum cap they represent an excellent deal. In some cases, the current fees do not reflect the total cost to the keeper of carrying out this work. I repeat my exhortation to landowners to seriously consider the offer. If they transfer their titles to the land register, they will find that the benefits can be considerable; for example, they might discover that they own land that they were not aware of and that it is easier to transact land for development. Those kinds of commercial benefits can be gleaned and I praise the keeper and her staff for their very detailed efforts in dealing with this matter.

The bill makes a number of very important changes to land registration practices and adopts many of the sound practices that have developed over the years. For a start, it makes provision for defining inaccuracy in the land register and, more important, when and how titles can be rectified. As a matter of registration practice, the keeper has been proactive in bringing new procedures in line with recognised international standards and the mapping working group that I believe Mr Macintosh mentioned in his remarks and which comprises members of the Ordnance Survey, the Royal Institution of Chartered Surveyors, the Law Society and Registers of Scotland has been established.

I must also thank Mike MacKenzie, who I think has been somewhat modest, because he did a power of work on this bill for the Economy, Energy and Tourism Committee and brought a lot of knowledge to its scrutiny. Assisted by committee members, he lodged an important stage 2 amendment that in effect allows a case to be referred to the Lands Tribunal for Scotland instead

of individuals having to go to the full expense and through the whole panoply of court action.

Mr Park asked me to respond to his important point. Although in many cases it might be possible to refer underlying legal issues to the Lands Tribunal, I must, as I have before, indicate that, as I think Mr Park is aware, the Parliament has certain restrictions on its freedom to make law that alters existing property rights in live cases.

Annabel Goldie accused me of indifference towards her, ignoring her entreaties and not taking seriously her inestimable contributions to this and previous debates on this matter—perish the thought. How could I now, in the past or in the future ever be indifferent to Miss Goldie's entreaties? My difficulty is in preventing my beating heart from distracting me and in ensuring that my mind is engaged with her remarks. *[Interruption.]* I am told that I should move on, Presiding Officer.

**The Presiding Officer (Tricia Marwick):** You have 20 seconds, Mr Ewing.

**Fergus Ewing:** In all seriousness, we believe that the offence provision in the bill is necessary. As the overwhelming majority of solicitors are honest, they will be neither inconvenienced nor subject to any difficulty.

As someone who, as a solicitor with Leslie Wolfson 30 years ago, had experience of the previous Land Registration (Scotland) Bill, I am somewhat surprised but very pleased, proud and honoured to find myself playing a modest part in the updating, modernisation and improvement of the land registration system in this country.

**The Presiding Officer:** Minister, two weeks ago, you cast aspersions on my virtues when we were together in New York; now here you are, referring to Miss Goldie in such terms. One of these days, you will find yourself in a hole and stop digging.

## Scottish Executive Question Time

### General Questions

11:40

#### Victims of Crime (Support)

**1. Stewart Maxwell (West Scotland) (SNP):** To ask the Scottish Government what plans it has to improve the support offered to the victims of crime. (S4O-01059)

**The Cabinet Secretary for Justice (Kenny MacAskill):** A central objective of the Scottish Government's making justice work programme is to improve the experience of both victims and witnesses of crime, and I have made a commitment to bring forward a victims and witnesses bill during this session of Parliament to do just that. Details of our proposals are set out in the consultation paper, "Making Justice Work for Victims and Witnesses", which was published on 22 May and is available on the Scottish Government consultation website.

**Stewart Maxwell:** I welcome the launch of the Scottish Government's consultation on a victims and witnesses bill and look forward to the improvements that it will bring to the criminal justice system.

I understand that a key part of the proposals is provision of better information to victims and witnesses. A constituent of mine was the victim of crime for which the perpetrator has been caught and imprisoned, but my constituent is worried about what will happen when that individual is released. Will the cabinet secretary confirm what rights victims currently have to information about the release date of those who have been convicted of, and sentenced to prison for, crimes against them?

**Kenny MacAskill:** I thank Stewart Maxwell for raising that constituency matter with me. If an offender has been sentenced to 18 months or more in prison, the victim can sign up to the victim notification scheme. Once a victim has signed up to the scheme, they are entitled to be informed of the date on which the offender will be released, when the offender is transferred, or when the Parole Board for Scotland has recommended release. The Scottish Government publishes information leaflets about the scheme for victims, and further information is available online.

I accept Mr Maxwell's point that the ability to access high-quality information is consistently raised as a key factor in determining the experience that victims and witnesses have of the

justice system, which is why in our consultation document we propose the commissioning of a feasibility study on development of an online information hub for justice that will provide case-specific data for victims, rather than merely information for victims of more serious offences.

**Drew Smith (Glasgow) (Lab):** The cabinet secretary will be aware of the proposed changes to the criminal injury compensation scheme. He will also be aware that, in written questions, I have asked him to detail what discussions the Scottish Government has had with the Ministry of Justice about criminal injury compensation. Is he supportive of the reforms that have been proposed to what is a key part of the support that we offer victims?

**Kenny MacAskill:** We accept that there are difficulties with the current scheme, which has been salami sliced on numerous occasions by Governments of various political shades south of the border ever since it was first introduced. The present scheme is vastly different from the one that I first experienced as a law apprentice back in the early 1980s.

That said, we have great concerns about the UK Government's proposals. We have written to it to intimate our opposition to, and our scepticism about, various aspects of them. Those matters are still confidential, but we will be happy to provide more detail as the process proceeds. We will be happy to update Drew Smith and Parliament as we go along.

### **General Practitioner Surgeries (Remote Areas) (Support)**

**2. Margaret McDougall (West Scotland) (Lab):** To ask the Scottish Executive what support is available for GP surgeries in remote areas. (S4O-01060)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** The Scottish Government recognises the particular challenges of providing healthcare in remote areas. Accordingly, a range of financial and practical support is available for GP surgeries in such areas.

**Margaret McDougall:** Is the cabinet secretary aware that, on the island of Cumbrae, three of the current general practitioners are due to retire in April next year, and that four of the six surgery staff are likely to be made redundant? I pay tribute to the excellent service that they have all provided for many years.

The doctors on the island are worried that, once they retire, the islanders might not have access to out-of-hours care, which currently seems to be funded by a dispensary service that is due to close

because a pharmacy opened on the island. Has she had any discussions with NHS Ayrshire and Arran about the situation? Can she assure us that the islanders will continue to have access to vital out-of-hours services?

**Nicola Sturgeon:** I thank Margaret McDougall for her question and I acknowledge her close interest in the issue. I am well aware of the circumstances surrounding the Cumbrae medical practice and NHS Ayrshire and Arran's decision—which was taken in the context of local healthcare provision—to cease the practice's dispensing service next April. It is important to note that remuneration for dispensing activity is over and above the funding that a practice receives for delivering primary medical services.

I am also mindful of Margaret McDougall's question about out-of-hours care. She will appreciate that NHS boards have a statutory duty to ensure availability of primary medical services to meet the reasonable needs of the patient population. NHS Ayrshire and Arran is fully aware of its responsibilities in that respect, and has given assurances about future primary medical services for Cumbrae, in the event that the provider changes.

Margaret McDougall will be aware that NHS boards have more than one option for primary medical service provision. As well as provision through contractual arrangements, the board can itself provide services directly through salaried GPs. I assure the member that, although she raises a local matter, it is uppermost in the minds of NHS Ayrshire and Arran. As health secretary, I will keep a close eye on ensuring that the issues are resolved. If Margaret McDougall wants to correspond on or to discuss the situation further as it develops, I will be happy to do so.

**Kenneth Gibson (Cunninghame North) (SNP):** The cabinet secretary might be aware that I met Ayrshire and Arran NHS Board and discussed the matter only last Friday. I have been involved with this issue and the island's community for three years. Is the cabinet secretary aware that the health board is now fully committed to ensuring that a new GP practice will be established on the island, and that all the health resources that are currently underused will be fully used to ensure that the predominantly elderly community has the service that it deserves?

**Nicola Sturgeon:** I am well aware of Kenneth Gibson's active interest in the issue. He always pursues such matters vigorously. I am glad that, as would be expected of a constituency MSP, Kenneth Gibson has met the health board and it has given him the assurances that I mentioned in my previous answer. My offer to Margaret McDougall also applies to Kenny Gibson as the constituency member. I stand ready for further

discussions and correspondence should they prove to be necessary.

Kenny Gibson put his finger on it: it is vital that the health board puts in place appropriate arrangements to deliver for the population, which is—as Kenny Gibson said—predominantly elderly.

### Land Reform

**3. Jean Urquhart (Highlands and Islands) (SNP):** To ask the Scottish Government what progress has been made on land reform. (S4O-01061)

**The Minister for Environment and Climate Change (Stewart Stevenson):** The Scottish Government is committed to supporting communities to purchase land and land assets. That is why I was delighted to be able to visit Machrihanish on Monday, where the community has just taken over the former Royal Air Force Machrihanish airbase by using community right-to-buy provisions, with sustained support from the Scottish Government and Highlands and Islands Enterprise. It is also why the Scottish Government has committed £6 million to the Scottish land fund for the next three years. That will provide communities with the opportunity to take control of their future.

**Jean Urquhart:** I thank the minister for his response. I think that I asked about land reform, but that might be for another day. What can the minister say about applications to the Scottish land fund?

**Stewart Stevenson:** The Big Lottery Fund Scotland and Highlands and Islands Enterprise are already building up contacts with potential applicants to the Scottish land fund. They will ensure that groups are fully aware of the new programme and the application process at the time of the launch. It is an integral part of our wide-ranging approach to land reform.

**Claire Baker (Mid Scotland and Fife) (Lab):** The minister referred to the interest that has been shown in the Scottish land fund, but we are now entering the third month of the first year of funding and there are still no details available about the precise criteria for use of the fund. When does the minister expect to announce those criteria, and when will the fund be open for business?

**Stewart Stevenson:** The Scottish land fund will be open for business before the summer recess.

**Jamie McGrigor (Highlands and Islands) (Con):** What assessment have Scottish ministers made of the effectiveness of the Scottish outdoor access code?

**Stewart Stevenson:** As Jamie McGrigor will recall, the Scottish outdoor access code engaged all the parties in Parliament. It has provided good

guidance to people who make use of the access rights under Parliament's legislation. We are still working our way through the core paths activity, but all the indications are that it is successful legislation, which we were happy to support in its passage through Parliament.

### Unemployment

**4. Hanzala Malik (Glasgow) (Lab):** To ask the Scottish Executive what it is doing to tackle unemployment. (S4O-01062)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** We are taking a range of measures to stimulate growth and increase good-quality employment opportunities across Scotland. They include a focus on capital investment projects, such as the new south Glasgow hospital, and on creating and safeguarding jobs through regional selective assistance.

We are supporting a range of employability initiatives to ensure that individuals are equipped to take advantage of job opportunities as they emerge. They include the introduction of the opportunities for all programme and close working with the Department for Work and Pensions on the delivery of get Britain working and the youth contract.

We are also investing £64.6 million of European social funds to support 21 employability projects across the country, and we have announced an additional £25 million of European social funds to support our efforts on youth employment.

**Hanzala Malik:** Three out of the four Scottish constituencies with the highest rate of people on jobseekers allowance—Maryhill and Springburn, Pollok, and Provan—are in Glasgow. Although there was a small and welcome fall in the claimant count last year, the number of people without a job for a year or more, including women and the youth workforce, rose by 11 per cent in Glasgow in the last year. What is the Scottish Executive doing to address that extremely concerning trend in Glasgow?

**John Swinney:** I assure Mr Malik that the Government is implementing a range of measures—some of which I set out in my earlier answer—to support individuals directly in their journey back into employment. We work in a complementary fashion alongside the Department for Work and Pensions, to ensure that there is no duplication of effort and so that individuals who are trying to enter the labour market are fully supported.

The Government, in its wider responsibility to attract investment in the Scottish economy, attaches a high priority to ensuring that we

encourage investment in different parts of the country—Glasgow being no exception.

I assure Mr Malik that in a range of interventions, whether on capital investment, the attraction of inward investment or supporting individuals in their journey into employment, the Government will ensure that people in Glasgow are well served.

#### International Trade Forums

**5. Paul Wheelhouse (South Scotland) (SNP):** To ask the Scottish Government what forums exist for it to represent Scottish international trade interests to Governments in export markets. (S4O-01063)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** Although Scotland is at liberty to lobby international organisations such as the European Union or the World Trade Organization, trade policy is a reserved matter.

Trade promotion is delivered by the Scottish Government through its trade and investment arm, Scottish Development International. SDI field operations have a critical role to play in developing relationships in key overseas markets with private and public sector bodies that are critical to supporting trade.

Scottish ministers also undertake a number of overseas programmes each year to promote Scotland's trade agenda with business and Government ministerial counterparts.

**Paul Wheelhouse:** During a recent visit to Hawick by the Minister for Youth Employment, local employers in textiles raised concerns with me about punitively high import tariffs of 16 per cent on all lambswool products to the United States, compared with just 4 per cent for cashmere. I understand that the matter has been raised with the Secretary of State for Scotland but that, as yet, no action has been taken by the UK Government.

Will the minister undertake to express my constituents' concerns in his discussions with UK Government ministers and in any opportunities that arise with US authorities?

**Fergus Ewing:** As I said, trade policy is the responsibility of the UK Government. However, I will closely consider Paul Wheelhouse's request and any evidence that he wishes to provide subsequently to me.

The USA is Scotland's largest export market; we export nearly £6 billion to the USA every year. Scottish companies, with the excellent assistance of the world-beating Scottish Development International, are succeeding to an ever greater extent in exports. If there are barriers such as that which has been identified by Mr Wheelhouse, we

in the Scottish Government are determined to remove them.

#### Concessionary Travel Scheme

**6. George Adam (Paisley) (SNP):** To ask the Scottish Government how the operation of the concessionary travel scheme has developed since 2006. (S4O-01064)

**The Minister for Housing and Transport (Keith Brown):** Since 2006, Transport Scotland has progressively rolled out smart technology across all Scotland's buses. That has streamlined and greatly improved the reimbursement process for the concessionary travel scheme and facilitated the management of potential fraud.

**George Adam:** Does the minister share my concern that many older people in my constituency are worried about bus operators abusing the concessionary travel scheme? Many passengers have different destinations printed on their tickets for journeys that they regularly undertake. I have forwarded some of those tickets to Transport Scotland, which has highlighted a number of abuses. Can the minister assure me and my constituents that he will do everything in his power to stop that practice?

**Keith Brown:** I am happy to provide that reassurance. Transport Scotland receives a number of complaints of that type, every single one of which is investigated. Investigations have found that some complaints involve an element of overstaging. However, it has been found that, even though a ticket might show a longer journey than was undertaken, the value of the reimbursement was correct—so sometimes it is not fraud at all.

Since 2010, there have been 1,267 complaints, 650 of which have been confirmed as overstaging. Those incidents can result in a bus operator's claim for reimbursement being reduced, a process that has been successfully utilised on a number of occasions. It is probably also worth saying that Transport Scotland is a registered specialist reporting agency and can submit—and has submitted—reports to the procurator fiscal.

#### Scotland-Norway Interconnector

**7. Angus MacDonald (Falkirk East) (SNP):** To ask the Scottish Government—*[Interruption.]*

**The Presiding Officer (Tricia Marwick):** Can we have Mr MacDonald's microphone on, please? *[Interruption.]* Do you have your card in?

**Angus MacDonald:** Yes, my card is in. I will just use another console.

To ask—*[Interruption.]* This one is not working, either.

**The Presiding Officer:** I notice that there are two mikes further along. Could you use one of them?

**Angus MacDonald:** That was a great start.

To ask the Scottish Government what involvement it has had with the partners of the NorthConnect interconnector between Norway and Scotland and what steps it is taking to encourage further development of interconnectors between Scotland and the Nordic region. (S4O-01065)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** That was worth waiting for, Presiding Officer.

During the First Minister's recent visit to Norway, he met the NorthConnect project team leaders and communicated his support for the venture to Norwegian ministers. Scottish Government engagement dates back to the project's inception, when the First Minister announced the signing of the NorthConnect partnership agreement on 1 February 2011 and provided a letter in support. The Scottish European Green Energy Centre has contributed €50,000 to the cable-route survey.

**Angus MacDonald:** I am pleased to hear that co-operation with our Nordic cousins is helping to move forward the NorthConnect interconnector project. I am sure that we all wish it to be operational as soon as possible. Although the imperative is to install interconnectors to our northern isles and the Western Isles, there have been discussions regarding the possibility of an interconnector that would link Scotland with Iceland. That is again receiving attention from Icelandic state-owned renewable energy company, Landsvirkjun. Is such a project still feasible and, if so, will the Scottish Government do all that it can to move the project forward?

**Fergus Ewing:** We believe that it might be feasible. We very much welcome today's news that progress has been made, in that a memorandum of understanding has been entered into between the United Kingdom Government and Iceland. If there is to be a connection to Iceland, geographically, Scotland is the logical place for it to connect to. Therefore, we will work with the UK Government to advance NorthConnect to Norway and a connection to Iceland. We want Scotland to be well connected with the world, not least in the development of renewable energy, which represents one of the foremost conceivable opportunities that this country could possess. It involves harnessing our unparalleled maritime renewable energy resources. We want Scotland to be connected to Iceland, Norway and many other countries.

## Planning Applications

**8. Neil Findlay (Lothian) (Lab):** To ask the Scottish Executive how it determines the validity of submissions and letters of support or objection when considering planning applications. (S4O-01066)

**The Presiding Officer:** The minister needs to be as brief as possible with his response.

**The Minister for Local Government and Planning (Derek Mackay):** Scottish ministers consider a range of indicators when determining applications, including dated correspondence that has a legible name and return address, is received within the appropriate timescale and, crucially, gives the reasons for supporting or objecting to a development.

**Neil Findlay:** Is the minister aware that developers of the Harburnhead wind farm, which is near West Calder, have allegedly set themselves up as a pro-wind farm alliance, which is gathering positive signatures in the local shopping centre? Will the minister make it clear to developers that such misleading and dodgy practices undermine the planning process and that such practices will not be tolerated?

**Derek Mackay:** I cannot, of course, refer to any individual live application, but the Scottish Government expects clarity so that people know what they are supporting—or, indeed, opposing—and that the rules apply equally to both sides.

## First Minister's Question Time

12:01

### Engagements

**1. Johann Lamont (Glasgow Pollok) (Lab):** To ask the First Minister what engagements he has planned for the rest of the day. (S4F-00725)

**The First Minister (Alex Salmond):** Later today, I will join Mary Robinson, the former President of Ireland, at the launch of Scotland's climate justice fund. The Scottish Government is providing £3 million for the fund—£1 million each year over the next three years. That will support water projects in Malawi, Rwanda, Tanzania and Zambia, which will increase the resilience of some of the world's poorest communities to the impacts of climate change. The chamber will agree that this is an area where Scotland is providing strong leadership on a hugely important issue, and we call on other industrialised nations to share our ambitions on climate justice.

**Johann Lamont:** We of course support Scotland working in partnership across the world on these very important issues.

On Sunday night, on BBC Scotland, the Deputy First Minister, Nicola Sturgeon, assured viewers that an independent Scotland would have a seat on the Bank of England's monetary policy committee. Will the First Minister confirm that that is the case and provide us with the details of the agreement? If that agreement has not been finally signed off, will he at least tell us when negotiations started?

**The First Minister:** The Bank of England's monetary policy committee has nine members, four of whom are appointed by the Treasury. We expect to be a part of the appointments process—[*Laughter.*] There is nothing unusual about that. For example, the chair of the Committee on Climate Change—we have just been talking about climate change—is jointly appointed. In addition, the Treasury has a non-voting observer on the monetary policy committee, and we expect to have the same representation.

The issue is that we have no influence as a country on the monetary policy committee. The Bank of England is an independent central bank that does not take direction on policy, but we should move from a position of having no influence to having proper regard in a sterling area—[*Interruption.*]

**The Presiding Officer (Tricia Marwick):** Order. Let us hear the First Minister.

**The First Minister:** These are arrangements that are put in place between independent

countries. It really requires a remarkably diminished view of Scotland and its position not to believe that we are entitled to the same representation as other people making the same arrangements would get. There is a United Kingdom Treasury observer on the Financial Services Advisory Board, which is a Scottish Government committee. Why should Johann Lamont think that any of these things would be unusual for an independent Scotland? As I have discussed with her before, given that we are providing £30,000 million sterling of protection for the UK balance of payments, the UK Treasury and the Bank of England will be glad to have us there.

**Johann Lamont:** Even by the First Minister's standards that was an astonishing response to what was a very simple question. I think that the response to the question was that Nicola Sturgeon was wrong when she said that, and that it is about assertion, belief and hope. Of course, the problem is that the First Minister thinks that an independent Scotland would have influence on the monetary policy committee—although we do not have influence now, we will somehow have influence when Scotland is a foreign country. That simply beggars belief.

Of course, crucial to the First Minister's plans to keep the pound after Scotland leaves the United Kingdom is that the Bank of England and therefore the UK Treasury agree to be Scotland's lender of last resort. A deal like that would come with a lot of conditions attached. Clearly, the First Minister has not spoken to the Bank of England about the monetary policy committee, but can he confirm that he has at least spoken to it about being our lender of last resort?

**The First Minister:** Johann Lamont is reverting to reading her script again, which indicates that, regardless of how I answer her question, she is going to get her head down and read the script. The Scottish Government and I spoke to the governor of the Bank of England on 16 February, if I remember correctly.

I have set out exactly why Nicola Sturgeon's answer was correct. It is the case that we have no influence at the moment. Johann Lamont might remember yesterday's debate in which I asked her how many Scottish members of the monetary policy committee there are. I did not get an answer to that, because the answer is zero—nul points, none whatsoever. We have established that we have no influence at present and that the Bank of England operates as an independent central bank. I have set out why it would be entirely reasonable for an independent Scotland to have the influence that the UK Treasury has at present and I have pointed out that, in a range of other areas of key importance, we have joint, shared arrangements on appointments at present.



That seems to me a grown-up attitude to how you conduct government. What it does not depend on is the peculiarly unionist coalition attitude to the world and hand-in-glove assumption that a country that provides under present circumstances £30 billion protection for the UK balance of payments would have no influence whatsoever. Why does Johann Lamont always want to diminish Scotland's abilities and its influence?

**Johann Lamont:** I have always told my children that it is not grown up just to cross your fingers and hope for the best. It is not grown up for the First Minister to be incapable of arguing for something that he has believed in for 40 years. Never mind a script, he cannot answer basic questions about simple economics in an independent Scotland.

We know that the First Minister has not asked the question about the MPC or the question about the banker of last resort. If he gets his way, we are less than four years away from leaving the UK on a wing and a prayer, yet on the currency and our interest rates and how much we would be able to spend, how much we could borrow and how much tax we could raise, he has done nothing. He asserts that an independent Scotland could rely on the Bank of England, but he has not even asked the bank; it is just meaningless assertion after meaningless assertion. If he wants the Bank of England to back a separate Scotland, why does he not at least ask it what it is willing to do?

**The First Minister:** I am answering and giving an explanation of what I believe the position would be. I am not responsible for Johann Lamont not being able to ask the right questions. I am answering the questions—[*Laughter.*]

**The Presiding Officer:** Order.

**The First Minister:** I have set out the context of monetary policy and how it is administered. I have set out the shape of the monetary policy committee of the Bank of England. I have pointed out to Johann Lamont that the Bank of England has been an independent bank since 1997 to give it freedom from political determination. I have set out the reasons why it would be not just to Scotland's advantage but to the advantage of the rest of the UK to have the sterling zone that we propose.

**Michael McMahon (Uddingston and Bellshill) (Lab):** The sterling zone! [*Laughter.*]

**The First Minister:** The sterling zone is a matter that is well understood in terms of currencies and polity. [*Interruption.*] I do not know why the Labour Party should find such a simple explanation so—it is revealing of the Labour Party's attitude.

It is a reasonable proposition in the current circumstances that it is to the advantage of Scotland to have the sterling zone. It is of substantial advantage to the rest of the United Kingdom because of the protection that Scottish resources give to the balance of payments. Under the circumstances, why is that not a proposition that we should put to the Scottish people? As Johann Lamont knows, we will publish a white paper next year that will set out the independence proposition, and I will be delighted to take her forecast on the timescale for Scottish independence. On whether she should throw in the deck at this stage or wait for four years, four years sounds fine to me and I think that it will sound fine to the people of Scotland.

**Johann Lamont:** I did not realise that there was a right question for me to ask the First Minister, given that the only right question that his back benchers are allowed to ask is, "Just how good are you, First Minister?"

This is a serious issue. Given the First Minister's response today, it is no wonder that he flopped at the box office last Friday; it is no wonder that his deputy bombed on the television on Sunday night; and it is no wonder that, this week, some supporters have started backing away from independence. If he is going to put the country through another two and a half years of this constitutional quagmire, he could at least do some work so that his words have some meaning. When will the First Minister realise that just saying something does not make it true?

**The First Minister:** On the proposition that we will put forward in the white paper next year and the timescale for the referendum that we have set out, I am interested in Johann Lamont's belief that the independence campaign will lack the strength and vigour of the Tory-Labour alliance that will be set against it. The secret six met recently at Alistair Darling's home. When I was a child, I occasionally read Enid Blyton's books about the secret seven, and the secret six are no doubt something very similar. The Labour-Tory alliance against independence—which we see so well displayed in this chamber—will be limited in numbers, limited in enthusiasm and, above all, limited in its ambition for the people of Scotland. I know that, these days, Johann Lamont has taken to speaking on behalf of the people of Scotland, but maybe she should take the precaution of getting herself elected before she makes that presumption.

## **Prime Minister (Meetings)**

**2. Ruth Davidson (Glasgow) (Con):** To ask the First Minister when he will next meet the Prime Minister. (S4F-00718)

**The First Minister (Alex Salmond):** I have no plans to meet the Prime Minister in the near future. I do not think that I can match the number of meetings between the Prime Minister and Tony Blair, which seem to be extensive.

**Ruth Davidson:** I am not sure whether I have asked in advance whether this is the right question, but I am going to be old-fashioned and press on anyway.

Three weeks ago, I asked the First Minister about Northern Irish pupils using Irish passports to receive free tuition at Scottish universities. At his high-handed and patronising best, the First Minister told me that there was no evidence of any serious difficulty. As we know, where the First Minister leads the Cabinet Secretary for Education and Lifelong Learning is only too eager to follow. This week, in a letter to my colleague Liz Smith, he, too, was magisterially dismissive of legitimate concerns. Refusing to make a statement to Parliament, he said that

“doing so might risk attaching a level of importance to this that is out of proportion to experience on the ground”.

Well, the evidence does exist. Figures have emerged from the University of Dundee showing that almost a quarter of the more than 1,500 applicants from Northern Ireland used an Irish passport, with a potential cost to Dundee alone of more than £14 million. Will the First Minister now admit that there is a real problem and instruct his education secretary to sort it out?

**The First Minister:** There is nothing new in the principle of the arrangement, which has been in place for many years because of the totally misguided attempt by the United Kingdom Government to impose tuition fees and the necessities of European law and regulation.

Ruth Davidson does herself an injustice. After she made her previous point to me, I took the time and trouble to go and check on the exact figures. Of course, we now have the benefit of the final Universities and Colleges Admissions Service figures for applications for this year. I went to those figures and I looked for this overwhelming influx of Northern Irish students—because the figures are done by domicile, of course—who must be flooding into the country in order to justify Ruth Davidson’s fears.

What I found was that, in 2011-12, the number of applications from Northern Ireland-domiciled students—that means Northern Irish people whether they have Irish citizenship, joint citizenship, dual citizenship or whatever—was 6,131. This year, after Ruth Davidson’s flood of applications, which is causing her so much concern, the number was 5,211, which represents a decline of 15 per cent. That is even greater than the disastrous decline in the number of English

students applying to English universities in the face of the Tory and Liberal tuition fees, which was 10 per cent.

Now that we have the final figures and we know that the number of applications is down by 15 per cent, would Ruth Davidson care to reorientate herself in her dire predictions of a flood of Northern Irish students?

**Ruth Davidson:** The First Minister is yet again giving us the broad brush but not looking at the detail. How many of those applying were doing so under an Irish passport? That is the question that the First Minister has to answer. Yet again, he is running off to shore up his flailing education secretary, but what is interesting about Mike Russell’s letter is that he kind of contradicts himself. It comes down to this idea of domicile and residency. There is a boast in the letter when Mike Russell says that he is absolutely clear that the domicile is the deciding criterion, but in the next sentence he contradicts himself by saying that those with dual nationality get to choose. Again, we come back to whether the criterion is domicile, nationality or residency.

Our universities and students are desperate for clarity, which Mike Russell says in his letter he hopes to come up with next year, but not this year. Will the First Minister break the habit of a lifetime, admit that this is a total Horlicks, step in, sort it out and give our universities clarity now?

**The First Minister:** That was so bad that it did not even get cheers from the Labour benches.

I ask, in all seriousness, how my answer can be broad brush when I identified the numbers to the nearest one? I will repeat them to Ruth Davidson. Last year, the total number of applications from Northern Ireland residents—whether they have Irish citizenship or not—was 6,131. This year, it has come in at 5,211. That is not broad brush. It is exact detail that allows us to quantify the extent of the problem that Ruth Davidson assured us a few weeks ago was flooding into Scottish universities. The universities are not desperate; it is the Conservative Party in Scotland that is desperate, as it happens.

I was looking again, because I am becoming quite addicted, at posts on the web by Jim Terras, the current chairman of Selkirk Conservative and Unionist club. He said of last week’s effort:

“had nobody prepared Ruth for the likely reply that Alex Salmond would give? ... It was almost as bad as Johann Lamont’s effort that elicited ‘groans’ from the chamber for being so politically inept and twee.”

It seems that the Tory and Labour alliance has some way to run before it is going to present a threat to the Scottish people’s ascent to independence.

### Cabinet (Meetings)

#### 3. Willie Rennie (Mid Scotland and Fife) (LD):

To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S4F-00719)

**The First Minister:** The next meeting of the Cabinet will discuss issues of importance to the people of Scotland.

**Willie Rennie:** This week, the First Minister's bulldozer came charging back out of the garage. This time, it was the Justice Committee ramming through police centralisation and crushing amendment after amendment. What is next in the bulldozer's path? Perhaps it will be emergency control rooms. Can the First Minister guarantee that he will not close local police and fire emergency control rooms?

**The First Minister:** I am still trying to work out the bulldozer thing. The most recent bulldozer, I suppose, was during the Scottish local government elections. If I remember correctly, Liberal Democrats the length and breadth of the country, as they did in last year's Scottish parliamentary elections, made this the centrepiece of their campaign, spreading gloom, doom and despondency around Scotland and saying that central Scottish police and fire services will not work for local communities. The only unfortunate thing—the only bulldozer in operation—was the bulldozer that the Scottish people lumped over the Liberal Democrats.

**Willie Rennie:** So I get no answer—absolutely no answer. The First Minister stood there before, boasting about the big numbers that his centralisation plans will save. We should not forget that, in his own consultation, his plans were rejected by two to one. He should not give me any of that tosh about the public supporting his plans for centralisation. The truth is that his changes will cost money, not save it, which is why the control rooms are under threat. People at the Scottish Police Federation think that emergency control rooms will close. Only a couple of weeks ago, a chief fire officer told Radio Scotland that he believed that closures were on the way. When will the decision be made? People rely on control rooms at Thornton, Dundee, Inverness, Aberdeen, Govan and many more places. When will they be told their fate?

**The First Minister:** The programme for police and fire reform continues according to the timetable. We have made the point that we think that within the Scottish structure we can improve local accountability.

I was struck by Willie Rennie's mention of the situation north and south of the border. The difference between Scotland and England is this: in Scotland, police numbers are increasing—they

are 1,000 up on what they were in 2007—whereas in England, police numbers are collapsing, thanks to the policies of the Tory and Liberal Administration. Of course, that is reflected in the respect that is shown by the police federations in both countries. When Kenny MacAskill, as Cabinet Secretary for Justice, went to the Scottish Police Federation in the past few weeks, he got a standing ovation. When Theresa May, as the Home Secretary and representative of the Liberal and Conservative Government, went to the Police Federation of England and Wales, she got a slow handclap. That is the difference between the confidence that the forces in Scotland have in our policies and the total lack of confidence that the forces in England have in the Tory-Liberal coalition.

### RAF Leuchars

**4. Roderick Campbell (North East Fife) (SNP):** To ask the First Minister, in light of the economic impact on the area, what representations the Scottish Government is making to the United Kingdom Government regarding the transition of RAF Leuchars to an Army base. (S4F-00730)

**The First Minister (Alex Salmond):** The Scottish Government has made strong representations to the United Kingdom Government, seeking clarity on its future plans for RAF Leuchars. The Cabinet Secretary for Parliamentary Business and Government Strategy has written repeatedly to the Secretary of State for Defence, setting out our continued concerns and calling for a meeting with UK ministers to discuss the defence transformation issues that are affecting Scotland. The Minister of State for the Armed Forces has agreed to that meeting, which I understand will take place on 14 June.

**Roderick Campbell:** It is almost a year since the Secretary of State for Defence announced the closure of RAF Leuchars. We have had no further details of its transition to an Army base, so I welcome the First Minister's statement. As he will appreciate, the whole community has been extremely perturbed by the absence of information, so anything that he can do to provide that information will undoubtedly be appreciated.

**The First Minister:** I absolutely give that assurance. In the contacts that we have had with the UK Government on this matter, we have consistently made the exact point about risk that Roderick Campbell identifies. At his meeting with the minister of state, the cabinet secretary will rigorously reinforce that message. Throughout the process, the Scottish Government has been clear that we will work with all concerned to bring about the best result that we can in the circumstances for service personnel and their families and for the

communities such as Leuchars that have so proudly hosted them for so many generations.

**Murdo Fraser (Mid Scotland and Fife) (Con):**

The First Minister previously said that an independent Scotland would have just one airbase. Would that one airbase be at Leuchars or elsewhere?

**The First Minister:** The inheritance that we will get will be according to the defence review that was set out by Liam Fox when he was defence secretary. Of course, we thought that that was what we would inherit. Since then, the latest defence secretary has cast some doubt about key aspects of that, not least of which is the designation of cap badges of the Scottish regiments. I will make an arrangement with Murdo Fraser. If he can find out from his colleague in London exactly what the latest review of the defence review means for Scotland, I will be able to answer his questions comprehensively.

**Healthcare (Access Target)**

**5. Dr Richard Simpson (Mid Scotland and Fife) (Lab):** To ask the First Minister whether the 48-hour waiting time target for access to a general practitioner or relevant healthcare professional is being met across Scotland. (S4F-00736)

**The First Minister (Alex Salmond):** The patient experience survey of GP and local national health service services for 2011-12 was published this week and showed that 92.6 per cent of patients were offered the opportunity to see or speak to a doctor or nurse within 48 hours, which is above our target of 90 per cent; 85 per cent of patients were able to see or speak to a doctor or nurse within two working days; and 8 per cent were offered an appointment but the person whom they wanted to see was not available or the time was not convenient.

**Dr Simpson:** The *Sunday Post* ran an interesting front page this week. I thank the First Minister for his response, but is he really telling the Parliament that we should be confident in the patient experience survey, which covered fewer than 2 per cent of patients and had an even lower response rate on the specific question about the target on 48-hour access? If he is saying that we should be confident in the survey—which we really should not be—is he pleased that one in five practices did not reach the 90 per cent target for 48-hour access and that in some practices the rate is as low as 72 per cent?

Will the First Minister invite the Cabinet Secretary for Health, Wellbeing and Cities Strategy to stop focusing on independence and start discussions with the British Medical Association and the royal colleges, so that practices that are not meeting the target are not

only identified and challenged but supported, given that many GPs are finding that pressures and demands are increasing year on year?

**The First Minister:** Let me tell Richard Simpson why we should have confidence in the patient experience survey. I know that he was not in the Parliament during the session before 2007—neither was I—but if he checks, as I am sure that he will do after question time, he will find that in 2006-07 it was up to GPs to declare to NHS boards their compliance in relation to 48-hour patient access.

This Government changed that in 2008-09, introducing the patient experience survey so that we could find out what the people thought of how well they could access their GP or relevant healthcare professional. In other words, there was a change from the approach under the Labour-Liberal Administration, when it was up to GPs to put in the returns, to one in which we have a genuine patient survey.

Patient satisfaction, according to that genuine patient survey, has improved from 89 per cent in 2008-09 to almost 93 per cent this year. I am sure that Richard Simpson had those figures at his very fingertips and that he was about to quote them, in all fairness. That is why we can have confidence in the survey. There is an improving situation under the most difficult circumstances. In general terms, when we have reason to do so the Parliament should give every support to our national health service and those who practise in it.

**Business Start-ups by 18 to 24-year-olds.**

**6. Alex Johnstone (North East Scotland) (Con):** To ask the First Minister how many 18 to 24-year-olds started their own businesses in Scotland last year and how this compares with England and Wales. (S4F-00727)

**The First Minister (Alex Salmond):** Interesting new business registration statistics from the Office for National Statistics show that there were 15,530 business start-ups in Scotland in 2010, which was up 5.5 per cent on 2009. That compared with decreases of almost 1 per cent in England and almost 10 per cent in Wales in the same period. The measure of business registrations by age group is not available in that survey, but evidence from the 2012 global entrepreneurship monitor, which the University of Strathclyde collects, showed that 6 per cent of people aged 18 to 24 in Scotland were engaged in early-stage entrepreneurial activity, compared with a rate of less than 3 per cent in England.

Support and advice for people of all ages who are looking to start up in business in Scotland are made available through the business gateway. Alongside that, of course, the Prince's Scottish

Youth Business Trust provides advice, financial support and aftercare service for young people aged between 18 and 25 who want to set up a business.

**Alex Johnstone:** The First Minister will be aware that, on Monday, the private sector-funded £82.5 million business start-up loan scheme was established in England. Does he think that he has already covered his responsibility to do that in Scotland or does he think that additional resources need to be gathered and used effectively, to ensure that young Scottish businessmen and women have the opportunity to establish themselves in the years to come?

**The First Minister:** I saw the report and the suggestion that seemed to be made that the scheme is using private sector funding. My understanding now is that it is not private sector funding, although a number of companies are facilitating the process of the loan scheme. I have looked for information on the scheme for the past couple of days and it has not been immediately forthcoming, if I can put it as gently as that, but my understanding—I will give Alex Johnstone a correction if this is not the case—is that the initiative is being run as a pilot scheme that is funded by United Kingdom Government departments. I am suspicious of that. As he probably knows, pilot schemes can be non-Barnetted, and the scheme is for England only. If I find out that Government money is being deployed in the scheme, which seems to be interesting, I hope that I will have the whole Parliament's support on the point that Barnett consequential should flow to Scotland, Wales and Northern Ireland.

We will find out exactly where the funds are coming from. If they are public money, the scheme should be Barnetted. A trial should not be used as a means of not applying the correct funding mechanisms. I shall write to Alex Johnstone when I have more details.

On the substance of the question, we should understand that the Prince's Scottish Youth Business Trust does invaluable work in the space that we are discussing. When the Parliament holds the upcoming business in the Parliament conference on enterprise, I will make an announcement that is specific to that fund and to how we can provide further Government support for young people in Scotland who are anxious to become entrepreneurs.

I am sorry that I cannot give Alex Johnstone a more explicit indication of what will be in that announcement, but I am sure that he will understand that I should make the announcement at the business in the Parliament conference. He can look forward to that day.

**The Presiding Officer:** I know that members will wish to join me in welcoming Mary Robinson, former President of Ireland and former United Nations High Commissioner for Human Rights, who joined us in the gallery during First Minister's questions. [*Applause.*]

12:31

*Meeting suspended.*

14:15

*On resuming—*

## Scottish Executive Question Time

### Education and Lifelong Learning

#### Diploma in Professional Legal Practice Students (Financial Assistance)

##### 1. Roderick Campbell (North East Fife)

**(SNP):** To ask the Scottish Government what consideration is being given to providing financial assistance toward living costs for those studying for a diploma in professional legal practice. (S4O-01069)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** Scottish taught postgraduate students are the only ones to benefit from financial support in the United Kingdom. We have introduced for 2012-13 a new postgraduate tuition fee loan under the postgraduate students allowances scheme, which will provide about 5,000 eligible postgraduate students on eligible courses with the ability to continue their studies.

Students studying for the diploma in professional legal practice will all be eligible to access the new loan, whereas only a limited number are supported under the existing model. We anticipate that about 700 diploma in professional legal practice students will now have access to financial support for tuition fees, which is more than double the previous total. Support for living costs is not available to all postgraduate students, so DPLP students are not alone in that, but there are alternative sources of funding, such as professional and career development loans.

As with previous Administrations, our priority has always been to support first degree qualifications. Postgraduate funding has always been limited to a group of vocational qualifications. The new loan scheme opens up eligibility to a much wider group of students.

**Roderick Campbell:** The diploma in professional legal practice, the diploma in social work and the postgraduate diploma in education stand out from other postgraduate courses in that they are an absolute requirement for entry into their respective professions. Students undertaking the diploma in social work receive bursaries, and students on the PGDE can expect support equivalent to that available for undergraduate degrees. However, students studying for the DPLP are considered to be in the same category as

students who undertake courses that are not mandatory for employment.

The current funding arrangements cannot seriously address the accepted narrow social profile of students on the DPLP. Notwithstanding current financial constraints, will the cabinet secretary at least consider reviewing the appropriateness of the arrangements for the DPLP?

**Michael Russell:** I am grateful to the member for his long-standing interest in the subject, but neither of those points actually holds water when examined closely.

First, the Scottish Government's policy has always been to support as many students as possible to attain a first degree, and that remains a core objective, particularly given the current circumstances. Secondly, funding for students who are studying for the diploma in professional legal practice under the postgraduate students allowances scheme was previously available only for the top 300 students, who were nominated by their university, while the other students received nothing at all. However, from 2012-13, all those students—more than 700—will be eligible to apply for non-means-tested loan funding of up to £3,400 towards the cost of their tuition fees. That increases the opportunity for students from non-privileged backgrounds.

There are reasons why the diploma in social work is different. We do not support similar schemes for other professions in which employment is mainly private, such as the architecture and veterinary professions, and I do not think that we should do so in the case of the legal profession.

**Jenny Marra (North East Scotland) (Lab):** The cabinet secretary slightly pulls the wool over our eyes, because the grants that were available covered the fees for the diploma but, as he knows, he withdrew the funding that covered the fees for 300 places. Therefore, the loans replace that funding, which was withdrawn.

There is a real access issue for students from non-traditional backgrounds in getting to the point of qualification to practise law, which is the end of the diploma. Will the cabinet secretary consider extending the student loans scheme so that people can apply for a student loan to cover their maintenance costs? That would have no budgetary implications for the cabinet secretary; it would simply mean that those people would be entitled to apply.

**Michael Russell:** I will of course consider all possibilities to assist students, but Jenny Marra is not correct that the measures do not widen access. I repeat that funding was available only for the top 300 students, all of whom were nominated

by their university. Now, every single one of the 700 students will have access to finance. By definition, therefore, a wider range of people will be able to get additional help. The move helps postgraduate education and does not hinder it, which is why I support it strongly.

**The Deputy Presiding Officer (John Scott):** Brief questions and answers will allow us to get through many more questions.

### **Modern Apprenticeships**

**2. John Park (Mid Scotland and Fife) (Lab):** To ask the Scottish Executive whether it will provide a breakdown of modern apprenticeships by level. (S4O-01070)

**The Minister for Youth Employment (Angela Constance):** Mr Park is requesting information that the Scottish Government does not hold centrally. However, as that relates to an operational matter for Skills Development Scotland, I will, in accordance with parliamentary guidance on parliamentary questions, ask the chief executive of SDS to write directly to Mr Park with the details of modern apprenticeships broken down by level. I assure Mr Park that I, too, am very interested in the issue.

**John Park:** I appreciate the minister's response. I ask her to include in that correspondence with SDS some clarity on the opportunities that are available to individuals who undertake a level 1 or level 2 apprenticeship and then move on to level 3. Will she also clarify whether such students progressing through the levels are counted as one start, or whether they are double counted in the Scottish Government's figure of 25,000 modern apprenticeships?

**Angela Constance:** I will certainly seek to get that clarification for Mr Park.

### **Commission on the Delivery of Rural Education**

**3. Dennis Robertson (Aberdeenshire West) (SNP):** To ask the Scottish Government when it will respond to the report by the commission on the delivery of rural education, expected to be published in August 2012. (S4O-01071)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** I hope to respond to that report as soon as I can after its receipt. Sheriff David Sutherland and his commission have been working very hard. They have a vast range of complex evidence to consider. Obviously, we will need to absorb that when he reports, but I am keen that we progress the issue.

**Dennis Robertson:** Does the cabinet secretary agree with me and the comments that Liz Smith,

the Tory education spokeswoman, made on 14 April, when she said:

"Local schools are vital to the survival of rural communities"?

**Michael Russell:** I am always happy to agree with Dennis Robertson, and I am occasionally happy to agree with Liz Smith—and on this occasion I do so. I do not think that anyone who knows me and my work will fail to know that I have worked very hard on the issue of rural schools and against closures for a long time. I regard the commission's work as of central importance, and I will ensure that understanding of the really important role of rural schools in communities is taken forward strongly.

**Liam McArthur (Orkney Islands) (LD):** I join the growing consensus on the issue. The cabinet secretary will recall writing to the council education conveners on this very day last year to propose a moratorium on closures from 20 June 2011 to 20 June 2012. Understandably, Mr Sutherland is looking for additional time to complete his report, but the inevitable consequence is that the moratorium must be extended. Will the cabinet secretary confirm that that is the case? Will he also indicate whether, over the course of the past year, there have been any exceptional circumstances that have resulted in school closures?

**Michael Russell:** I am glad that Liam McArthur knows the very day that I made the announcement. It had slipped my memory, but I am grateful to know that it was a year ago today.

On the second point, when I made that announcement, I made it clear that there would be occasional exceptions, particularly if a community was united in its view that a school should close and a new school should be occupied. There have been one or two of those situations—I can think of one in Ayrshire, for example—but the decisions have been reached by negotiation and discussion. The proof of that is that, by and large, there has been no public dissent from them.

On taking the issue forward, it is obvious that the moratorium should remain in place if the report is not received. The new education conveners will be aware of that: I will personally make sure that they are aware of that when I meet them, and my officials have also made it clear to the Convention of Scottish Local Authorities. To be fair, I do not think that anybody would want to do anything other than wait for the report, on which we hope future policy will be based.

### **Commonwealth Games (Schools Refurbishment)**

**4. John Mason (Glasgow Shettleston) (SNP):** To ask the Scottish Government whether schools

in close proximity to Commonwealth games venues will undergo refurbishment before 2014. (S4O-01072)

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** As the statutory responsibility for the provision of education rests with local authorities, it would be a matter for the individual authorities concerned to consider refurbishing schools in close proximity to Commonwealth games venues before 2014.

**John Mason:** I completely agree that primary school buildings are the responsibility of, in my case, Glasgow City Council. The teachers and education within the schools are generally of an excellent standard. However, does the minister agree that it is disappointing that primary schools such as St Michael's primary, Wellshot primary and St Anne's primary, which are close to Commonwealth games sites, are in very poor condition? Has the minister been given any indication by Glasgow's Labour council whether it will deliver its election promise of refurbishing such schools before the games?

**Dr Allan:** We have had no indication from Glasgow City Council that it intends to refurbish those particular schools. However, we are aware that the council intends to carry out an assessment of the primary school estate over the coming months with a view to carrying out a programme of refurbishment.

Further to the assessments being completed, I understand that the council will develop a timetable for implementation of the programme. All local authorities are preparing their bids for support from phase 3 of the £1.25 billion Scotland's schools for the future programme. It is for Glasgow City Council to consider its bid, and we look forward to hearing from it in July.

**The Deputy Presiding Officer:** Question 5 has not been lodged by Tavish Scott, but for entirely understandable reasons.

### Adult Apprenticeships

**6. Margaret McCulloch (Central Scotland) (Lab):** To ask the Scottish Executive in what sectors Skills Development Scotland will continue to support adult apprenticeships. (S4O-01074)

**The Minister for Youth Employment (Angela Constance):** Within limited public funding there is a need to prioritise resources. Given the continuing challenges within the labour market for young people, it is important that we maximise the number of 16 to 24-year-olds moving into employed apprenticeships. All approved frameworks in Scotland, including retail, will be funded for that group.

We also remain committed to ensuring that the key and supporting sectors have access to a wide range of all-age skills development tools, including apprenticeships, for both new entrants and the existing workforce.

**Margaret McCulloch:** Skills Development Scotland says that it will fund individuals who are 25 or older in key sectors, but funding for adult apprenticeships in tourism—a key growth sector—has been withdrawn and the funding for 25-plus modern apprenticeships in approved occupational areas is ridiculously low, making it uneconomical for organisations to deliver those qualifications to the approved 25-plus group. Will the Scottish Government act to address those obvious inconsistencies in the way that it allocates and funds apprenticeships for those aged 25 and over?

**Angela Constance:** It is important that the key sectors as reflected in our economic strategy are aligned not only with our modern apprenticeships programme but with our wider education provision.

I will go away and look at the question on tourism to see what the detail is. I do not know whether there is more than one framework for tourism. However, we will have a detailed look at that, and I will reply directly to the member.

**The Deputy Presiding Officer:** Colin Beattie does not appear to be in the chamber for question 7. We find this unacceptable and will expect an explanation by the end of the day.

### Health and Safety (Primary Schools)

**8. Bill Kidd (Glasgow Anniesland) (SNP):** To ask the Scottish Government whether it provides guidelines on the implementation of health and safety policies in primary schools. (S4O-01076)

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** As the statutory responsibility for education in Scotland rests with local authorities, it is for individual authorities to determine health and safety policies in their primary schools. As that area is reserved, it would be for the Health and Safety Executive to consider the need for such guidelines.

**Bill Kidd:** In some primary schools in my constituency of Glasgow Anniesland, I have seen evidence of many years of neglect of the fabric of buildings in which teachers have to teach and children are expected to learn. Irrespective of the weather, windows are bolted and painted shut; classes are held in corridors and cloakrooms, with consequent overcrowding and trip hazards; and walls, skirting and ceilings are cracked and unsightly. Can the Scottish Government pursue the Westminster Government to ensure that the



Health and Safety Executive will take up such issues in Scottish schools?

**Dr Allan:** As I indicated, while the Scottish Government does not have a statutory responsibility to provide the schools or to enforce health and safety, I sympathise with the spirit of the member's question. We of course seek to improve the condition of school buildings, and the financial commitment that we have made through the Scottish Futures Trust and the schools for the future programme is testimony to that.

As I said in a reply to an earlier question, we await a response from Glasgow City Council about its plans for school refurbishment. If the member has concerns about anything specific in his constituency that he wants to bring to my attention, I am happy to meet him about it.

**Duncan McNeil (Greenock and Inverclyde) (Lab):** My question follows on from Bill Kidd's pertinent question about safety. Moorfoot primary school in Gourock requires significant investment in modernisation to ensure that all the children are taught in a newer, modern school. The downside of that process is that construction work must take place, and older buildings often reveal the presence of asbestos, which obviously raises concerns among parents.

I was interested to hear the minister's previous answer. I accept what he says about reserved matters, but does he not have a role in ensuring that best practice is implemented across local authorities, that the strictest possible safety regime is in place and that children do not suffer undue disruption during teaching hours? Should there not also be a proper consultation when such work has to take place, to reassure the parents throughout the process?

**Dr Allan:** I understand that the cabinet secretary has recently received correspondence specifically on the issue of asbestos. The Government expects the best of local authorities in ensuring that disruption is minimised and that, above all, safety concerns are to the fore in whatever building operations take place.

### Curriculum for Excellence

**9. Helen Eadie (Cowdenbeath) (Lab):** To ask the Scottish Executive what research it is carrying out on the interim effect of the implementation of curriculum for excellence on attainment levels in schools (S4O-01077)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** The Scottish Government and its partners are carrying out a range of research and other activities to evaluate the impact on attainment of the curriculum for excellence. Those include the Scottish survey of literacy and numeracy and our

on-going participation in the programme for international student assessment—PISA.

**Helen Eadie:** Like many members, I am supportive of the overall aim of the curriculum for excellence in driving child-centred learning, but I am sure that the cabinet secretary will agree that its introduction should never be given as an excuse for falling attainment standards, as it has been in one primary school in my constituency. Will the cabinet secretary confirm that such an excuse is not acceptable? If I furnish him with the details, will he look into the matter urgently? There will be a crisis meeting with parents next week.

**Michael Russell:** I give that unreserved assurance to the member. I am shocked that any school would say that the curriculum for excellence is responsible for falling attainment levels, as the opposite is true. If that is being said, it is absolutely untrue. If the member furnishes me with that information, I shall act on it.

### "Communication Matters: Improving Communication in Additional Support Needs"

**10. Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP):** To ask the Scottish Executive what its response is to the recommendations in the report, "Communication Matters: Improving Communication in Additional Support Needs", by the centre for research in education, inclusion and diversity at the University of Edinburgh. (S4O-01078)

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** As part of the development of a long-term plan to support implementation of the additional support for learning legislation, Scottish Government officials are engaged with key stakeholders and networks. Officials will consider the recommendations made in the "Communication Matters" report as part of that process.

**Adam Ingram:** I look forward to the Government's response in due course. The report also highlights that the right of young people to make a reference to formal dispute resolution mechanisms is not being exercised. Without parental support, looked-after young people are being disadvantaged in the system. How does the minister intend to address that issue?

**Dr Allan:** The Government will introduce a plan to support the implementation of additional support for learning, and I reassure the member that the specific issue that he has raised about looked-after children will form part of the focus of that plan. In addition to engaging with official stakeholders and networks, Scottish Government officials plan to consider the recommendations made in the report that the Education and Culture Committee has produced. Specifically, the issue of

access to dispute resolution mechanisms will be considered within that.

**Neil Findlay (Lothian) (Lab):** The report that was mentioned covers many issues that relate to working with young people with additional support needs and their parents. What work is being done with local authorities to ensure that individual education plans are accessible and practical working documents and not indecipherable documents that merely get stuck in filing cabinets?

**Dr Allan:** The member raises the important issues of the relationship between schools and parents and, as he put it, the decipherability of the material that is available. In instances where understanding does not exist between schools and parents on these matters, we hope that issues can be resolved locally. In the minority of instances where they cannot or where people are dissatisfied, we will of course want to give consideration to some of the issues that I mentioned in my previous answer.

#### **Special Schools Pupils (Assistance into Employment)**

**11. Gordon MacDonald (Edinburgh Pentlands) (SNP):** To ask the Scottish Government what support it provides to special schools in order to assist pupils into employment. (S4O-01079)

**The Minister for Youth Employment (Angela Constance):** Through the opportunities for all initiative, the Scottish Government is supporting young people to develop the skills that they need for life and work and to progress towards and into work. Opportunities for all gives an explicit commitment to all 16 to 19-year-olds, with an offer of a place in learning or training for those who are not in education, training or work. It is for local partners, including local authorities and their schools, Skills Development Scotland and the wide range of learning and support organisations to support young people to take up the opportunities and sustain the option that is right for them.

**Gordon MacDonald:** The Scottish education awards will take place on 12 June, and Woodlands secondary school in my constituency is a finalist for the secondary enterprise and employability across learning award. Given the difficulties that all school leavers are facing in finding employment in the current economic climate, is the innovative approach that Woodlands has adopted to help its pupils to gain transferable skills one that could be rolled out across the sector?

**Angela Constance:** I add my congratulations to Woodlands secondary school. The ambition of schools on the employability and enterprise agenda is heartening. Recently, I had the pleasure

of visiting Glencryan school in Cumbernauld, which is another school that caters for children with disabilities and additional support needs, and it is doing some fantastic work in the area. I am somewhat surprised that Mr MacDonald has not invited me to see the great work that is going on in Woodlands secondary school.

The beauty of the curriculum for excellence is that it is a single curriculum. All children work towards the same objectives and experiences, but it is tailored to their individual needs and talents. It is flexible enough to allow schools to meet the needs of their pupils and their local area. However, I hope that schools within a local authority area and across the country make efforts to share good practice.

#### **Integrated Learning (Dumfries and Galloway)**

**12. Joan McAlpine (South Scotland) (SNP):** To ask the Scottish Government what progress has been made in advancing integrated learning in Dumfries and Galloway. (S4O-01080)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** I believe that good progress has been made. On 8 May, I led an encouraging meeting at the Crichton in Dumfries that was hosted by Dumfries and Galloway Council and involved Dumfries and Galloway College, the University of Glasgow, the University of the West of Scotland, the Scottish Further and Higher Education Funding Council and the Crichton Trust, among others. As the member knows because she was present, we agreed an action plan for partners to develop proposals that could unlock a unique opportunity to integrate senior phase school provision, further and higher education and research on one campus site.

**Joan McAlpine:** There has indeed been encouraging progress on integrated learning in Dumfries and Galloway. May I add a suggestion? Given that Dumfries and Galloway is Scotland's learning community, can it be considered for one of the pilot projects in the new modern languages programme?

**Michael Russell:** I am happy for that to be given serious consideration. The idea of a learning town, a learning campus and a learning region is an exciting one and it is being pursued by the new administration in Dumfries and Galloway.

The languages working group has made a number of interesting recommendations. Over the next few months, we will work with partners to identify the right places for the pilot schemes on the 1+2 languages policy. If Dumfries and Galloway Council found itself bringing forward a proposal, I am sure that we would consider it seriously.

### Degrees (Employer Demand)

**13. Kenneth Gibson (Cunninghame North) (SNP):** To ask the Scottish Government what degrees it considers will be in greatest demand by employers by 2020 and how will it encourage more people to study for them. (S4O-01081)

**The Minister for Youth Employment (Angela Constance):** The higher education sector in Scotland works closely with industry to identify skills needs. It is for universities to decide on their course provision and encourage participation, and it is for the Scottish Further and Higher Education Funding Council to ensure that there is a coherent spread of provision across the sectors that takes into account Scotland's economic, social and cultural needs.

**Kenneth Gibson:** The minister will be aware of the great opportunities that are ahead for Scotland, particularly in the fields of science, medicine and engineering. However, shortages of such skills are becoming manifest. How can the Scottish Government ensure that we do not end up with skills shortages combined with structural unemployment?

**Angela Constance:** It is widely accepted that science, technology, engineering and mathematics are priority growth areas, particularly with the growth of new clean energy sectors, for example. To address the issue, over the next three years the Scottish funding council will provide an additional 1,200 funded university places to ensure that Scotland's graduates have the right skills to meet the needs of our various sectors and industry.

**Dennis Robertson (Aberdeenshire West) (SNP):** What more can the Government do to bring our business and education sectors together to see what can be done to mitigate the skills shortage in the north-east of Scotland, and in my Aberdeenshire West constituency in particular?

**Angela Constance:** I know that Mr Robertson has a particular interest in the issue, as he represents the north-east and I have heard him speak before about the particular needs of the oil, gas and energy sectors. I point him in the direction of the skills investment plans for the energy sector and other important sectors in his locality and in Scotland nationally. Skills investment plans include demand statements about what industry actually requires, and they are vital if we are to match up the needs of industry with our educational provision for young people.

### Post-16 Education

**14. Duncan McNeil (Greenock and Inverclyde) (Lab):** To ask the Scottish Government whether it will provide an update on its reform of post-16 education. (S4O-01082)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** I will be delighted to do so. We are making excellent progress with post-16 reform. We are doing so by working closely with a wide range of stakeholders, including universities, colleges, training providers and local government. I shall make a full statement on our reforms before the end of the current Parliamentary session.

**Duncan McNeil:** The cabinet secretary will be aware of the work of the Health and Sport Committee on the progress of the Social Care (Self-directed Support) (Scotland) Bill, which, as he knows, focuses primarily on the role and duties of local authorities. Concerns have been raised about the multi-agency approach to planning, which should enable students with complex needs to make the transition from school to further education, ensure the best outcomes for those young people and avoid increased pressure on the families who support them. What discussion has the cabinet secretary had with his ministerial colleagues about the role of further education with regard to the bill?

**Michael Russell:** The member makes a good point. As we develop the outcome agreements for regional colleges, that issue and the issue of learning disabilities must come to the fore, so that, within our expectations of each region and their delivery agents in the colleges, we place an expectation that those issues will be taken into account and acted on. I would be very happy if the member or the committee came to me to discuss how those issues could be built into the regional outcome agreements.

**Stuart McMillan (West Scotland) (SNP):** Many young people do not go into post-16 education. How will the Scottish Government identify them, and what are the procedures for offering them training under the opportunities for all initiative, in Inverclyde and in each of the local authority areas in the west of Scotland?

**Michael Russell:** My colleague Angela Constance has done considerable work with Skills Development Scotland and others to ensure that we are aware of young people who leave school and go into the jobs market and who are looking for training or education or who are simply not being contacted in any way.

My colleague has also been very concerned about those who are most distant from the labour market. I hope that we can build and develop a system that ensures that every single individual has the opportunity that goes with the opportunities for all initiative and that they get what they need.

**The Deputy Presiding Officer:** Question 15 has been withdrawn for entirely understandable reasons.

### **Student Management Fees (Legal Advice)**

**16. John Pentland (Motherwell and Wishaw) (Lab):** To ask the Scottish Executive what legal advice the Cabinet Secretary for Education and Lifelong Learning has received regarding charging management fees for non-United Kingdom European Union students. (S4O-01084)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** It is not the practice of this or any previous Scottish Government to reveal either whether it has received legal advice on a particular matter or, if it has, the content of any such advice.

**John Pentland:** Can the cabinet secretary tell me whether the solution to the EU students issue will involve Scottish students paying a fee or levy of any description?

**Michael Russell:** I remain completely, utterly and absolutely committed to free access to higher education. I hope that the member who asked the question also has that commitment. If he does, I hope that he will tell his party leader, who appears not to.

### **Postgraduate Education (Access)**

**17. Marco Biagi (Edinburgh Central) (SNP):** To ask the Scottish Government how it ensures that access to postgraduate qualifications is based on ability to learn rather than ability to pay. (S4O-01085)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** As I said in response to the first question this afternoon, the Scottish Government's policy has always been to support students to attain a first degree.

The new loan scheme under the postgraduate students allowances scheme will widen access to almost 5,000 students from the 2012-13 academic year—the figure is up from 2,700 in 2011-12.

Students who would previously have received no funding will now therefore be able to access loans to contribute towards the cost of their tuition fees. I should point out, as I did in my first line this afternoon, that Scottish taught postgraduate students are the only ones to benefit from such financial support in these islands.

**Marco Biagi:** I echo the importance of that scheme in opening up postgraduate qualifications more widely than happens in the rest of the UK.

Does the cabinet secretary consider that perhaps the exclusive focus of widening access initiatives on undergraduate qualifications could

benefit from a little bit of expansion, given that it is just as vital that postgraduate qualifications are open to all? Would he welcome, as a first step, more information being published on who is undertaking postgraduate courses?

**Michael Russell:** That is an important issue. Indeed, this week when I met the president of the National Union of Students and the president of Edinburgh University Students Association, we discussed information availability—both information from universities on the demographics of those who are studying and information for students who are potential postgraduates on what is available to them.

I am in no doubt that investment in postgraduate education is exceptionally important for the future of Scottish universities. Worldwide, postgraduates are often the lifeblood of a growing, expanding and developing higher education sector. I am proud of the fact that the sector in Scotland is expanding. Indeed, higher education is expanding in only three places in Europe: Slovenia, Luxembourg and—I am proud to say—Scotland. I am pleased that Scotland is enlightened in that way and invests in higher education for the future of the country.

### **New Technologies in Schools**

**18. Maureen Watt (Aberdeen South and North Kincardine) (SNP):** To ask the Scottish Government how it will encourage the use of tablet computers and other new technologies in classrooms. (S4O-01086)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** The potential for mobile devices, including tablet computers, to enhance learning in Scottish schools is being explored by Education Scotland through a new online community of practice. The aim is to help us understand how technologies can be embedded in learning on a wider scale. Education Scotland will give consideration to the publication of national guidance on sustainable solutions for the deployment of devices in schools, including advice on the potential use of pupil-owned devices. That forms part of a larger programme to promote the aspirational use of technologies in our schools, which is underpinned by the five information and communications technology in education objectives.

**Maureen Watt:** As recent job market figures have shown again that the strongest demand for permanent staff in Scotland comes from the information technology and computing sector, does the cabinet secretary agree that ensuring that our children's IT education is of the highest possible standard is essential to the Scottish economy? Does he believe that the speed of technological development means that we must

always be open to introducing new methods and technologies in our schools?

**Michael Russell:** Absolutely. A couple of weeks ago, I had an inspirational visit to Sciennes primary school in Edinburgh, which is in Jim Eadie's constituency. I saw a primary class there working with tablet computers as a normal tool. That showed how that approach changes ideas, visions and methods of work and will equip those children incredibly well for moving forward. Access to such devices will not happen overnight, but we should be aspirational, learn how such initiatives are working and look at ways of taking them forward.

**Mark McDonald (North East Scotland) (SNP):** I note a personal interest in the subject.

Is the cabinet secretary aware of research that is being undertaken on the use of iPad technology to help to address the communication needs of children with autism and improve their educational attainment? Has the Scottish Government commissioned research, or is it keeping an eye on international research, on the issue?

**Michael Russell:** We are aware of and excited by the research. The Scottish Government has for a number of years funded CALL Scotland at the University of Edinburgh to develop expertise in the use of assistive technology in communication in schools. A variety of projects are on-going. If the member wishes to see any of them, I will be happy to arrange that.

#### **Further and Higher Education (Highlands and Islands)**

**19. Jamie McGrigor (Highlands and Islands) (Con):** To ask the Scottish Executive how it is supporting further and higher education in the Highlands and Islands. (S4O-01087)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** Further and higher education in the Highlands and Islands is being supported through the Scottish Further and Higher Education Funding Council, which supports thriving colleges, as well as the University of the Highlands and Islands, in the delivery of high-quality further and higher education.

We are building even further on that success through new regional funding arrangements for colleges in the Highlands and Islands and through the consideration that the UHI and its academic partners are giving to the university's future structure and governance. In doing that, we aim to develop a system of post-16 education that allows seamless progression for all learners.

**Jamie McGrigor:** The cabinet secretary will be aware that the first commercial spin-out from the

University of the Highlands and Islands—Greenspace Live Ltd, which was created to commercialise research that was generated at the Greenspace Research hub at Lews Castle College in Stornoway—recently became a fully fledged company. How will the Scottish Government encourage other commercial spin-offs from the excellent work that is going on in the UHI?

**Michael Russell:** Commercial spin-offs can be encouraged by a range of means. Some of the knowledge exchange partnerships and knowledge and innovation partnerships that are funded by the Scottish funding council and others are key means of providing such encouragement.

There is a range of possibilities in the Highlands and Islands. I recently visited the Scottish Association for Marine Science at Dunstaffnage, where fascinating work is being done on the use of algae to produce fuels.

Research needs to be encouraged in an academic context, but capital and support are needed when research moves into the commercial sphere. Both those elements are available, and the interchange of leading researchers and research students with commercial companies is important. A lot of the funding council's work on that is cutting edge and highly successful.

#### **Youth Unemployment (Co-ordination with United Kingdom Government)**

**20. Bob Doris (Glasgow) (SNP):** To ask the Scottish Government how efforts to tackle youth unemployment in Scotland are being co-ordinated with the UK Government. (S4O-01088)

**The Minister for Youth Employment (Angela Constance):** The Scottish Government will work with all partners across the public, private and voluntary sectors to respond to the national challenge of youth unemployment. We have made an explicit commitment to offer all young people between the ages of 16 and 19 a learning or training place through the opportunities for all programme. That will be supported by an additional £30 million of Scottish Government investment and up to £25 million of European funding to help young people who are seeking work.

**Bob Doris:** The UK Government's youth contract scheme, which is active in Scotland, includes wage incentives for employers and voluntary work for young people. Given the work of Skills Development Scotland, the community jobs fund and the opportunities for all programme, and the £55 million that the Scottish Government has invested, I am slightly concerned about duplication of and a lack of co-ordination with the UK Government's activities. Will the minister

assure me that she will monitor the situation and seek to improve it where possible?

**Angela Constance:** I assure Bob Doris that we are making every effort to avoid duplication, which means that our money can go further and support more young people towards and into work. I will make a point that may sound political, but which is actually pragmatic: we could do far more for our young people if skills and employability were the preserve of this Parliament.

## Scotland's Future

### **The Deputy Presiding Officer (John Scott):**

The next item of business is a debate on motion S4M-03113, in the name of Alex Salmond, on Scotland's future. I invite members who wish to speak in the debate to press their request-to-speak buttons now. When the First Minister is ready, I invite him to speak for 13 minutes—an exact 13 minutes, if you please, First Minister.

14:55

**The First Minister (Alex Salmond):** I will abide by your strictures, Presiding Officer.

I have just come back from launching Scotland's climate justice fund with the former Irish President, Mary Robinson, as I mentioned earlier that I would be doing. The Scottish Government is providing some £3 million for the fund. I know from the debate on 1 March that the initiative is supported unanimously across the chamber. It is therefore interesting to think for a second about how this Parliament came to be in charge of climate change and now of climate justice. As I understand the position, when in 1997 the rules were drawn up for devolution under the Scotland Bill, they specified which areas were to be reserved. At that stage, climate change was not on anyone's radar as one of the key issues, so it was not specified in the bill and therefore was not reserved. As a result, one of the most important issues on a planetary scale was devolved to this Parliament.

This Parliament has taken forward that responsibility incredibly well. We unanimously passed the climate change targets, and we are one of the few Parliaments in the world that have managed to do that. This year, we have gone further and established a pioneering climate justice fund to bring about some equity in the distribution of the impact of climate change. I think that every single party and parliamentarian can take pride in that. The question that I ask is this: if this Parliament can seize the initiative on one of the most profound environmental, economic and moral issues that the world faces, is it not ridiculous that we cannot take decisions on full taxation, defence or welfare spending?

When this Parliament met on 12 May 1999, Winnie Ewing famously reconvened the first session of the Scottish Parliament after 292 years in abeyance. That day was a milestone in Scotland's journey, and the motion that is before us today marks another. Today, for the first time since the beginning of the political union, the elected representatives of the Scottish people who are gathered here today in this Parliament will be asked by a Scottish Government to agree that

Scotland should become an independent country that will stand alongside the other nations of these islands in a situation of equality.

Today, the members of this Parliament will be heard as the elected representatives of the people of Scotland. The people who by definition know most and care most about our country, and who are best placed to determine the nation's future, are the people of Scotland.

I believe that the Parliament has achieved a great deal in its short lifespan. The smoking ban, the world-leading Climate Change (Scotland) Act 2009 and the new legislation to help to tackle Scotland's relationship with alcohol are just a few of the many, many advances.

However, this Parliament is not yet able to make many of the key decisions that affect the lives of our fellow countrymen and women. Since devolution, we as a Parliament and we as a people have shown that we can make a success of running our own health service, schools, local government, police, courts and much else besides. Indeed, Dennis Canavan has made that very point. His vast experience across two Parliaments—26 years as a member of Parliament at Westminster and a further eight years as a member of this Parliament—has led him to conclude as a convert that Scotland's future lies as an independent nation.

The point is that if we are capable of doing all those things responsibly and successfully for ourselves, why on earth should we not run our economy and our pensions, and represent ourselves on the world stage? Why should we not be able to make the decision to rid Scotland of the obscenity of nuclear weapons?

**Willie Rennie (Mid Scotland and Fife) (LD):** If the First Minister is giving the Parliament a choice and a decision today, why does he not trust the people of Scotland with a decision today?

**The First Minister:** Willie Rennie is out of date. The Prime Minister, who leads his coalition partners, has said that he is "not fussed" about the date of the referendum. All the parties have now accepted that the referendum will be in the autumn of 2014, so all the huffing and puffing over the past year did not mean anything at all. It was a fake argument from a fake Parliament in Westminster. Unlike Willie Rennie, I trust the people of Scotland with these decisions. I know that they will make better choices for Scotland than a Westminster Government could at any given time on any given day.

Last week, the Scottish National Party and the Labour Party, which represent nearly three quarters of the electorate, voted together in the Parliament to attempt to mitigate the

consequences of Westminster's misguided and damaging welfare reform programme.

**Johann Lamont (Glasgow Pollok) (Lab):** Given what the coalition Government is now doing in Westminster, does the First Minister regret advising people in England to vote Liberal?

**The First Minister:** Of all the people who have regrets about the Liberal Democrats, their thousands of erstwhile supporters will be up there rather more than me. Perhaps Johann Lamont should issue her regrets about being hand in glove with the Tory party at present. We know that she was not at the Alistair Darling meeting, as there were six men at it, but we know that her deputy was there. Representatives of the Labour Party and the Conservative Party are in cahoots against the wishes of the people of Scotland.

As I was saying before I was so fortunately interrupted, the key word as far as welfare reform is concerned is "mitigate". The question for all of us is this: why should we be limited to mitigating—to lessening—the impact of Westminster policies on thousands of families across our nation? Those who oppose the motion would have us stand back and say that that is all that we can do, but I say that it would be far better if the Scottish Parliament had the power to stop the Tory dismantling of the welfare state.

There is a message and a clear vision. Westminster continues to spend billions on weapons that could destroy the world; Scotland should spend on social provision that could be the envy of the world.

Last Friday, the co-convenor of the Scottish Green Party, Patrick Harvie, and I took part in the launch of the yes Scotland campaign, which will be the largest community-led campaign ever mobilised in this country. Already, 15,000 people are backing the yes Scotland declaration and more than 3,000 volunteers have signed up to support the campaign.

**Ruth Davidson (Glasgow) (Con)** rose—

**The First Minister:** I will give way to a member of a party that may or may not have 3,000 members left.

**Ruth Davidson:** Does the First Minister count among his number my deputy, all the political editors of Scotland and everyone else whose Twitter picture was harvested and used so egregiously against their wishes in support of that campaign?

**The First Minister:** No. We have managed to extract them all from the website. We have taken out Donald Duck, Osama bin Laden and Johann Lamont. They have all been taken out of the website.

I think that there is a bit of envy. I have been looking at the Twitter followers of various people. At the latest count as of this morning, the First Minister—that is me—has 20,490 Twitter followers. In the only poll in which the Liberals come second in the whole of Scotland, Willie Rennie has 2,405 followers, Johann Lamont has 2,383 followers and Ruth Davidson has 1,988 followers. My advice to the Conservative Party is that if it tweets more interestingly and tries very hard, it will get more followers.

The range of support is impressive. Brian Cox is supporting an independent Scotland, even though he is from a Labour background. On Friday, he spoke powerfully about his own political journey.

**Hugh Henry (Renfrewshire South) (Lab):** Will the member give way?

**The First Minister:** No, thank you.

Tommy Brennan—[*Interruption.*]

**The Deputy Presiding Officer:** Order.

**The First Minister:** I have taken three interventions so far. I am not sure that the member's intervention would be any better than the first three.

Tommy Brennan, one of Scotland's greatest ever trade union leaders, is backing independence—[*Laughter.*]

**The Deputy Presiding Officer:** Order.

**The First Minister:** I do not know whether that laugh was for Tommy Brennan but, in my opinion, he did more for Scottish industry than any member on the Labour benches.

Paul Leslie, a former Conservative councillor, is supporting independence. Most people round his way are former Conservative councillors, so I understand.

Peter Dodge, a crofter, Julie McElroy, a disabilities campaigner and Tasmina Ahmed-Sheikh, chair of the Scottish Asian Women's Association, are also supporting independence.

What unites all those people from across society is a common cause and a shared purpose. We believe that the people who care most about Scotland—the people of Scotland—should be in charge of the nation's future. No one, but no one, will do as good a job for our country as the people of Scotland themselves. That is why being independent will enable our country to make the progress that it needs to make so that we can realise our potential and build a nation that is fairer, greener and more successful than it is today.

The timetable is laid out. Next year, the Scottish Government will publish a white paper setting out

the details of the independence prospectus. It will present the Government's case for independence and the starting point for the nation—how we will be governed. It will be the prospectus that is put before the people in 2014.

That prospectus will be a single-chamber Parliament, with a First Minister and a Cabinet selected by Parliament as it is today; elections that use the same system of proportional representation; local government with the same powers and responsibilities; and a High Court and a Court of Session that resume their historic roles as the supreme courts of Scotland. The prospectus will set out a Scotland that is a member of the European Union, that has the Queen as our head of state and that has sterling as our currency. On our first day as an independent country, that is how Scotland will be.

I remember campaigning with the Labour Party—not with the Tories—in the devolution referendum. We made it clear that the job of the referendum was to specify the nature of the devolved Parliament—then it was up to the people to decide which party would run that devolved Parliament. Once we set the structure of the state, the people of Scotland will decide whether they want a social democratic Scotland with the SNP, a socialist Scotland—perhaps not with the Labour Party, but people will put forward that position—a green Scotland, a free enterprise Scotland, or a Scotland with whatever combination of policies the Scottish people choose.

For all of us, the single most important question to ask ourselves in representing our people is this: is it not an essential truth that the people best placed to run this country are the people of Scotland ourselves? If we lead this nation as a Parliament should and speak out with a clear voice today, we will be better placed to build a Scotland that transcends the experience of this Parliament and betters the lives of every man, woman and child in Scotland.

I move,

That the Parliament agrees that Scotland should be an independent country; sees it as the responsibility of this generation to hand over a better country to the next generation than the one inherited, and believes that it is vital for the people of Scotland to take full responsibility for the decisions about the future of Scotland. [*Applause.*]

**The Deputy Presiding Officer:** Order. Thank you.

15:08

**Johann Lamont (Glasgow Pollok) (Lab):** I never thought that the First Minister had self-esteem issues, but reading out the number of followers that he has on Twitter to prove how good



he is is a whole new level of anxiety for the First Minister.

The First Minister started by talking about the importance of working together on climate change. The message from that is that, in the world that we live in, the more we co-operate and the more we come together to identify the key problems and act on them, the better, rather than making our prospectus one of separation.

The First Minister also raises the issue of the reconvened Scottish Parliament. This is not a reconvened Scottish Parliament. This is the first Scottish Parliament that is elected under universal suffrage, which allows women as well as men to be here. It is not an exclusive club for the landed gentry in Scotland. It says everything about the First Minister that he imagines that there is any connection between that Parliament and this body, which was created to make a difference to the lives of people.

The fact of the matter is that, as someone who passionately believes that sovereignty lies with the Scottish people, I also believe that we have an independence whose proof does not require the First Minister to be given a new title. We, as a nation, were never conquered. The United Kingdom has not been imposed on us. It is the choice of Scots to share power with our neighbours on these small islands, as we are stronger together. Indeed, had Scotland been a separate country right now, I believe that we would be seriously looking at creating the type of union that we currently enjoy—the type of social, economic and political union that has brought us 300 years of peace and stability and allows us to weather the worst economic crisis of our lifetime, following the collapse of the banking sector.

I believe that, without Scotland, the United Kingdom would cease to exist, because we built the United Kingdom with our neighbours.

**Margo MacDonald (Lothian) (Ind):** Could we start as we mean to go on, with facts? Although Johann Lamont takes issue with Winnie Ewing's statement that this is the Scottish Parliament continuing, the Speaker of the House of Commons has ruled that Westminster is the English Parliament of Simon de Montfort continuing, and Westminster is a very changed place. Parliaments do evolve.

**The Deputy Presiding Officer:** An esoteric point. Thank you very much.

**Johann Lamont:** I was making a more important point, which is that this Parliament—a new, modern, thriving place where the people's priorities are decided—is what we should celebrate, rather than misrepresenting what the last Parliament was about.

As I was saying, I believe that, without Scotland, the United Kingdom would cease to exist, because we built the United Kingdom with our neighbours. That is why I disagree with the First Minister when he says that we are “surly lodgers” in the UK. He might be surly, but someone cannot be a lodger in a house that they have built themselves.

I believe that there are two reasons why the First Minister's campaign to separate Scotland from our neighbours has stalled—two self-evident truths. The first is that it is not what most Scots want; the second is that it is not all that he was elected to do. I believe that, when he whispered, in the last days of the election campaign, that he would hold a referendum in the second half of the parliamentary session, he did so to reassure voters that separation would not be the issue that would dominate this Parliament, because he knew that that is not what most Scots want. However, dominate proceedings it has. What the First Minister failed to say is that he would spend the first half of the session not governing Scotland but trying to sell us a bill of goods that the majority of us do not want. It means days, weeks, months and now years of endless debates over currency unions, NATO, EU membership and oil prices, of campaign launches and relaunches and of declarations and registers. Today, yet again, we have a debate on separation—this Government's single obsession; its one and only prescription for all our lives; the eternal answer, no matter what the question.

**The Cabinet Secretary for Parliamentary Business and Government Strategy (Bruce Crawford):** It was Johann Lamont who raised the issue at First Minister's question time.

**Johann Lamont:** I know that I raised it at First Minister's question time. I did so because I was optimistic that I might get an answer. Evidently, I did not.

**Patrick Harvie (Glasgow) (Green):** Earlier today, at First Minister's question time, Johann Lamont raised serious questions that are in need of serious answers. I wish that she would stick to that kind of issue. When will the Labour Party get over the fact that the referendum is going to happen, and that the mandate for it exists?

**Johann Lamont:** I absolutely accept that, but I say to Patrick Harvie that, while we conduct that debate, we should also be getting on with the business of challenging the key issues of the day. We know that, across the portfolio areas, everything is on pause until we have a referendum. That is a problem.

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** If Johann Lamont reflects on her speech in yesterday's debate, in which she had

the opportunity to provide constructive solutions or suggestions to deal with issues in the euro zone that matter to the people of Scotland, she will find that she made not one single suggestion in the whole 11 minutes.

**Johann Lamont:** That is simply not true. I suggest that Mr Swinney looks at what I said—*[Interruption.]*

**The Deputy Presiding Officer:** Order! Enough!

**Johann Lamont:** We need a plan for business; we need to be working and talking to the banks; we need to stop cutting housing; and we need to invest in the further education sector.

The problem with the Scottish Government is that, instead of understanding the real debate in which we should be engaged, it is continuing to trade in assertion, not fact, and ambiguity, not precision. Instead of a national vision, there will be an attempt to entice all of us into a communal hallucination. Our vision for the future of Scotland starts with a vision of social justice, a Scotland where everyone can realise their potential, where we have individual rights and collective responsibilities and where the qualities of industry and community are interdependent, not mutually exclusive. It starts with that vision and then asks about the political, social and economic machinery that we need to achieve it. The starting point is not a border drawn on a map. Social justice does not have a flag; equality does not need a passport. We ask what world we want to build and then ask what tools we need to build it.

**Kevin Stewart (Aberdeen Central) (SNP):** Will the member give way?

**Johann Lamont:** I think that I have taken enough interventions for the moment.

The nationalists judge their strength by their tools, not by the quality of what they can build. The SNP's case for leaving the United Kingdom has changed over the years. Policies change for all political parties, but the fact is that the SNP cannot build a logical case for Scotland leaving the UK because the foundation of its argument is blind faith. People in this country have great sentiment, but too many families know that they cannot feed their children on sentiment and that a school, university or hospital cannot be resourced solely by blind faith. The best choices for our future are rational, logical and rooted in reality.

What does the SNP say about the currency of a separate Scotland?

**Sandra White (Glasgow Kelvin) (SNP):** Will the member give way?

**Johann Lamont:** No.

It appears that the pound is no longer the millstone around our neck that it was just a few

years ago; it is now the currency of choice, so we will retain it. The First Minister says that that will be welcomed because of our contribution to the rest of the UK's balance of payments, but he has not discussed that with the Bank of England. The Deputy First Minister says that we will have a representative on the monetary policy committee, but that has not been discussed either. The First Minister says that in a separate Scotland the Bank of England will be the bank of last resort, but he has not discussed that with the governor of the Bank of England. He is claiming a certainty for the people of Scotland that he has simply not established. Indeed—

**The Deputy Presiding Officer:** I would be grateful if you could draw to a close, please.

**Johann Lamont:** He is happy to take Scotland on a leap of faith, knowing that he does not have the answers to these questions.

The fact of the matter is that we have a vision for Scotland in which we stand—*[Interruption.]*

**The Deputy Presiding Officer:** Order!

**Johann Lamont:** I believe that we stand taller as part of the UK in a partnership in which we share risks and rewards and on a platform on which we can build the just and fair society that we all want Scotland to be.

I move amendment S4M-03113.3, to leave out from "agrees" to end and insert:

"believes that it is in Scotland's best interest to remain part of the United Kingdom; believes that the UK is stronger together and weaker apart; further believes that Scotland has achieved a great deal as part of the UK and can achieve so much more, and further believes that by remaining in a devolved UK the next generation will inherit a more prosperous, confident Scotland."

15:18

**Ruth Davidson (Glasgow) (Con):** I congratulate the First Minister on the tone he has struck in this debate. If we are measuring followers, he might like to know that more people were in the gallery for education questions than there are for the debate on this historic motion.

At some point in the next two and a half years, Scotland will be asked to choose and its decision will determine not only the standard of living that we enjoy but the standard of living of our children, our grandchildren and generations to come. If that decision is to separate from the rest of the UK, there can be no turning back, change of mind or reversal at the ballot box in five years' time. England, Wales and Northern Ireland will go one way and Scotland another.

Given the fundamental nature of the question and the monumental effects of a vote to separate Scotland from the rest of the UK, the very least

that we should be able to expect is a clear articulation by the proponents of separation of what they mean by independence and what a separate Scotland will really look like. In fact, probably the most remarkable thing about the debate on Scotland's future is the unwillingness—or perhaps even the inability—of the SNP to define exactly what it means by independence or to give any indication, as exemplified by the First Minister's performance at lunch time, that it has undertaken any preparatory work at all to check that what it asserts will happen is even possible.

On one hand, the SNP argues that independence—separating from England, Wales and Northern Ireland—would transform Scotland but, on the other, it argues that very little would change: sterling would still be our currency, we would continue to have membership of the European Union and the Queen would remain our head of state.

Let us deal with some of the issues that have been raised in the debate, and let us deal in fact. A newly separate Scotland, which would have a large fiscal deficit and would be saddled with significant public debt, would not only face the loss of its AAA credit rating but be left with a choice between increased borrowing costs—

**Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** The member mentioned the large fiscal deficit that Scotland will have after independence. Does she agree that Scotland's fiscal deficit will be in direct proportion to the fiscal deficit that the rest of the UK will have?

**Ruth Davidson:** Even if we accept the SNP Government's definition of Scotland's geographical share of North Sea oil, Scotland faces an overall fiscal deficit that amounted to £10.7 billion in the most recent financial year. Senior economists predict that the position will worsen next year, because of the situation with oil revenues. If we add to that the fact that the fiscal deficit would worsen—this is where we get on to the UK—when an independent Scotland was obliged to assume its £80 billion share of the UK's net public debt, the economic reality becomes pretty clear.

**Paul Wheelhouse (South Scotland) (SNP):** Will the member take an intervention?

**Ruth Davidson:** I will make progress, thank you.

We would be left with a choice between increased borrowing costs and rapidly reducing our debt level through deeper cuts in public spending. There would be higher mortgage rates, higher personal taxes and cuts to public moneys.

On top of that, there is the fundamental matter of currency, on which I will gladly give way to the First Minister.

**The First Minister:** I know that Ruth Davidson will have read the "Government Expenditure and Revenue Scotland 2010-2011" report. She is quite right—we are in the height of recession. Scotland had a deficit of 7.4 per cent as a percentage of gross domestic product, whereas the figure for the UK was 9.2 per cent. In other words, if we were borrowing at the same rate as the UK, we could borrow £2.6 billion less or we could spend £2.6 billion more. Ruth Davidson said that she wanted some facts; I am sure that she has seen the GERS report and I am sure that she agrees with the figures in it.

**Ruth Davidson:** I am sure that the First Minister will agree that, without the size, the strength and the credit rating history of the UK, a newly separate Scotland would not keep its AAA credit rating.

However, let us move on to the currency. Following the First Minister's long flirtation with the euro, even he has been forced to admit that it would be a disaster for Scotland, so the solution is to keep sterling and to continue to have the Bank of England as the lender of last resort. If the Bank of England were to be the lender of last resort, what remained of the UK would need to oversee Scotland's fiscal management. If an independent Scotland were to submit to such control over its monetary and fiscal policy, what kind of independence would that be? There would be more confusion, more risk and more needless uncertainty. That is not a future that I want for my country, because Scotland deserves better.

I love my country. My country is Scotland, and I bow to no one in my commitment to Scotland and the wellbeing of our people but, like most Scots, my pride in my country and my sense of patriotism are not threatened by the British component of my identity—far from it. Like the majority of Scots, I celebrate it and draw strength from it. Among the greatest strengths of the UK is the diversity of its cultures, which is reflected in Scotland. We have Asian Scots, French Scots, Italian Scots and German Scots, but the one thing that you cannot be in the SNP's vision of the future is a British Scot.

This debate is about the future. It is about the future of my family and of everyone else's family. Let us imagine for a moment that Scotland had not been a partner in the UK for the past 300 years, but that it now had the chance to join it. Through membership of the UK, Scotland would gain trading opportunities and access to international markets, as a result of which it would secure jobs and investment. It would gain the advantages of an integrated economy and the ability to weather

the economic storms that have devastated small countries, and it would have the clout on the international stage that membership of the G8 offers, which would allow us to stand shoulder to shoulder with our allies as part of the most successful military alliance in the world. It would gain safety and security through having an integrated defence force, backed by special forces, and security services, such as MI5 and MI6, that are the envy of other nations—*[Interruption.]*

**The Deputy Presiding Officer (Elaine Smith):** Order!

**Ruth Davidson:** Who but the most starry-eyed of nationalists would deliberately not choose those advantages?

**The Deputy Presiding Officer:** Ms Davidson, you must conclude.

**Ruth Davidson:** Those are precisely the advantages that the First Minister and his Government are calling on the Scottish people to surrender.

This debate is about the future. We are stronger together than we would be apart. The United Kingdom has massive achievements to its name and a positive future through working together, pooling our resources and sharing our rewards. I want the next generation to inherit a more prosperous, confident Scotland, and that is why I must support the amendment in Johann Lamont's name.

**The Deputy Presiding Officer:** If members will allow me to, I inform them that the debate is heavily oversubscribed—*[Interruption.]* Could I have some order please?

The debate is heavily oversubscribed. I remind members to keep their speeches strictly to their allotted times. Even then, I warn them that it might be necessary to curtail the length of speeches towards the end of the debate.

15:26

**Linda Fabiani (East Kilbride) (SNP):** It is a privilege to be able to stand up in the chamber and debate the future of Scotland. This is our national Parliament and it is relevant to everyone in our nation. We have the biggest opportunity in 300 years to regain our sovereignty and improve the lives of those we serve. We need and want independence so that Scotland can continue to grow and develop as a nation and society, with decisions being taken in Scotland by those who live here. It is obvious to me that that would be in our own best interests, but it would also be in the interests of the wider world. The choice for Scotland is quite clear. We can choose to remain a bit player through the United Kingdom, being

unable to advance our own interests, let alone influence the international agenda, or, as an independent country, we can take responsibility for our own actions at home and abroad. For example, we can say, "Not in our name," and truly mean it; that is hugely important to me.

Members of the yes campaign might have differing views on how Scotland will develop in the years ahead, but what we all have in common is the fact that we trust the people of Scotland to deliver a better outcome than we have at present.

We should be clear; the choice that is facing Scotland is the exciting opportunity of independence or the status quo. I hope to hear from those who argue the case for staying in the UK a positive view and justification for entrusting Scotland's future wellbeing to the Westminster Parliament and maintaining the status quo.

We can see that the status quo is hardly positive when we consider the UK's economic situation and the draconian cuts that are being forced on us nationally, communally and individually. The ability of a people to shape the ethics of their own democratic society is a precious right and responsibility.

When Johann Lamont commented on child poverty earlier this year, she said that she wanted it to be tackled elsewhere in the UK as well as in Glasgow. I also want child poverty to be tackled in Liverpool, Manchester and elsewhere in the UK, and I want it to be tackled in Lagos and Mumbai. There is no excuse for a continuing lack of action in Scotland. Scotland should have the power to act on child poverty. Perhaps representatives of the Labour Party in Scotland will tell us why they prefer to see that power being controlled by a Conservative chancellor instead of by the people of Scotland.

**Kezia Dugdale (Lothian) (Lab):** As the member knows, I have an interest in child poverty, as do all the members on this side of the chamber. Why has progress on child poverty stalled under the member's Government when levels of child poverty went down when Labour was in power?

**Linda Fabiani:** In the final three years of the Labour-led Executive, the level of poverty was unchanged, despite the unprecedented growth in the budget. If Labour could not get to grips with poverty during the good times, it must recognise the need to increase the powers of the Scottish Parliament.

Perhaps the representatives of the Labour Party in Scotland will also tell us why they prefer to see the most needy in our society being vilified by a Westminster and UK Tory-Liberal coalition than to give the people of Scotland the opportunity to strengthen our economy, utilise our assets, and realise our ambitions for a simpler welfare system

that makes work pay and lifts people out of poverty.

The article of faith espoused by those who defend the status quo, that a positive future for Scotland's economy depends on our continuing membership of the United Kingdom, is redundant. Stability, flexibility and investment, as previously demanded by Alistair Darling, are not words that immediately spring to mind when one looks at the UK's public finances; nor do they spring to mind when one considers the records of current and previous UK Governments.

On television recently, Ruth Davidson tried to make political capital out of her claim that Scotland's welfare spend exceeds our oil revenue. Perhaps one of her team here could follow that up with an apology for the historical Westminster squandering of Scotland's oil wealth. Perhaps they might also explain why the people of Scotland should expect any more benefit from the next 40 years of oil revenue, or from our renewable resources, if we allow them to remain under Westminster's control.

The myths perpetuated about Scotland's seemingly unique inability to look after its own affairs are legend. Recent scare stories on defence abound, although there is nothing said about the thousands of defence jobs lost to Scotland under current arrangements, with direct defence expenditure running at about half of what Scottish taxpayers contribute each year. Taking the power to switch expenditure away from costly nuclear weapons is the right thing to do. People cannot say with honesty that they want to stop Trident while campaigning to renew and maintain Scotland's contribution to that immoral system and harbouring weapons of mass destruction.

There is only one way to give Scottish communities access to resources, and that is by bringing control of them here to Scotland. I believe in independence for Scotland. I believe in raising our sights and having ambition for our nation and its people. Most of all, I believe that it is vital for the people of Scotland to take full responsibility for decisions about the future of Scotland. That is why I support the motion in the name of the First Minister of Scotland.

15:32

**Lewis Macdonald (North East Scotland) (Lab):** The SNP's proposition is clear and straightforward, and so is the alternative. We may have different views about the implications of "an independent country" or "a devolved United Kingdom", but we all understand the choice before us and we all recognise the process by which the Parliament reaches a view.

That is as it should be, because democratic decision making requires a process that is agreed by all parties and a choice that is understood by all who vote. If MSPs are entitled to those things in this debate, surely the Scottish people are entitled to an agreed process and a clear choice on Scotland's future.

The Scottish Government proposes to define the process by an act of the Scottish Parliament, although the Scotland Act 1998 provides that the union of the Crowns of Scotland and England is a matter reserved to Westminster, and so is the Parliament of the United Kingdom itself. Everyone accepts that, under current arrangements, those aspects of the constitution are reserved to the Parliament of the United Kingdom.

There are different legal views, though, on whether a referendum on ending the union is also by definition a reserved matter. For politicians, as opposed to lawyers, surely the position is perfectly clear. Section 29(3) of the Scotland Act 1998 says that

"the question whether a provision of an Act of the Scottish Parliament relates to a reserved matter is to be determined ... by reference to the purpose of the provision, having regard ... to its effect in all the circumstances."

In other words, if the purpose and the potential effect of introducing a bill to hold a referendum are to bring the union of Scotland with England to an end, the bill must relate to a reserved matter. It could not be enacted here unless the UK Government first modified the list of reserved matters through an order made under section 30 of the 1998 act.

Lawyers can argue the pros and cons of purpose and effect in a court of law, but surely no member of the Scottish National Party, in this Parliament or elsewhere, could look their constituents in the eye and deny that the purpose of an independence referendum was to end the union of Scotland with England.

If SNP ministers cannot deny that that is their purpose, they cannot reasonably legislate to achieve it without a section 30 order to provide a legal basis on which a referendum can be held.

**The First Minister:** On the issue of clear process, was there not a clear process in a referendum in the city of Aberdeen? When will he accept the result?

**Lewis Macdonald:** I am glad that the First Minister raises that issue. He reminded us yesterday that Union Terrace gardens have been at the heart of Scotland's third city since the days of Queen Victoria. The outgoing SNP-led Administration on Aberdeen City Council held a referendum on proposals for development in the gardens. The gardens referendum was a model of precisely how not to hold a referendum that has

important lessons for us all. It was held without the benefit of a legislative framework, as the Political Parties, Elections and Referendums Act 2000 did not apply, and the Electoral Commission had no statutory role. There was no agreement among the major parties on what the rules should be. We cannot afford to have those drawbacks repeated on a national scale.

As the First Minister knows, there was no way to

“restrict campaigning to those who have formally chosen to participate and abide by the rules”,

as the counting officer reported after the event, and no way that the counting officer could limit spending by unregistered bodies.

**Kevin Stewart:** Mr Macdonald is rather unfair about the conduct of the referendum, which was carried out by Crawford Langley, who is one of the leading lights among returning officers in the country. There was agreement on the process from all parties, apart from the Labour Party, and from those for and against the proposition. What is wrong is that the Labour Party cannot admit defeat in a referendum. Will it do the same in 2014?

**Lewis Macdonald:** That brings me directly back to the parallel between the recently held referendum in Aberdeen and the proposed referendum.

In the Aberdeen referendum, the franchise was given to some 16 and 17-year-olds who happened to be on the electoral register, but not to others who were not on the register. Sixth-year pupils to whom I spoke could not understand why anyone would think that it was fair to give the vote to some people of their age and not to others. The disturbing thing is that the same proposition is in the SNP's consultation and no one has yet offered those young people an explanation.

**The Deputy Presiding Officer:** You have one minute left.

**Lewis Macdonald:** Earlier this week and again today, Alex Salmond asserted that Labour councillors in Aberdeen should give more weight to the gardens referendum than to their democratic mandate from the local electorate. That view is profoundly wrong, because local elections are held on a statutory basis under agreed rules with enforceable spending limits, while local referendums are not. That is why today's *Press and Journal* reports the view of Mr Salmond's old friend Professor Matt Qvortrup that

“Labour's council election victory this month trumped the referendum result”.

**The Deputy Presiding Officer:** Please come to a conclusion.

**Lewis Macdonald:** The Aberdeen experience emphasises the need for Scotland's next

referendum to be held on a sound statutory basis. Ministers must not repeat the mistakes that were made in the gardens referendum. It is the Scottish people's democratic right to decide Scotland's future through a process that is supported by all major parties, with rules agreed in advance, and a single unambiguous question.

**The Deputy Presiding Officer:** Mr Macdonald, I am sorry, but you must finish.

**Lewis Macdonald:** If the result is to command respect, the process must do so, too.

15:38

**Mark McDonald (North East Scotland) (SNP):** I have been weighing up how best to respond to Lewis Macdonald's comments on the referendum in Aberdeen. Frankly, the best way is just to ignore them and allow the people to deliver their verdict, which I am sure they will continue to do through the letters pages of *The Press and Journal* and the *Evening Express*. Those letters have almost unanimously been opposed to Labour's actions in Aberdeen.

**Lewis Macdonald:** Will Mr McDonald give way?

**Mark McDonald:** No—do not be silly.

In the *Sunday Herald* this weekend, an advert appeared in which a diverse range of individuals from across Scotland's many sectors and communities voiced their support for independence. They included a number of individuals from my region of North East Scotland, again from a diverse range of backgrounds. From the business community, there was Stewart Spence, the owner of the Marcliffe hotel in Aberdeen, and Richard Tinto, the managing director of Tinto Architecture in Aberdeen. Both those successful businessmen from the north-east said that they believe that Scotland's future is best as an independent country.

From the faith and community activist area, there was Abdul Latif, a highly respected member of the Muslim community in the north-east and the Aberdeen mosque, saying that he believes that Scotland's future is best as an independent country.

From a military background, there was Andy Brown, a war veteran and the president of Aboyne Royal British Legion, saying that he feels that Scotland's future is best as an independent country. When I saw Andy Brown sign the declaration, it brought to mind my grandfather, a veteran of world war two, who fought with the Gordon Highlanders during the campaign in Burma. For those who will read this *Official Report* and who may not be familiar with them, the Gordon Highlanders were the regiment that was scrapped by the Conservatives. That decision

destroyed some of the fine traditions of that regiment. The Labour Government carried through that policy by destroying other regiments, and that will potentially be carried further by Philip Hammond. Successive United Kingdom Governments have shown a disgraceful disregard for Scottish military history.

Although my grandfather was a veteran of the British campaign in world war two, he was also a believer in Scottish independence. Not because he was ashamed, embarrassed or opposed to what had happened in his past, but because he recognised that what had happened in terms of a shared campaign and history could be celebrated as an independent country, and, furthermore, that nations would continue to co-operate in the best interests of the international community as independent, mature nations. That was his firm belief and one of the reasons why he supported independence. I am sure that that is a reason why Andy Brown, too, supports independence, as do a range of other individuals from military backgrounds who have either signed the declaration or stated their support for independence.

Sadly, my grandfather passed away in 2010. He did not live to see me being elected to the Parliament, nor to see the start of the yes campaign, but I know that he would be happy that that campaign has started, and with the range of people who are backing it.

I became a father in 2008 and my second child arrived in 2011. The arrival of my children has strengthened my belief that we need independence because I want to build a better Scotland, not only for everybody else's children but for my own. I look at them and the future that lies ahead of them. I look at what the UK Government is doing in so many areas, such as welfare and disabilities, and that makes me anxious and worried for my children's future.

An independent Scotland could build a more socially just nation for our children. That is why people who firmly believe in social justice, such as Dennis Canavan, are backing independence. They recognise that a socially just future is far more possible in an independent Scotland than if we remain anchored to the United Kingdom and the cuts that are being imposed on us.

I listened to the Labour Party when we debated the concept of welfare cuts being undertaken. They said that it was okay, and that if it came back to power, everything would be all right—just as it was in 1997 when one of the first acts of the Labour Government was to slash disability benefits. That is what social justice means to the Labour Party at UK level. I firmly believe that there are members on the Labour benches who are committed campaigners for social justice, but they

must recognise that remaining a part of the United Kingdom dilutes rather than enhances that opportunity.

There are many successful, small nations across our planet, and it does not behove the anti-independence parties to throw insults about the arc of insolvency, or to laugh at and deride the trials and tribulations that some of our neighbours, including Ireland and Iceland, have gone through. Those small, independent nations have encountered difficulties, but they do so and continue to do so, and come through them, as small, independent nations. They weather the storms as independent nations—yes, as part of the international community, and often co-operating together in a range of ways, but they remain true to their state as independent nations. We can quite clearly see that the figures demonstrate that the small, independent nations are recovering at a much greater rate than the large, lumbering beast that is the United Kingdom.

We are clear on the SNP benches that Scotland's future is best served when it is held in Scotland's hands. I campaign for independence because I want to build a better and more socially just Scotland, to the honour and the memory of my grandfather, and, which is important, to secure the future of my children.

15:44

**Drew Smith (Glasgow) (Lab):** I am grateful to be called to speak in this debate and to follow the previous speakers, particularly Linda Fabiani, who I thought made an impassioned case for the reasons why she believes what she believes. If the First Minister had followed suit, the debate might have had a slightly better tone.

I respect the SNP's position on independence for Scotland, even if I disagree with it. It is legitimate to argue for a separate Scotland. I have no fear that a Scotland outside the UK would not be able to survive; I simply take the view that a Scotland working in partnership with our neighbours could be even more successful.

**John Mason (Glasgow Shettleston) (SNP):** Will the member give way?

**Drew Smith:** I have just begun, so if you will forgive me, I will continue.

I said that it is legitimate for the separatists to argue their case, but it must be argued; it cannot simply be asserted as we have heard in this debate and earlier today. There are serious questions that those who promote change must be able and prepared to argue, but so far we have seen precious little attempt to do so. The celebrities at the cinema were not keen to answer questions about what independence might mean

for Scotland and, as Johann Lamont said, on television just a few days ago the Deputy First Minister was unable to answer more questions. Similarly, just yesterday, the SNP was unable to answer in the chamber basic questions about how Scotland might have weathered the current euro crisis.

It is perhaps one benefit of putting the proposed referendum off that the Scottish Government will have a long time to think about and cobble together some answers to those questions, because the people of Scotland are already asking them. I say to SNP back benchers that the questions will keep coming from the people of Scotland.

**Mark McDonald:** I respect the fact that parties will need to lay out policy agendas for what they would do as the Government of an independent Scotland. When will the Labour Party start to do that? Does it not believe that it will ever govern in an independent Scotland?

**Drew Smith:** I do not intend to set out the policy priorities of the Labour Party in an independent Scotland that I do not believe will come into existence. The argument that it is incumbent on us to argue for what we would do after something that we do not believe in comes to pass is completely illogical. I appeal to SNP members to grow up and to take the debate slightly more seriously.

The delaying of the referendum is a shame, but I welcome the fact that I and other members who were elected last year will be in the first generation of members of the Parliament who can look forward to a clear answer to the constitutional question, one way or another. All my life, support for a separate Scotland has hovered at around a third, while support for the SNP has fluctuated, so I do not think that it is very likely that Scotland will choose to leave the United Kingdom. However, I do not take that for granted, and we will have to wait and see.

Although I lack faith in the SNP's prospects, particularly in light of the strength of its current arguments or assertions, I do think that there is an opportunity to ensure that a rejection of separation is not just a negative result for the SNP.

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** Will the member give way?

**Drew Smith:** I would prefer to carry on, Mr Hepburn.

This debate and the eventual referendum could be an opportunity for Scots to affirm our place in Britain. Given that ordinary people in this country were not asked by the previous Scots Parliament, of which the First Minister is so fond, for their views on the treaty of union, the debate could just

as much be an opportunity for Scots to democratically join the union rather than leave it.

The Britain of 2012 is a different place—as it will be in 2014—to that which was created in 1707, just as the Scotland of today is a different place to the Scotland of 1999. I was a schoolboy when this place was created, and all my adult life this place has existed and taken decisions—some good and some bad—but they were decisions taken for Scotland, here in Scotland. The union of today recognises the will of the Scottish people for a Parliament of their own. Home rule within the union is in my view the best of both worlds. Devolution has allowed people who live in Scotland, who, as the First Minister puts it, care most about Scotland, to take decisions. This place has led the UK with action on land reform, smoking, free tuition, protecting our national health service from marketisation, concessionary travel, personal care, opening railways and creating a national theatre. To pretend that the Parliament is impotent is to do down all those achievements.

I am proud of devolution and of the role my party played in delivering it, but I do not think that we on this side of the chamber should or can sit back. I welcome a debate about powers for this Parliament. The modern call for a Scottish Parliament came out of the Upper Clyde Shipbuilders and the destruction of industries like coal and steel and the communities that relied on them. It was as much about factory closures in the 1980s and 1990s and the campaigning of the labour movement as it was about emotional or cultural nationalism.

It is true that the world has turned many times since those issues dominated debate in Scotland, but as someone whose school playground was in the shadow of a shut pit, the story of devolution is not, in my view, finished.

The Glasgow that I represent is an uncertain place for many, and changes in who does what may be needed in the future. However, much more important than the question of who does what is the question of what is to be done. This debate is distracting us from that question. I recognise that the SNP has a mandate to put the question about independence, but there is frustration among people in Scotland that will continue—the SNP has to accept that.

**The Deputy Presiding Officer:** Please come to a conclusion.

**Drew Smith:** Of course, Presiding Officer.

The convention scheme that created this place was well worked out and understood, and a Scottish Parliament with tax powers was voted for by the people. In contrast, the separation case is vague and often vain. The reality is that we can



share power and devolve it from Holyrood as well as to Holyrood.

**The Deputy Presiding Officer:** I am afraid that you must finish.

**Drew Smith:** I am sorry, Presiding Officer.

In my view, the campaign for Britain is a positive one, and it is one that we will win.

15:50

**Humza Yousaf (Glasgow) (SNP):** Life is marked by milestones. It was almost exactly a year ago that I made my maiden speech in this chamber, and the feeling of great honour that I had on that occasion has never left me, regardless of the issue on which I have been speaking. It is a real privilege to contribute to today's historic debate.

Another milestone in my life was the Iraq war, which was the catalyst that drove me towards an interest in politics and led me to where I am today. Members may suggest that that was an unfortunate consequence of a decision that was made by Tony Blair, but I leave that for others to determine. I remember joining throngs of people from across Scotland to take part in a huge protest against the invasion, with over 30 coaches leaving from Glasgow alone. We joined over 2 million others who took to the streets of London to voice our anger at what was an illegal invasion predicated on a lie. I remember, after the protest, at the naive age of 18, thinking that things had to change. Surely, 2 million people could not be ignored—but ignored we were.

It was at that moment that I became fully convinced about independence. Never again should we be in a position where our sons' and daughters' lives are put at risk for a war that goes against the sovereign will of the Scottish people and for which there is no legal basis. I am not saying that a future Government in an independent Scotland will not make decisions that I do not agree with; I am saying that it is surely better to have the decisions about our children's future made by those who care most about their interest—the mothers and fathers of Scotland and the people of this nation at large.

**Ruth Davidson:** As the member is making judgments about things happening in Scotland versus things happening in London, I am interested to know why he was on the march in London when there was a march in Glasgow on the same day.

**Humza Yousaf:** I assure the member that I went on many marches in Glasgow, Dundee, Aberdeen and London.

I am proud to be an international nationalist and believe that Scotland can play an even greater role in the world arena as an independent country. Observe the huge impact that small European countries have already made on the global stage. We need only hear the phrases "Oslo accord" or "Geneva convention" to realise how much of an impression we could make. Unfortunately, in the current union, Scotland is forced to carry the baggage of the United Kingdom, rather than become the beacon of peace that we aspire for her to be. If we go to the middle east, we see what deep scars Iraq has left us with. In the subcontinent, the mere mention of Afghanistan evokes a vitriolic response. We are also hardly flavour of the month in Europe, with a Prime Minister who is hell-bent on bowing to the pressure of a Eurosceptic back bench just to keep Boris away from number 10 for another few years. In contrast, Scotland is respected across the world. I look forward to the day when, as an independent country with the full range of foreign affairs powers, Scotland stands proudly with the eyes of the world upon us as world leader after world leader takes their turn to sign the Glasgow treaty or the Edinburgh accord to secure a safer and more stable future for generations to come.

The debate about Scotland's future is also about the values that we wish to espouse as a nation. Scotland has always had an egalitarian thread interwoven with entrepreneurialism, innovation and enterprise as part of her fabric. The story of Ali Ahmed Aslam, who came to this country in the 1950s as an economic migrant from Pakistan, invented chicken tikka masala—our nation's favourite dish—by adding a tin of Campbell's tomato soup to a dry curry and then, because of that success, went on to become the proprietor of one of Glasgow's most successful restaurants probably sums up all those values in one go.

Scotland has been on an incredible journey, particularly over the past 10 years, in which we have been treading a vastly different path from the rest of the UK. Whether with the previous Lib-Lab coalition's introduction of free nursing and personal care or the current Scottish Government's introduction of free education and action to keep the NHS public, we have managed to entrench social welfare and egalitarianism with the powers that we have. That is in complete contrast to the political landscape of the UK, where a two-tier NHS is being created, financial barriers to education are being erected, a social welfare system is being created that is leaving the disabled community living in fear, and our civil liberties are being steadily eroded.

The evident truth is that we do things differently here in Scotland. Think what we could achieve if we had control over our own economy, tax and welfare. Imagine how we could unleash in full that

entrepreneurial thirst and egalitarian spirit. That is not to say that we are better than our neighbours. It is simply about being true to our traditional social democratic values.

**Neil Findlay (Lothian) (Lab):** Will the member give way?

**Humza Yousaf:** No. I will continue.

As Drew Smith said, those values are not only the vanguard of the SNP. They are the foundation of many of the parties here.

During this debate, we are far too often obsessed with point scoring. I claim no moral high ground on that front. As representatives of the two main parties, we are quick to forget that there is much more that unites us than divides us—just ask a certain Robert Cunningham-Graham. I therefore find it remarkable that the Labour Party is on the other side of that debate. From my discussions with Labour activists, supporters and elected representatives, I know that they are motivated not by a burning desire to preserve the United Kingdom but by the laudable social democratic values that we both share.

If only they could see that independence gives us the greatest opportunity to act on those shared ideals. No longer would we have to spend hundreds of billions of pounds on pointless wars and weapons.

**The Deputy Presiding Officer:** Please come to a conclusion.

**Humza Yousaf:** We could spend it on driving down social inequality, reducing poverty and creating jobs—things that we are all passionate about.

In conclusion, the debate about Scotland's future is much bigger than any political party or individual in this chamber or any other.

**The Deputy Presiding Officer:** You must close.

**Humza Yousaf:** It is about the people. It is about their hopes, their dreams, their ambitions and the chance to hand over a better nation to our children. I hope that we do not waste it.

15:56

**Annabel Goldie (West Scotland) (Con):** Having been in the Scottish Parliament since 1999, I suppose that I should not be surprised by this debate. As many do, I feel that the SNP independence project has been around for a long time: but then, it has been around for a long time.

I recall the SNP rhetoric of the past four decades—much of which has been colourful—not to mention the cocktail of slogans. “Free by ’93” sticks in my mind. That did not happen. In 1997, it

was “Yes, we can”. Well, they did not. Then there was “It’s time”, but when or for what never became entirely clear, and that slogan was ditched. When the SNP formed a minority Government in 2007, at least we got the pledge of a referendum bill, but that was ditched, as well.

It would be tempting to yawn and say, “Here we go again. The 10 Salmond assertions for a better Scotland—number 1 being independence.” However, this time it is real. There will be a referendum. Scotland will be asked to make a massively important decision and slogans alone will not be enough. There must be an informed and mutually respectful debate. If I may say so, the First Minister’s somewhat vainglorious contribution earlier this afternoon does not augur well.

The SNP has one not inconsiderable difficulty. Whether it likes it or not, people know how the UK works. They know how Scotland benefits from that partnership, and according to a recent YouGov poll they overwhelmingly support that arrangement. The SNP has a lot of explaining to do, a lot of information to provide and many questions to answer. That means that, when legitimate questions are asked or legitimate concerns are expressed, they cannot be sneered at or dismissed with scoffing contempt. I have observed with concern that, when anyone poses such a question or expresses a reservation about delay in the referendum or about separation itself, an SNP lexicon comes into play. No answer is given, but people are accused of blundering into politics or their suggestions are described as being “ludicrous”, as “scaremongering” or as “fanciful”.

I have never rubbished the idea of a separate Scotland. Theoretically, Scotland could be independent, but to me the real debate is about what serves Scotland best. Is it our remaining within the tested and enduring partnership of the United Kingdom, or is it separating from that partnership and being an independent country? Drew Smith made that point well.

It is known that I support our remaining in the United Kingdom. I shall fight that corner over the forthcoming months, but I will try to do so by seeking to make informed comment and to ask legitimate questions, which must be answered before voters can make an informed decision at the ballot box in the referendum.

Let me illustrate the problem. If Nicola Sturgeon and Alex Salmond say that they are confident that Scotland, if we separate from the UK, will have a place on the Bank of England monetary policy committee, that is assertion, not fact. It will become fact only when the Bank of England confirms that it will happen. We should remember whose bank it is; it is not the bank of Scotland and certainly not the bank of Salmond but the Bank of

England, which will, post-independence, be a foreign country. The assertion is meaningless unless Alex Salmond can show that he has discussed the matter with the Bank of England, and the assertion remains just that unless the Bank of England agrees with it.

Alex Salmond asserts that an independent Scotland will seamlessly, on separation, become an independent member of the EU. He bases his assertion on legal opinion. He is perfectly entitled to do that, but he should explain that what that really means is that one judge supported that view in 1992, a director general of the EU fisheries directorate supported the view in 2007 and a former secretary general of the European Commission has supported the view. What is not mentioned is that numerous organisations and entities, legal luminaries and constitutional experts—14, the last time I counted—disagree with that view. Therefore, for the moment the SNP's stance on the EU is assertion, not fact, and unless Alex Salmond has raised the issue with the Commission and had his assertion accepted, assertion it remains.

Like Drew Smith, I do not mind debate. I do not dismiss the SNP's right to make its argument; it is entitled to do so. I have never objected to rhetoric and knockabout, which I enjoy as much as anything. However, at the end of the day, this debate cannot proceed without substantive information and reliable facts. Any attempt to dodge that, eliminate it or gloss over it not only does a true disservice to this Parliament, but does a profound disservice to the people of Scotland.

In the days of slogans, soundbites and rhetoric, much fun was enjoyed. Those days are over. Slogans, soundbites and rhetoric alone will not wash; they are not enough. We are moving on to informed argument and fact, and it is high time that the SNP provided both.

16:02

**Kenneth Gibson (Cunninghame North) (SNP):** After that speech, I speak more in sorrow than in anger. What we hear from the unionist parties is condemnation of Scotland and a use of language that deliberately tries to undermine Scots' belief in their own country.

**Drew Smith:** Will the member give way on that point?

**Kenneth Gibson:** The unionists talk about separation. We in the SNP do not want to separate; we want to participate in the United Nations, in the European Union and in the institutions of the world. No one talks about their separation day; they talk about their independence day.

How many members have talked about working in partnership? We want to work in partnership with the rest of the United Kingdom. Why cannot we do that as an independent country? We are not an equal part but a subsidiary part of the United Kingdom and we want to change that.

In recent weeks we have watched a Labour Tweedledum and a Tory Tweedledee lead their parties into a shotgun marriage, along with their wholly-owned Liberal Democrat subsidiary, which is dedicated to holding Scotland back.

**Drew Smith:** Will the member give way?

**Kenneth Gibson:** At the very first door I chapped in 2006, after being selected—

**Ruth Davidson:** Will the member give way?

**The Deputy Presiding Officer:** Mr Gibson is not giving way.

**Kenneth Gibson:** I will give way in time, but not at this point, and I will decide whom I give way to.

When I was selected as candidate for Cunninghame North, an elderly gentleman told me that he would not vote SNP because Scotland was

"Too poor, too wee and too stupid."

He used those very words. Given Scotland's phenomenal contribution to every field of human endeavour, from the Scottish enlightenment to science, medicine, engineering and so on, only a deliberate and determined effort over decades by the north British parties could have led Scots to have such an appalling view of their own country. Indeed, I recall that in the 13 years I spent at school, from primary to higher, not a single Scottish achievement was lauded.

Nevertheless, Scots have become increasingly irked by the "No you can't" position of unionist politicians. The situation has morphed into one whereby even the most desperate of unionists no longer try to compare a future independent Scotland to Albania, Bangladesh or Sudan, as once was the case, or to say that we could not visit our grannies in England or watch "Coronation Street" post-independence. We have had all those suggestions thrown at us over the years. However, a few of those who are off-message have made daft comments, which range from the suggestion that England might have to bomb Scotland's airports to prevent a terrorist takeover, to the claim that there will be no national health service post independence to the more subtle suggestion that, of course, Scotland could be viable, but London knows best.

Senior politicians from all three London parties, including our old Etonian Prime Minister, have had to admit in recent years that Scotland has the ability to stand on its own two feet and would be a

viable independent nation, while at the same time trying to sow self-doubt and to be scaremongers.

The next two years will be an exciting time for Scotland. I am confident that the debate will capture people's attention and imagination. Indeed, the eyes of the world will be on us; they already are. The Finance Committee took evidence from a representative of Lloyds Bank in Scotland who said that more people are interested in Scotland than ever before, partly because of this debate.

The yes camp will win and Scotland will re-emerge as an independent sovereign nation. Why? It is because we will set out our positive vision for a nation that will regain power, confidence, prosperity, opportunity, a voice on the world stage and a sense of aspiration, while unionists will fight tooth and nail to undermine our national self-belief and self-confidence. Our message of hope and ambition will trump the unionists.

Of course, although unionists claim on occasion that Scotland may be financially sound, they believe that it should be governed elsewhere. According to the Prime Minister, Scotland is

"stronger, safer, richer and fairer"

in the UK. Even cursory analysis shows that to be nonsense.

Is it stronger and safer? We have Trident. Is it richer? It is so rich that the UK has a national debt of well over £1 trillion, is in a double-dip recession, has an annual deficit of £126 billion and is ranked 19th among the G20 countries in growth over the past year.

We now know, and the Labour members who are so desperate to hold Scotland back should appreciate, that the Institute for Fiscal Studies has made it clear that 88 per cent of the cuts will come after 2015, if Scotland is still part of the union, thanks to the work of Labour here and its Tory allies to destroy Scotland's ambition.

With our wealth of natural resources, our educated and talented workforce, strong research and development base, export markets, tourism and world-leading educational institutions, we will prosper beyond that gloomy picture.

I apologise to Mr Smith. I should have let him in earlier.

**Drew Smith:** I am grateful to Mr Gibson for taking the intervention. However, he cannot argue that he wants to have a positive debate, then call the leaders of the Opposition parties Tweedledum and Tweedledee and say, "And if we don't vote for independence it will be you unionist parties' fault." There will be a referendum in which people will make their choice. He cannot have it both ways.

**Kenneth Gibson:** The difference is that we will put forward a positive vision. We will copy Obama by saying, "Yes you can." Labour will say, "No you can't." We are the people who believe in Scotland. Labour are the people who try to decry Scotland. That is the difference.

That is why we will say that Scotland can be a better place and an egalitarian place. We will say that Scotland can make a contribution to the world. We will put Scotland on a progressive path, tackle our social ills and raise our standard of living. We will not talk about cutting taxes for millionaires while the poor struggle. We will take on child poverty and deal with it. As for the Blairites—they should be sitting on the other side of the chamber with the Tories. That is where they belong.

Vote for the motion and vote for an independent Scotland.

16:09

**Willie Rennie (Mid Scotland and Fife) (LD):** Drew Smith made a very valid point. Those on the SNP benches who condemn people who have a different point of view should be a bit more temperate in their language. I have never said and have never believed that Scotland is too poor and too stupid. I have never held that view. I have always believed in devolving more power to Scotland. I have campaigned for that for my whole life. Inherent in that position is a belief in Scotland's abilities to do much more. However, that does not mean that I want to be separate.

The SNP often says that it is normal to be a small country, which I do not deny. Denmark, Norway, Ireland and many other countries are small. However, it is not normal to break up a modern successful country in order to be small. *[Interruption.]* I hear muttering from SNP members. We are going through tough times now, but to say that the United Kingdom is not a modern successful country is to decry what we have achieved together as the United Kingdom.

**Mark McDonald:** Willie Rennie says that he believes that more powers should be devolved. What powers does he believe should not be devolved? How does he define those powers and will he explain why such decisions should not be entrusted to the people of Scotland?

**Willie Rennie:** Mark McDonald misses the point in the language that he uses. I believe in sharing, partnership and working together when that is appropriate. I will describe later some of the things that we have done well together as the United Kingdom.

We should devolve more of the domestic agenda and we should have much more control over our finances, so that we can do things here

and we are not limited by other people's priorities. That does not mean that I want everything here but, just because I do not want everything here, that does not mean that I do not trust Scots to make decisions. The SNP completely misunderstands that fundamental point.

Kenneth Gibson said that we have compared Scotland to Bangladesh and other countries. The problem is that no modern successful country wants to break itself up. The reality is that all the countries that have broken themselves up after the second world war have been involved in communism or war. Of course, I am not saying that Scotland is a war-torn country; I am saying that it is the exact opposite. Because we are modern and successful, we should not break up the United Kingdom. The countries that broke up had nothing left before they broke up. That was why it was easy for them to break up.

**John Mason:** Will the member give way?

**Willie Rennie:** I will not just now.

The United Kingdom has 15,000 treaties with other countries. We have global regulations and we are a complex organisation that is connected with the rest of the world. Breaking that up would be difficult, which is why nobody else has done that. No other modern successful country has broken up.

**Jamie Hepburn:** Will the member give way?

**Annabelle Ewing (Mid Scotland and Fife) (SNP):** Will the member give way?

**Willie Rennie:** No.

Another key argument of the SNP is about control and the belief that, just by taking all the decisions ourselves, we would somehow have control. That ignores the fact that we have global markets and that we rely on co-operation and partnership. We want to influence other people, which is why we pool sovereignty.

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** Will the member give way?

**Willie Rennie:** I will not just now.

We want to influence other people, which is why we come together to make the better world that we all want. Just doing things ourselves will not suddenly make things better. England will not suddenly disappear if Scotland goes independent—England will still be there and will still be a force. As long as that is the case, I want to influence our neighbours and work together in partnership.

I will look at some of the things that we have achieved together. We have one of the biggest international development budgets that the United

Kingdom has ever had. It is a force for good throughout the world and we are respected throughout the world for what we achieve in international development. I do not want to lose influence over that budget. Despite the Iraq war—

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** Will the member give way?

**Dr Allan:** Will the member give way?

**Willie Rennie:** No.

I agree with Humza Yousaf about the Iraq war—it was the wrong decision and it was illegal. However, I reach a different conclusion from him. I want to influence what is one of the strongest defence forces in the world and one of the biggest defence forces in Europe.

In foreign affairs, we have embassies throughout the world that have a big impact on the rest of the world. Let us maintain our influence on them.

Of course, we do not get it all our own way—I understand that—but it is much better to be involved, to be in partnership, to work together and to influence what our neighbours are doing. What is great about the United Kingdom is that we take the rough with the smooth and we work together in partnership.

For us, home rule is about devolving much more power to the Scottish Parliament. We have a strong record that we have built over a long period.

**The Deputy Presiding Officer:** You must conclude.

**Willie Rennie:** We worked together with the Labour Party to deliver the Scottish Parliament, the Scotland Act 1998 and many more powers. With that, we get the best of both worlds: we can work in partnership and have more control while maintaining our influence.

**The Deputy Presiding Officer:** Mr Rennie, you must conclude.

**Willie Rennie:** That is the best of the United Kingdom and that is what we should maintain.

**The Deputy Presiding Officer:** I advise the next two speakers that I can give them only five minutes each.

16:16

**Stewart Maxwell (West Scotland) (SNP):** Scotland is one of Europe's oldest nations, and we have a rich culture and history, but that is not the reason why I support independence for our country. I support independence for Scotland for the simple and unanswerable reason that the

people who are best placed to take decisions about Scotland are the people who live here.

Scotland is a nation that is bursting with potential, but it is not doing all that it could do to maximise that potential because we do not have the full flexibility that independent nations have.

Scotland is well known now as the green energy powerhouse of Europe. We have around 25 per cent of Europe's potential offshore wind and tidal energy, and a tenth of Europe's wave power potential. We should stop and think about what that means. Scotland can and should be at the forefront of the energy revolution of the 21st century. If we grasp that opportunity, we will generate not only electricity, but much-needed jobs. We will power not only our homes, but our economy. That offers us a picture of a bright future of rising employment, skilled jobs, expertise that we can export around the world and electricity that we can export to the rest of the British isles and mainland Europe.

However, that bright future is at risk because of the transmission charging regime. National Grid charges producers in the north of Scotland to put electricity on the grid, but pays producers in the south of England to do so. National Grid is a private company, and it answers to the Office of the Gas and Electricity Markets, which has been set up by Westminster. Scotland has no say in how electricity transmission charges are enforced, because energy is reserved to Westminster. In an independent Scotland, our voice could carry real weight. We could strike a better deal for Scotland and our energy producers. Changes would encourage investment in renewables to allow us to generate even more of the clean green electricity for which other countries are so desperate.

**Lewis Macdonald:** Will the member take an intervention?

**Stewart Maxwell:** No. My time has been cut. I apologise to Mr Macdonald.

Of course, it is not only the power over energy production that is reserved to Westminster. I turn now to something that impacts on our most vulnerable citizens. The welfare system is also reserved, which means that the Scottish Government is simply unable to help the poorest, sickest and most vulnerable people in our society in all the ways it would like to help. A fully independent Scotland would be better able to address the problems of Scottish society by aligning the welfare system not only with the taxation system, but with Scottish values.

Under the current arrangements, we have no choice but to accept what is done to us by a Government and political parties that we did not vote for, that we do not support and which we do not want. For example, the UK Government has

closed the independent living fund to new entrants and has made the decision to wind it up completely in 2015. That fund is designed to help some of our most severely disabled people to live in the community rather than in residential care. There are 3,559 recipients of the independent living fund in Scotland—a really small number. Do we honestly believe that in an independent Scotland we could not afford to pay for 3,500 disabled people to live full and independent lives? I do not think that that is what we believe. Not only could we afford it, but we would want to afford it, because Scotland has always had a strong sense of community and fairness, and the people of Scotland would not vote into power a Government that made those sorts of cuts. Scotland did not vote for the Government that is making those cuts now, but we are lumbered with it.

Unlike Margaret Thatcher, I believe that there is such a thing as society. I also believe that the type of society that Scotland wants to flourish is one in which we all have a part to play. We have the chance to grow our economy, boost business and develop employment opportunities while supporting our most vulnerable citizens—but not if we continue to be held back by our lack of powers in areas such as welfare, taxation, energy and the economy.

I believe in independence because I want our children to grow up in a country where a person's worth is measured not by the depth of their pockets, but by the breadth of their ambition—a country where individual success is celebrated, but the care of the most vulnerable is our priority. I want a country where economic success goes hand in hand with social justice.

Scotland can be that country. We can make that happen. All we have to do is say yes: yes to an independent, prosperous and—yes—socially just future for all our citizens.

**The Presiding Officer (Tricia Marwick):** Richard Baker has five minutes.

16:19

**Richard Baker (North East Scotland) (Lab):** I, too, believe passionately in achieving the best future that Scotland can have. I want Scotland to succeed, and I believe that we have a successful future ahead of us.

Our country has great advantages in our natural resources, people and academic prowess. If Scotland chose to go it alone, it would be tough, but we could do it. However, as a poll showed last week, a very clear majority of people in Scotland want us to stay within the UK, because another great advantage that our country has is that we work so closely in unison with our neighbours through our membership of the union. We could

be a small separate nation, but we would be the poorer for it.

I am not talking about only a shared history in a union in which Scotland has led the world in innovation and in which, together, we have built great institutions and stood shoulder to shoulder with the rest of the United Kingdom to defeat fascism. It is not just about the UK's history; it is about the future, as well.

Renewable energy is only one example in that context. As Stewart Maxwell said, Scotland can benefit economically from investing in renewables. We also know that renewable energy needs to be subsidised and that, on our own, Scottish consumers would not be able to pay that subsidy in their electricity bills because that would be prohibitively expensive. By being part of a UK market in renewables, with all UK consumers subsidising renewables production, our renewables market can thrive and grow.

**Dr Allan:** Will Richard Baker take an intervention?

**Richard Baker:** I am sorry, but my time, too, has been cut.

Uncertainty about Scotland's future is not good for our energy industry. As a member who represents North East Scotland, I find that particularly concerning.

Financial services is another crucial sector. If Scotland's financial services do not recover, our economy will not recover. Financial services are a massive Scottish industry. Some 95 per cent of the customers of financial services businesses that are based in Scotland live in England. People invest in financial services here because we are in the same national market as the City of London; if we were not, those services would not be based in Scotland. That is another benefit of membership of the United Kingdom. We have the security of being part of a bigger economy. When HBOS and the Royal Bank of Scotland went bust, we were part of a state that could afford to bail them out. Membership of the UK is also crucial for the future of our financial services.

"Independence" is an emotive word. No one desires to be seen as dependent, and I do not believe that we are. We contribute to a United Kingdom in which the whole is greater than the sum of the parts. However, the SNP is not offering any kind of meaningful independence, as was evident from the losing battle that Nicola Sturgeon fought in the BBC debate on Sunday and in the First Minister's woeful struggle today to define the SNP's position on monetary policy. The SNP proposes that an independent Scotland should retain sterling, with the Bank of England as the bank of last resort. The Bank of England would intervene if there was a repeat of the banking

crisis. That would mean that inflation targets were determined by UK ministers with no accountability to Scottish parliamentarians—there is such accountability now—and it would mean the Bank of England setting interest rates without taking our economy into account, which would be a worse position than we are in now. Policy would be decided in London with no input from Scotland. What kind of independence is that?

Even that deeply unsatisfactory position might be preferable to the alternative. The SNP says that it will not adopt the euro for the foreseeable future, but that is not in its gift; that would be for the European Union to decide. In this case, monetary policy would be determined in Brussels and there would be full membership of the euro zone. That would mean all the economic difficulties and dangers that we debated only yesterday.

I agree with Patrick Harvie on several points, although not on the key issue of independence. Much more clarity is needed. How can we meet all the demands for more spending on welfare—which many Labour members would like—and slash corporation tax? What kind of logical approach is that to an economy? That is not my idea of social justice.

No wonder the majority of people in Scotland are so unconvinced by the case for independence. Scots are not called "canny" for nothing. It is why so many know that, particularly in these times of economic troubles and uncertainty, Scotland's leaving the United Kingdom would be a huge and needless risk.

In a global economy in which countries are so dependent on the economic fortunes of their neighbours, the proposition that is put by those who support breaking up the UK is a proposition of the past, not of the future. As the United Kingdom, our countries have pooled our resources and strengths, and each member nation has benefited from that. Wales, Northern Ireland, England and Scotland benefit. We have a shared history and shared achievement through that most successful partnership of nations, and through continuing that partnership together, we will have a more prosperous future for Scotland.

**The Presiding Officer:** I call Clare Adamson to be followed by Mary Fee. I regret that both members can have only four minutes each.

16:24

**Clare Adamson (Central Scotland) (SNP):** I rise to talk about Scotland's future—my future, my teenage son's future, my community's future and the future of our nation. There can be no greater privilege. Somewhat ironically, I begin by talking about my past. My journey to this point started with a choice. It was a choice that I made in my

late teens and it was born of the devastating impact of the de-industrialisation of Scotland that I witnessed in my teenage years.

In my early primary school years, my education ran concurrently with that of my father. A late returner to education, he helped to support our family during his education through enlisting in the Territorial Army. He attended college at the same time as my elder brother, who is now a successful information technology consultant, and my sister, who is now a general practitioner.

I have absolutely no doubt—because it was one of my earliest financial and life lessons—that without free education and the grant system that was then in place, my father and our family would never have gone on to have such successful careers.

It is no surprise that my family were traditional Lanarkshire Labour supporters, because Labour at that time stood for many of their values—free education based on the ability to learn and not the ability to pay, being of paramount importance.

As I got older I witnessed the pain of my best friend's family—her father and brother were miners. I was shocked as I watched the television coverage of the scenes outside Ravenscraig, my home town, where working-class people were pitted against one another and against the police as the Tory Government's agenda began to bite. It was a country—a community—that was being divided by UK Government policy.

Then came the devastating blow: Ravenscraig was to close while UK steel plants outwith Scotland were saved to meet EU quotas. Steel was an industry that my grandfather had worked in and that supported 10,000 jobs in Lanarkshire. I asked myself, "If Scotland was an independent nation, would the same choice have been made, or would Scotland have protected its indigenous steel industry as Spain, Italy, Germany, the Netherlands, Sweden and Austria did?"

That is when I made my choice about Scottish independence. It was not without some controversy in my family—initially they thought in true "Star Wars" fashion that I had crossed to the dark side. However, it is a great comfort to me that before he died my father stood as an SNP council candidate in Motherwell. His values had not changed, but the political landscape had and he knew that only through independence could those values of social justice and aspiration for Scottish citizens be met.

That is why the words of former Ravenscraig works convener and trade union leader Tommy Brennan, at the yes campaign launch, were so important to me. He said:

"With an independent parliament and government working to build recovery, and able to bring together all the levers of social and economic policy, we can take big strides forward. We can deliver an economic and industrial policy based on Scotland's particular circumstances."

That is the future for Scotland that I aspire to.

If the right to vote from the age of 16 is granted—I fully support that campaign—my teenage son will be making his choice about Scottish independence in 2014. I want that to be a choice that is made from confidence, strength, knowledge, creativity and altruism. If I look to Maslow's hierarchy of needs, I want that choice to be made from the pinnacle of Maslow's pyramid because I believe that all Scottish citizens should be free to reach positive self-actualisation, shape their country's future and fulfil the self-actualisation of an independent Scotland.

The fact that our citizens—as Johann Lamont said—are so worried about feeding their families and are working at the base level of that pyramid of needs is an indication of just how much the UK is not working for the citizens of Scotland.

16:28

**Mary Fee (West Scotland) (Lab):** I am a proud and patriotic Scot. I am proud to be in the union and I am proud to take part in this debate. Over the next two years, I expect that there will be many debates like this in this chamber about Scotland's future—debates in which the SNP will gloss over the real issues and concerns that ordinary Scots have regarding separation by telling us, "Take the gamble and it will all work out."

Since the yes campaign launched, I have received many e-mails from constituents concerned about the future that the SNP fails to express in a separated Scotland. One particular e-mail was from a gentleman in Erskine who fears that his job with Hewlett-Packard will be lost as the contract that he is employed under depends on work coming from the UK Government.

More than 30,000 jobs in defence and the civil service are located in Scotland. How many will remain if Scotland separates? The people of Scotland deserve an honest answer and, honestly, the SNP does not know.

**The Minister for Local Government and Planning (Derek Mackay):** Will the member give way?

**Mary Fee:** No, I am sorry; I do not have time.

The SNP needs to make clear its stance on NATO. Scotland, with or without the union, is best served and defended by NATO, one of the most successful alliances in modern history. Since devolution, 12 countries have joined NATO because of its role in the promotion of democratic



values; the prevention of conflict, where possible; and the encouragement of consultation and co-operation on defence and security. Why would the nationalists want to walk away from NATO when other nations would jump at the opportunity to join?

On Sunday night, many of us watched the BBC's big debate. The SNP needs to clarify its position on electing a representative to the Bank of England, as other speakers have said. Although the debate on Sunday night was often contemptuous and contentious, it lacked a focus on the big issues. However, one issue that generated much heated debate was EU membership and the euro. Most of the audience accepted that Scotland would have to apply to become an EU member but the Deputy First Minister refused to accept that. She continued to state that professional advice had been sought, even when the Tories produced a letter showing that the SNP had not sought advice from the European Commission. Given the crisis in Europe, the people of Scotland deserve to know what legal advice the Government has received on joining the EU and on the adoption of the euro, which is a must for all countries joining the EU, including an independent Scotland.

**Dr Allan:** Will the member give way?

**Mary Fee:** No, I am sorry; I do not have time.

What is clear is that the SNP refuses to use the powers that are currently at its disposal. The Scottish Government has the power to increase or decrease income tax by 3p. Even an increase of 1p could be used to protect vital services for disabled people, the elderly and the poorest in society, as members of the previous Renfrewshire SNP-Liberal Democrat coalition suggested in a recent hustings with carers. Instead, we have a nationalist Government that wants to lower corporation tax to help businesses to raise their profits and compete with our neighbours in Carlisle and County Durham and across England, Wales and Northern Ireland.

If Scotland separates from the UK and enters the EU, what safeguards does the First Minister have to ensure that his plan for a corporation tax cut would be allowed under EU rules? As an important aspect—

**The Presiding Officer:** The member is finished, I am afraid.

I call Patrick Harvie, to be followed by Margo MacDonald. I regret that each of them can have only two minutes.

16:33

**Patrick Harvie (Glasgow) (Green):** There is a challenge.

Why would people who are undecided choose to vote—to actually go out of the door and put an X on a piece of paper? I believe that that can happen only on the basis of a compelling vision. However, that vision has not yet been articulated. There are times when I am concerned that the SNP's desire not to scare the horses—not to scare anyone off from voting for independence—will also fail to inspire those who can be persuaded.

There is a huge list of issues that I do not have time to address. One of those issues is currency. Johann Lamont has been asking serious questions on that issue, which deserve serious answers. The SNP's position requires more clarity. Of course, there is time to get there.

I think that Labour has a serious contribution to make to this debate, as was demonstrated by Drew Smith, in particular. However, it will not make that contribution successfully if it obsesses over the language of separation instead of independence. There is a more substantial debate to be had.

Another area in which I believe that the Government needs to make much more progress and provide more clarity is that of an independent Scotland's written constitution. I believe that, even in its troubles, we can learn lessons from the process that is going on in Iceland—an open, participative, democratic process that is dominated not by elected politicians but by ordinary people who were chosen at random to participate in that process and who have come up with radical solutions that I do not believe that elected politicians and party politicians are capable of coming up with.

I believe that we should set a timescale for a constitutional convention at the same time as discussing the referendum bill, and give the people of Scotland the opportunity directly to shape that economic future.

**The Presiding Officer:** Thank you, Mr Harvie—bang on two minutes.

16:35

**Margo MacDonald (Lothian) (Ind):** Willie Rennie was quite wrong when he said that we would not be better just because we were independent. If people are dependent on themselves, they try harder, achieve more and grow bigger, so we would be better.

Over the years, it has been usual in the arguments about independence to question whether Scotland could go it alone economically without the shelter and financial support of the big strong United Kingdom. We in Scotland must now address a very different question: can we afford to remain part of a UK that is anything but

economically strong and which has changed from being a rich country to being one that is getting poorer by the month?

When we talk about our relationship with the UK, we are in fact talking about the relationship between Scotland and England, and the latter is by far the significant political and economic senior. If an inequality of status is presently Scotland's lot, do any of the people who chant, "Stronger together, weaker apart," aspire to change that relationship to one of equality? If not, why not?

If the unionists and their fellow travellers do not seek equality of status, that is, I presume, because they believe that, after the referendum, they will somehow be able to wipe out the wastelands and wasted lives in districts of Glasgow and the west of Scotland that have been identified as having extreme levels of poverty and deprivation, which proclaim the ever more impoverished state of the UK, as well as its inherent unfairness.

Are we stronger together when young soldiers are sent to war without proper boots and with guns that do not fire and then have to travel in ineffective motorcades? Not at all. Are we stronger together in that we punch above our weight because the UK sits on the United Nations Security Council as a permanent member, while neglected old people live out their lives to sad, miserable ends in dreadfully miserable homes? We can do it and we know fine that we can do it. The question is, why do we not want to do it?

The people who cry that the UK is rich and that we cannot afford to leave it should remember that the UK spends £126 billion a year more than it earns. Everywhere we look, the claim of its being rich collapses under the facts. For every £10-worth of cuts in the Government's deficit—

**The Presiding Officer:** I regret that your time is up, Ms MacDonald.

We move to the wind-up speeches. Mr Carlaw, you have six minutes.

16:37

**Jackson Carlaw (West Scotland) (Con):** I begin on a consensual note—I congratulate the yes campaign on last Friday's launch and say that I thought that speeches on both sides today, such as those by Linda Fabiani, Mark McDonald, Drew Smith and Annabel Goldie, were fine.

However, I waited for the one indisputable claim for independence to be made by the SNP—that an independent Scotland will have its own entry in the Eurovision song contest—but it never came. As we sat and watched the performance in the Fountainbridge theatre last Friday and saw the former suppressed choirboy himself, nodding along John Redwood-like to the music in an effort

to increase his Twitter following still further, the thought occurred to me that surely they—in this centralising force that is the SNP—would want to sing that entry in the Eurovision song contest themselves. The First Minister would lead, John Swinney would be on drums, Mike Russell and Kenny MacAskill would compose the discordant notes, and Nicola Sturgeon and Alex Neil would murder the harmonies. There we were last Friday, enjoying the full cinematic experience in a movie theatre—a palace of imagination and fantasy. There was glitz, glamour and everything that goes with them.

One commentator in the gallery noted that the posters all around bore the legend, "The search for our beginning could lead to our end". I watched as Patrick Harvie and the First Minister bounded on to the stage—the Tom Cruise and Alfred Hitchcock of the production. [*Interruption.*] I am sorry—I should have said, minus the hair, the Hollywood glamour and the A-list teeth. They were joined by Alan Cumming, who currently lives in the United States and appears in a production called "The Good Wife", in which he stars as an unprincipled political spin doctor. He was heard to say that he was at Friday's event for some on-the-job training. We waited in vain for Sean Connery to appear, but alas no—we only got a postcard. We did not get the original James Bond, but we got the original Hannibal Lecter. Yes, there was Hannibal the cannibal telling us that he is in favour of independence, all with some fava beans and a nice chianti.

Then it was all over and we were none the wiser. Three hundred years in the planning, and we knew nothing more.

I am a unionist who is not afraid of independence, and I say this in support of the debate that will take place during the next two years: the wrong reason for anyone to vote to stay in the UK is because they are afraid of the alternative. Scotland is a proud and creative nation that will make a success of whatever challenge it faces, but that is not the same as saying that it is scaremongering to ask legitimate questions about what an independent Scotland will be like. Those who argue that case during the next two years must be prepared to make it.

I believe in the United Kingdom with all the passion that the SNP believes in an independent Scotland. Some have said that they are devolutionists and not unionists. I believe in the United Kingdom. There was a country called Britain, which was made up of England and Wales. It became Great Britain when Scotland joined; we are literally the "Great" in Great Britain. We then became the United Kingdom of Great Britain and Northern Ireland. I believe that a silver thread unites all the proud culture, tradition, history

and ambition of our four nations so that we stand proudly individual but better still united within that United Kingdom.

That United Kingdom is a home to which the Jewish people came at the start of the 20th century, to which the Poles came when they were confronted by the brutality of Hitler, to which Ugandans came when they were thrown out by Idi Amin in the 1970s, and to which many of the persecuted have come in the past 25 years. I believe that the United Kingdom is a unique alliance and the most successful union of four nations working together. It is greater than the sum of its parts. *[Interruption.]*

**The Presiding Officer:** Order. There is too much mumbling and grumbling.

**Jackson Carlaw:** The United States likes to say sometimes that it is the last best hope of mankind on earth. I believe that the United Kingdom has a proud record, too. Louis Mountbatten was the supreme commander of the south-east Asia command in the second world war, the Queen's uncle, and a victim of terrorism. When he met the American navy at sea, he received a message saying, "Greetings to the world's second biggest navy from the world's biggest." He immediately responded, "Greetings to the world's second best navy from the world's best."

I agree with any proud Scot. Scotland is the equal of any nation on earth. I agree with the First Minister when he says that we are as good as any other country. However, despite all the proud tradition and everything that we stand for, believe in and hope for, as Scots, for our country, I believe that working together with England, Wales and Northern Ireland within the United Kingdom, we are better still than the sum of the individual parts.

I have heard the First Minister talking about decisions being taken by people who live in Scotland. The logical extension of that is that people in Shetland and Orkney will say that they should take all their decisions, and the people in Newton Mearns could ask why all the decisions about Newton Mearns are not being taken there. It is a false premise, because we elect representatives as Scots to serve in the various Parliaments of Europe, Westminster and here. With our consent, they take decisions on the issues, and we believe that they take them better together, even when we make decisions for ourselves in the Scottish Parliament. If we had six members of the European Parliament out of 700, it would be like the situation of the SNP members of the Westminster Parliament.

**The Presiding Officer:** The member needs to wind up now.

**Jackson Carlaw:** The only thing that they ever delivered—belatedly—was the Government of Margaret Thatcher.

**The Presiding Officer:** I am sorry, your time is up.

16:43

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** This has been an interesting debate and, as a patriotic Scot, I can say that there has certainly been some food for thought in many of the contributions. That seemed to send a frisson through the SNP.

**John Mason:** Will the member give way on that point?

**Patricia Ferguson:** I have not got started, so Mr Mason might as well have a go.

**John Mason:** I understand the word "patriotic" to mean putting your country ahead of any other. Would the member put Britain ahead of Scotland if there was a choice?

**Patricia Ferguson:** That hardly bears answering. It is exactly the kind of narrow-minded attitude that turns people away from the arguments of Mr Mason's colleagues. I will ignore his remark for now, but will return to it later.

It has become clear to me that while the SNP seems to be struggling to identify—or perhaps it is struggling to agree—why it wants Scotland to separate from the rest of the UK, Scottish Labour is clear about the kind of Scotland that we want to see and we are focused on playing our part in delivering it.

**Dr Allan:** Will the member take an intervention?

**Patricia Ferguson:** No thanks, Dr Allan.

Labour believes that the Parliament was created in order that its members could work towards a fairer and more equal Scotland and that we have made good progress in that regard.

My colleague Richard Baker cogently made the economic case for Scotland to remain part of the UK. It is worth remembering that according to the latest Scottish Government estimates, the annual value of exports from Scotland to the rest of the UK is £34 billion, while the value of exports to the rest of the world is £19 billion. The same statistics tell us that the annual value of imports into Scotland from the rest of the UK is £44 billion and the value of imports from the rest of the world is £19 billion. Scotland is importing twice as much from the rest of the UK as it does from the rest of the world. Given those facts, why would we want to give up the opportunity to influence the economic decisions of the rest of the UK?

**The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil):** Will the member give way?

**Patricia Ferguson:** No thanks, Mr Neil.

I thank my colleague Drew Smith for reminding us of the relative youth of some of our newer members. They have a slightly different perspective, but it is an important one. Drew Smith's comments about the consensus on the Constitutional Convention that preceded this Parliament are valid.

Lewis Macdonald was spot on when he talked about the importance of the referendum being fair and legal. It must also demonstrably be so. It seems that there will be plenty of time before the referendum, so let us hope that plenty of effort is put into guaranteeing that it fulfils those criteria.

I listened with great interest to Linda Fabiani, as I always do. Ms Fabiani and I share many political interests in common but on this one we are divided. I know that she holds her views on Trident dearly, as do many people around the chamber. I do not want to see Trident on the Clyde either, but I do not want to see Trident in Portsmouth, Southampton or indeed anywhere else in the UK. *[Interruption.]*

**The Presiding Officer:** Order. Settle down and let us hear the member.

**Patricia Ferguson:** I do not want to see such missiles deployed anywhere in the world, but simply to assert that we should not have them in this country does nothing to assist people who hold that view elsewhere.

I was very interested in Mark McDonald's excellent contribution. I very much respect what he said. I also sincerely respect his grandfather's contribution in the second world war. Mark told an interesting story about his grandfather's experience. My father served in the middle east during the war and our predecessors—my father and Mark's grandfather—fought with colleagues from around the UK to protect this country, and indeed Europe, from fascism. They fought with people from other countries, too, including Australia and New Zealand. However, they are also the generation that returned to this country and were responsible for the creation of the national health service and the welfare state.

My father and Mark McDonald's grandfather would have disagreed on the issue of separation, but I think that their joint experience would have taught them to respect one another's position. I think that both of them—I can speak for my father, if I cannot for Mark's grandfather—would have been embarrassed by Kenny Gibson's contribution.

Humza Yousaf made an interesting speech—I always enjoy listening to Mr Yousaf. He made valid comments about free personal care and other good policies that have been established in Scotland but I gently point out to Mr Yousaf that those were achieved with the powers of a devolved Parliament. We do not have to wait for an independence situation to arise in order to be able to do good things.

We will not see the Scottish Government's white paper on independence for at least a year, but for those who want a sneak preview I have one suggestion: look at the opinion polling and trends as they unfold in the coming months. It is becoming increasingly clear that the SNP is trimming its policy to match the trends that the pollsters identify. Previously, the SNP was in favour of a referendum on whether the Queen should be the head of state in an independent Scotland but, as Her Majesty's popularity is growing among Scots, it seems that we no longer need such a referendum. Previously, the SNP was in favour of the euro and was scathing about the pound but, as the situation in the euro zone has worsened, the SNP's enthusiasm for the euro has also waned.

Is the SNP simply following the trend, or does it want to try to hoodwink the country into thinking that nothing much will change and that a separate Scotland will carry on as usual with no discernible difference to people's lives? Either way, the SNP does our country and our people a disservice.

16:51

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** The debate has been good, fiery and passionate—and then we had Patricia Ferguson. I jest, but there have been some extremely good speeches.

**Drew Smith:** Will the member take an intervention?

**Nicola Sturgeon:** I am about to mention Mr Smith, so he should be patient.

I want to mention Linda Fabiani, Mark McDonald and Humza Yousaf, as well as Drew Smith. Although I did not agree with much of what Drew Smith said, his colleagues could learn a thing or two from the way in which he articulated his view. However, the speech that I want to single out is that of Clare Adamson, because I thought that she made the most profound comment of the entire debate. She pointed out that the fact that Johann Lamont and other Labour members use poverty in the here and now—the fact that families right now struggle to feed their kids—as an argument against independence says it all about Labour's mindset. Poverty in energy-rich Scotland is the

evidence that the status quo is not working; it is an argument for independence, not against it.

As everybody who knows me knows only too well, I am a consensus politician at heart. I was therefore anxious to find something in each of the leaders' speeches with which I could agree, and let me tell members that I succeeded. At one point, Johann Lamont said that Labour had a vision for Scotland. To an extent, she is right. However, the sad thing is that Labour's vision is of a Scotland where, in Labour's view, it is better to be governed by the Tories than by the people who live here. That is not a vision for Scotland that I or many other people in Scotland share.

I am afraid that finding something to agree with in Ruth Davidson's speech was a wee bit tougher but, thankfully, I was helped out by a strategically placed Freudian slip. When Ruth Davidson said that an argument for staying in the union was that we get to share the rewards, it sounded for all the world as if she said that we share their wars, and don't we just? Therein, Ruth Davidson made one of the most compelling arguments for independence. With independence, Scotland would never again be dragged into an illegal war, as we were in Iraq.

Ruth Davidson's speech was nothing compared with the outrageous comments of Lewis Macdonald, who seemed to spend half his speech still arguing that Scotland has no right to a referendum at all. When he got to the end of his speech, he appeared to suggest that Labour might not accept the result of the referendum. That is a dangerous road to go down. Those with wiser heads even than Lewis Macdonald would, I hope, retract that suggestion.

**Lewis Macdonald:** Does the Deputy First Minister accept that my point was that everyone recognises that there is a mandate to hold a referendum, but the critical issue is that it is done on an agreed and understood legal basis so that the result will be accepted, whatever the outcome?

**Nicola Sturgeon:** I have no doubt that that is how the referendum will be conducted. Let me move on.

This has been a significant debate. This is a historic occasion—in a few moments, the Parliament will be asked, for the first time, to agree that Scotland should become an independent country. Those of us on the SNP side of the chamber will say a resounding yes to that proposition. That is a far cry from the days when there was no democratic voice in this land, when Scotland repeatedly voted differently from the rest of the UK but had no Parliament and no democratic forum in which to express its voice. One of the most striking things about some of the contributions during the debate is how

depressingly similar the arguments used by those who oppose independence now are to those used 15 years ago by those who opposed devolution. The only difference today is that the arguments of Lord Michael Forsyth are coming out of the mouth of Johann Lamont.

The referendum will put the decision firmly where it belongs—in the hands of the Scottish people. It will open the door to a genuine debate about our country's future. That debate, regardless of the view of any individual in it, should be embraced and relished. It is an opportunity to address some of the big questions about the country that we want to be. I hope that that debate is thoroughly positive, although we have seen little evidence that those who oppose independence have anything positive to say.

Patricia Ferguson mentioned the national health service. We are already independent when it comes to running the national health service, and it is only that independence that protects it from the privatisation south of the border. That is an argument for, not against independence. That is the essence of our case—it is better that decisions about Scotland are taken by people who live in Scotland because we care most about and we have the biggest stake in those decisions. That is a grand principle; it is one that I will be proud to campaign for and one that unites the SNP, the Greens and those of no political affiliation; it is one that will not just take on but defeat the Tory-Labour coalition that talks down and holds back Scotland.

That grand principle translates into practical and tangible benefits. Let us look at just three examples of how independence will make a difference to the people of Scotland. It will give us the opportunity to fashion an alternative to the growth-defeating cuts of the Tory-Liberal coalition. With our hands on the levers of fiscal economic policy, not to mention control of our vast natural resources, we could do things differently. We could boost growth and create jobs with tax and borrowing powers.

**Gavin Brown (Lothian) (Con):** On economic policy, was everything that Nicola Sturgeon said about the Bank of England on Sunday night true?

**Nicola Sturgeon:** Yes.

Moving swiftly on, let us talk about welfare, which the First Minister touched on. Would it not be better if this Parliament, instead of opposing and condemning, could stand and protect the most vulnerable in our society with a welfare system that suits our values and needs?

Johann Lamont's deputy said on Sunday night—a point repeated by Patricia Ferguson today—that Labour opposes nuclear weapons. They kept that pretty quiet during their long years

in government when they were planning the Trident nuclear missile system's replacement. I am happy to accept the conversion, but what is the good of Labour opposing nuclear weapons when it wants to lock us into a political system that would prevent us from ever getting rid of Trident from our waters? There is no good whatsoever.

Independence is not unusual—it is the natural state of affairs. I say to Willie Rennie that 150 countries have become independent in the past 75 years alone. Independence is Scotland's natural future, and the compelling case for independence will defeat the negativity of the Tory-Labour coalition, and Scotland will be a normal, equal, independent country.

**The Presiding Officer:** Before we move to decision time, I remind members that Colin Beattie failed to appear for his question this afternoon. I have had an apology and an explanation from Mr Beattie. I now consider the matter closed.

## Decision Time

17:00

**The Presiding Officer (Tricia Marwick):** There are four questions to be put as a result of today's business. The first question is, that motion S4M-03052, in the name of Dave Thompson, on the European strategy and minor rule changes, be agreed to.

*Motion agreed to,*

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 1st Report 2011 (Session 4), Minor Standing Orders Rule Changes (SP Paper 25) and 1st Report 2012 (Session 4), European Strategy (SP Paper 59), and agrees that changes to Standing Orders set out in Annexe A of the 1st Report 2011, other than those agreed to by motion S4M-01347, and in the annexe to this motion be made with effect from 20 August 2012.

**The Presiding Officer:** The next question is, that motion S4M-03070, in the name of Fergus Ewing, on the Land Registration etc (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Land Registration etc. (Scotland) Bill be passed.

**The Presiding Officer:** The next question is, that amendment S4M-03113.3, in the name of Johann Lamont, which seeks to amend motion number S4M-03113, in the name of Alex Salmond, on Scotland's future, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)

Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Lothian) (Con)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacDonald, Margo (Lothian) (Ind)

Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 51, Against 70, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S4M-03113, in the name of Alex Salmond, on Scotland's future, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)

Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacDonald, Margo (Lothian) (Ind)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

### Against

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)

Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Lothian) (Con)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**The Presiding Officer:** The result of the division is: For 69, Against 52, Abstentions 0.

### *Motion agreed to,*

That the Parliament agrees that Scotland should be an independent country; sees it as the responsibility of this generation to hand over a better country to the next generation than the one inherited, and believes that it is vital for the people of Scotland to take full responsibility for the decisions about the future of Scotland.



## A75 (Improvements)

**The Presiding Officer (Tricia Marwick):** The final item of business is a members' business debate on motion S4M-02399, in the name of Elaine Murray, on improvements to the A75. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament notes with great concern the spate of recent accidents on the A75 Stranraer to Gretna trunk road, including two fatalities, and believes that urgent action is required to improve the safety of this road.

17:04

**Elaine Murray (Dumfriesshire) (Lab):** I thank the members who signed my motion, enabling it to be debated tonight. I also thank the 1,000-plus readers of the *Dumfries and Galloway Standard* who signed a petition urging the completion of the Hardgrove to Kinmount improvement scheme in the aftermath of the tragic death of three-week-old Oliver Hewson, who was killed in a three-vehicle crash on that stretch of the road in March.

I want to address two issues in my speech, the first of which is the need to complete the planned upgrade of the A75, and the second of which is the need to consider how drivers can be better alerted to the dangers of inappropriate driving, as the catalogue of fatal and serious accidents on the A75 is, sadly, replicated on many of Scotland's trunk roads.

The A75 runs from Stranraer, in the west, to the junction with the M74/M6 at Gretna and forms part of the European Union's trans-European road network. It is heavily used by both freight and private vehicles, and improvement has been demanded since the mid-1990s for reasons of safety and journey times. In March 2000, I lodged a motion urging the Labour-Liberal Democrat Scottish Executive to review the trunk road spending programme to include the upgrading of the A75. The motion was supported by both Alex Neil and Alex Ferguson, among others.

Since 1999, members have lodged 143 questions and motions involving the A75 at least in part, and constituency and regional members representing Dumfries and Galloway have set aside party differences to campaign for improvement. The 2000 to 2004 spending review included an increase in expenditure on transport of £500 million, and six improvement schemes along the length of the A75 were identified to be completed over a period of 10 years. Those were at Cairntop to Barlae, Newton Stewart, Barfil to Bettyknowes, Planting End to Drumflower, Dunragit, and Hardgrove to Kinmount. Those could not all progress at the same time without

serious disruption to traffic, and the Hardgrove and Dunragit schemes were planned to commence after the other schemes had been completed.

Nearly 10 years ago, in November 2002, Lewis Macdonald, the transport minister at the time, advised that construction of the Hardgrove to Kinmount stretch was expected to commence in autumn 2006. Mr Macdonald also confirmed that the cost of the improvement schemes had been included in the Scottish budget settlement and that, subject to a satisfactory conclusion of the statutory procedures, the schemes would be able to proceed to construction. The proposed improvements scheme was reviewed in 2005, when it was recognised that there would be merit in considering modifications to the original scheme involving reconfiguration of the entire carriageway section, which would have favoured overtaking only in one direction. A new scheme involving an offline section to accommodate a wide single carriageway with three lanes was developed, which allowed a safer route for local traffic using the U81a to pass under the A75. It also involved fewer environmental constraints. Undoubtedly, the review and the production of an improved scheme delayed the project's implementation.

In September 2006, I sought information regarding when the Hardgrove scheme might commence and was advised by Tavish Scott, who was the transport minister at the time, that the scheme was now expected to commence in quarter 4 of 2008-09 at an estimated cost of £8.42 million. Some nine months later, Stewart Stevenson advised me that the earliest possible start date was summer 2009 and that the cost was £10.2 million. The timescale slipped again, however, and the advice offered by Mr Stevenson in May 2010 was that the expected date of completion was 2010-11. No progress was made during 2010, and in January 2011 I was advised by Mr Brown, in answer to a written question, that "difficult choices" had to be made in light of the unprecedented £1.3 billion cut to the capital budget and that existing projects were being prioritised over new ones.

Given that the scheme had been included in the budget for 2003 to 2006 and that all the preparatory work was complete, it was far from being a new scheme and I do not believe that it should have been suspended. Moreover, in 2010, Mr Swinney announced that he had been implementing an accelerated programme of vital infrastructure projects over the past 18 months. He also announced that he had United Kingdom Treasury agreement that the £332 million cut in capital expenditure made by George Osborne shortly after the election of the Conservative-Liberal Democrat UK Government could be deferred until the following year. Unfortunately, the Hardgrove improvement scheme was not

considered by the Scottish Government to be a vital infrastructure project.

I am aware that the Scottish Government has submitted a list of so-called shovel-ready projects to the UK Government that includes £10 million for the Hardgrove scheme. I was surprised, therefore, when Alex Neil answered a recent oral question from me on the project and stated that it would cost £15 million. Perhaps the minister can clarify where the additional funding would come from in the unfortunately unlikely event of Mr Osborne being converted to the cause of investing in economic growth. My constituents and I do not much care who provides the funds—whether it is the UK Government or whether the funds come through slippage or savings made on other projects. Tonight, we are asking for the minister's assurance that construction of the Hardgrove to Kinmount scheme is a top priority and that construction will start soon.

If the minister does not care to listen to me, I ask him to listen to an e-mail that I received this morning from Ian Currie, Oliver Hewson's grandfather. He says:

"May I wish you every good fortune in making the Scottish Government listen to our case for improvements and hopefully prevent any more families having to go through what we have suffered."

Several constituents have pointed out to me that drivers often take risks, and that problem is exacerbated by driver frustration due to the lack of overtaking opportunities. All of us who drive frequently on the A75 observe drivers taking risks. Constituents have suggested a variety of ways in which to alert drivers to the number of accidents that have happened on dangerous sections of the road. For example, it has been suggested that there should be signs that show the number of serious accidents and fatalities that have occurred or signs to indicate that a fatal accident has occurred at that point.

I ask the minister to say when he sums up what consideration he has given or is giving to ways in which we can ensure that drivers are more aware of the need to drive cautiously on dangerous sections of the trunk road network. There are far too many fatal accidents and far too many lives are lost. We should take any action that we can take to alert people to the need to drive safely, because that is also important.

17:11

**Joan McAlpine (South Scotland) (SNP):** I congratulate Elaine Murray on securing the debate. I endorse her comments on the need for the A75 to be improved, which is why I congratulate the Government on bringing forward the £25.6 million Dunragit bypass on the A75. I

also endorse her comments on the unacceptable loss of life. Loss of life is unacceptable on any part of the Scottish road network. It is quite right that, as well as upgrading the road, we should ensure that drivers are more aware of the importance of safe driving, as Elaine Murray suggests.

Elaine Murray acknowledged that the Scottish Government's capital budget has been cut by 33 per cent by the United Kingdom Government at Westminster. I would hope that she and Labour would support the list of shovel-ready projects, including the Hardgrove to Kinmount section of the A75, that Mr Swinney submitted to the UK Government for funding in January. Although David Cameron, the Prime Minister, indicated that he was willing to take forward some of the spending when he met the First Minister in January, he has not been true to his word.

The Scottish National Party Scottish Government has a good record on improving the A75. In fact, we have a much better record than Labour had when it was in office. Figures that I have obtained from Transport Scotland show that Labour, in all its years in office in London and Scotland, when money was plentiful, only managed to complete one project on the road, and that was commissioned before the Scottish Parliament opened in 1999. It was the Glen section improvements, which opened in September 1999.

Over the past five years, the SNP Government has devoted £36.7 million to special projects alone, including the Dunragit bypass. The Government has already completed two major projects and it started the Dunragit bypass last month. In the 10 years that Labour spent in office here and at Westminster, it only managed to provide £5.9 million for one major project on the road. That is the one that I mentioned—the Glen section improvements. I do not think that that is a particularly good record.

**Elaine Murray:** Will the member take an intervention?

**Joan McAlpine:** Before Elaine Murray intervenes, I would like to ask her exactly what pressure she put on the Labour Governments when they were in office, and indeed when she was a minister. The Hardgrove to Kinmount improvements were first identified as necessary as long ago as 1997, in a route action plan study.

**Elaine Murray:** Does the member accept that a lot of money was spent on the process of bringing the schemes to completion? Much of that work was done by the Labour and Liberal Executives. Although the schemes may have been completed after 2007, they were started prior to that.

**Joan McAlpine:** I tend to judge by actions rather than by words. The fact is that, in 10 years,

the Labour Government only managed to spend £5.9 million on one project to upgrade the road. It was the SNP that completed the preparatory work for the Hardgrove section to be upgraded. We certainly got it to that stage by 2009, bar a few technicalities. Elaine Murray asked why the work did not go ahead; it is no coincidence that 2009 was the year in which the Labour chancellor in London, Alistair Darling, in effect cut Scotland's budget by £500 million.

We need to look creatively at how we can take forward vital projects such as the Hardgrove to Kinmount A75 upgrade. I tend to take a different tack from that taken by Dr Murray. We can complain or we can try to do something and make progress. That is why I wrote to David Cameron to point out that the upgrade is a vital infrastructure project, which is on the Scottish Government's list of shovel-ready projects and is as much deserving of funding as are projects such as the upgrade of London sewers, which the UK Government has funded.

At a time of swingeing budget cuts from London, the SNP Government knows that we must act creatively and collaboratively if we are to achieve what we want. I intend to continue to lobby all parties, including the London Government, the Scottish Government and the local authority, to bring forward the project and make south-west Scotland a better place.

17:16

**Graeme Pearson (South Scotland) (Lab):** I congratulate Elaine Murray on bringing the debate to the Parliament and for maintaining interest in the issue for such a long time, in the face of a series of hurdles.

I will talk about my experience of driving the A75 as I cover the South Scotland region on behalf of constituents. The road is part of designated European route 18, so we would expect it to be fit for purpose. My experience is that it is not fit for purpose, given the carriageway configuration, the traffic volumes, the speeds that are attained by vehicles, and the traffic mix that uses the road every day.

The road is used by drivers of agricultural and heavy goods vehicles, overseas visitors who are strangers to our country and our culture, tourists from across the United Kingdom, cyclists and locals, who are perhaps lulled into confidence by their familiarity with the road, all of whom end up facing a range of challenges that make it more likely that there will be confusion and road traffic accidents. We can add to that mix the discipline of the ferry timetable, which creates additional pressure for some drivers who use the designated

Euro route, which is maintained not by Dumfries and Galloway Council but by Amey Highways.

There is evidence that road redesign and maintenance can reduce road traffic accidents. The upgrade of the A75 between Gretna and Dumfries halved road traffic accidents and was considered to be highly successful in making the road safer for people to use. It is therefore difficult to comprehend the Government's decision to abandon further upgrades and a shovel-ready project between Hardgrove and Kinmount.

The upgrade would cost £10.2 million. Only today, we heard from the Auditor General for Scotland that more than £20 million was lost to the public services through fraud. There is an ability to identify cash when a critical project needs support.

It is unfortunate that Joan McAlpine has gone through the history and politics of the matter. The people who use the A75 are concerned for their relatives, their friends and other users of the road, and they are concerned about the misery and death that have been caused by the use of the road.

No road is dangerous; it is the way in which people use a road that makes it dangerous. It is within our gift to try to design roads to ensure that only the most reckless face the risk of a fatal accident.

It is important that improvements to the A75, which is a significant trans-Scotland route, are made. Members should not take just my word for it; they should listen to the words of a 15-year-old boy who e-mailed me at the beginning of April, not knowing that the debate would take place. He wrote:

"The road is literally falling in on itself. It does not take a genius to work out that the foundations of the road are giving way, causing holes in the road, not just holes in the surface."

Given that a 15-year-old felt so moved as to e-mail me on the issue, I hope that the minister will try to find a means of prioritising the fixing of this dangerous road.

17:20

**Aileen McLeod (South Scotland) (SNP):** I congratulate Dr Murray on securing the debate on a subject that concerns many of our constituents who live in Dumfries and Galloway.

I also recognise that the debate is taking place in the long shadow of recent tragedies on the A75 and extend my deepest sympathy to all those affected by those events.

It is important that we understand from the outset that the Scottish Government is committed to delivering on its promise to upgrade the 3.6km

section of the A75 between Carrutherstown and Kinmount—the so-called Hardgrove to Kinmount improvement. No SNP member of this Parliament with responsibility for representing constituents in the south of Scotland, and no minister in the Scottish Government, is under any illusion that the improvement is needed as a matter of urgency.

As soon as funds are available, this Government will commence that work. As Dr Murray knows, it is one of the shovel-ready projects that the Scottish Government is urging the Westminster Government to provide funding for but, as my colleague Joan McAlpine highlighted, that request regrettably continues to fall on the deaf ears of the Conservative-Liberal coalition Government.

It is, of course, appropriate that we are addressing the subject with a renewed sense of urgency. However, it is worth noting that, as long ago as 2002, during the first mandate of this Parliament, my predecessor as SNP member for the South of Scotland, Alasdair Morgan, first began to lobby the then Labour-Liberal Executive to fund improvements to the A75, especially the Dunragit bypass in the west and this particular section of the A75 in the east.

**Jim Hume (South Scotland) (LD):** Will the member take an intervention?

**Aileen McLeod:** I would like to make progress.

On 19 November 2002, Mr Morgan was assured in a ministerial answer by Lewis Macdonald—as Elaine Murray pointed out—that work on both the Dunragit bypass and the Hardgrove to Kinmount realignment would commence in the autumn of 2006. As we know, neither promise was kept.

In September 2006, Dr Murray herself asked the then Scottish Executive, not unreasonably, what was happening with the proposed upgrades and would, I am sure, have been less than happy with Tavish Scott—who was then the transport minister—when he responded that the earliest start date for both projects would be the fourth quarter of the financial year 2008-09.

In May 2006 my colleague Maureen Watt elicited from the minister the frankly astonishing statistic that, between 2001 and the end of financial year 2004-05, less than £0.25 million had been spent on improvements to the A75. In the following financial year, the sum spent was even lower, at an estimated £200,000. That was at a time when the Scottish Executive budget was expanding dramatically. Although it offers no comfort to those affected by the recent tragedies, one cannot help but comment that it is a great pity that only now is the issue being addressed by the SNP Government with the urgency that it deserves.

Of the two delayed A75 schemes in question, there is now a firm commitment and timetable for the Dunragit bypass. The transport minister said that both schemes would proceed at the earliest opportunity and, as far as the Dunragit bypass is concerned, the Government has been as good as its word.

As Elaine Murray acknowledged, that scheme, plus the investment of millions of pounds in the A75 over the past five years, have happened at a time when our capital budget has been drastically reduced by 32 per cent.

I do not regard the record of the SNP Government over the past five years, when significant funding has been made available for improvements to the A75, as being the end of the story and, self-evidently, neither does the Scottish Government. It is understandable that there are, for example, calls for bypasses around the communities of Springholm and Crocketford.

In stressing the consequences for the Hardgrove to Kinmount improvement of the cuts in the Scottish Government's capital budget, I am not offering excuses for inaction but am trying to provide reasons and answers to my constituents as to why the project—and similar projects elsewhere—have had to be postponed. As soon as funds become available, the Scottish Government will honour its commitments to the people of Dumfriesshire and implement these road improvements.

None of my remarks can hope to provide comfort to the families of those who have lost loved ones in the tragic accidents along this stretch of the A75. However, I can say categorically that the Scottish Government will implement the needed improvements to the stretch of the A75 between Hardgrove and Kinmount as soon as it is financially possible to do so.

17:24

**Alex Johnstone (North East Scotland) (Con):** Members might be surprised and might think that the wrong Alex has turned up tonight. Unfortunately, my colleague Alex Fergusson has had to return to his constituency on business, so he has asked me to say a few words on his behalf.

Scotland's road network is financially demanding and it is ironic that, as the economy grows, the network will always require additional investment. That is why the Conservative Government in the 1980s and 1990s invested heavily in our road network. It is a surprise that the Labour Party has introduced the debate, against the backdrop that the Labour Government from 1997 deliberately diverted resource from our road network to other priorities. That is why we went

through a period of a lack of development in Scotland's roads—a hiatus after which we have still not caught up.

The priorities for the A75 are obvious. The improved economy in Ulster has increased the amount of traffic that crosses the Irish Sea. The concentration of ports at Cairnryan means that facilities there can now handle larger amounts of traffic. The consequence is that convoys of trucks on the A75 are holding up local traffic, causing difficulties at many junctions and—sadly—causing many fatal accidents, as we have heard. It is therefore vital that we are ready to deal with those problems when the opportunity comes along.

It is important to target available resources as they come along on areas that have both economic arguments and safety arguments for developing roads. That must be clearly understood across Scotland. I am sure that we will return to that on many occasions as we talk about road developments.

We have all now become used to the concept of the shovel-ready project. The Government has made clear the need for additional resources to achieve such objectives and all of us in the Parliament understand that. However, since the change of Government at Westminster, additional resource to that which the previous Government intended to provide has already been made available to the Scottish Government. It would be interesting to know how that limited additional resource has been prioritised.

**The Minister for Housing and Transport (Keith Brown)** *rose—*

**Alex Johnstone:** I will just complete my speech; I am not going to say much more.

It is vital to discuss now and in the future how priorities will be set so that, as we all work together to ensure that additional resources are made available whenever possible, we know where resources will be targeted and how the priorities will lie. It is too easy for the Government simply to say what its priorities are and allow us all over the country to believe that we are first on the list. We need to know the order of priorities more accurately so that, when resource becomes available, we can move forward and work together to ensure that serious problems, such as those on the A75 that have been described, are dealt with at the earliest possible opportunity. We hope and pray that no further lives will be lost before we achieve that objective.

17:28

**Jim Hume (South Scotland) (LD):** I, too, congratulate Elaine Murray on securing the debate and bringing the issue before the Parliament. We

can all agree that it is long overdue to be dealt with. I note that the motion gained support from all four main parties, including the SNP. It is good to see cross-party support.

As a member for South Scotland, I am—like others—keenly aware of how big an issue the A75 has become for our constituents. Too many tragic accidents have occurred on the road in the past few years, often within just days of each other. Transport Scotland's figures reveal that 209 accidents took place on the A75 between 2008 and 2011 alone. Of those, 55 were serious and—unfortunately—15 were fatal. I accept that the comparison is not exact, but those figures are significantly more serious in every regard than those for the neighbouring A76.

One of the more tedious phrases to have entered political discourse of late—it has been used often in tonight's debate—is “shovel ready”. Quite how long a Scottish Government project can be shovel ready before ground is broken is anyone's guess, but the Hardgrove to Kinmount project is shovel ready and has been since the then Minister for Transport, Infrastructure and Climate Change announced the publication of draft statutory orders in June 2008.

At the time, the minister described the Hardgrove to Kinmount project, along with the Dunragit bypass, as a “multi-million pound investment” that

“will greatly improve traffic flow and connections”.

Crucially, the minister also said:

“These schemes ... will make the A75 a safer route”.

Thankfully, four years later, there is some movement on the Dunragit bypass, but there has been little movement on the Hardgrove to Kinmount project.

**Keith Brown:** Will the member take an intervention?

**Joan McAlpine:** Will the member take an intervention?

**Jim Hume:** Sorry—I do not have much time.

Given the quotes that I have just read out, I find it curious that the Scottish Government claims that the Westminster Government needs to stump up the cash for the project to progress. The transport minister said clearly in 2008—a whole two years before the coalition Government—that the Scottish Government was investing in those projects.

I do not think that the Scottish Government is fooling anyone with that. Any delay is down not to Westminster cuts but to the fluctuating priorities of this Government. Perhaps the minister could clarify in summing up where that investment has gone in the preceding four years.

The only mention of the A75 in last year's infrastructure and investment plan was in the section on Government backslapping, in which the Government congratulated itself on improvements to the A77 and the A75. I and my constituents regret that the vital Hardgrove to Kinmount project did not appear to survive.

Members from all parties agree that much more must be done to make this economically important corridor across south-west Scotland safer. The figures that I highlighted earlier are sobering, and the *Dumfries and Galloway Standard* has reported that the narrow 2.2-mile section of trunk road from Hardgrove to Kinmount has witnessed 80 accidents in just 20 years.

I have written to the minister and submitted parliamentary questions, and I have raised the A75 issue in meetings with him, for which I am grateful. I know that my colleagues on all sides of the chamber have done so too. The issue is far too important to the people of Dumfries and Galloway to be kicked into the long grass, but they are, understandably, feeling ignored and let down.

The best way to conclude my speech is simply to echo the words of the excellent campaign by the *Dumfries and Galloway Standard*: it is time to bring years of inaction to end and it is time for the talking to stop.

I ask the minister whether he would be willing to meet members from all parties who are interested in this matter on site in the not-so-distant future.

17:32

**The Minister for Housing and Transport (Keith Brown):** I thank Elaine Murray for giving us the opportunity to discuss road safety in general, and in particular the A75. As other members have done, I pass on my deepest and genuine sympathies to the families and friends of all those who have been killed or seriously injured on our road network. Police investigations into the accident on the A75 are on-going, so it would be inappropriate for me to comment further on those. We should also take time to remember all the personnel who are involved in dealing with such emergencies and accidents. They are often overlooked, and they do an extremely difficult job.

It is worth pointing out—notwithstanding what I have just said about the accidents that have taken place—that Scotland currently has its lowest figures for road casualties since records began. It would have been good to have had that mentioned in members' comments on road safety, because it has been the result of a huge amount of work by people not only in the current Administration, but in previous Administrations, and by people who—as I said—do very difficult jobs.

The Scottish Government is committed to further improving safety. Our aim to reduce casualties is reflected in our road safety strategy, and the most recent statistics, from 2010, show that there has been tremendous progress in reducing injuries across the road network. That said, one death is, of course, one too many and the Government is determined to continue to do all that it can to reduce road casualties still further.

We have spent more than £2 billion on roads since 2007. Alex Johnstone was right to say that there was a hiatus before that, and it is not possible to make that ground up quickly. We should bear it in mind, given some of the comments from Labour and Liberal Democrat members, that—as Joan McAlpine pointed out—that hiatus took place at a time of abundant public resources. We are now having to deal with the exact reverse of that.

We have invested more than £935 million in the south-west of Scotland alone on improvements and maintenance.

**Jim Hume:** Will the minister take an intervention?

**Keith Brown:** No, I will not. Jim Hume did not take one from me, which is becoming a feature of his speeches.

More than £27 million has been spent since 2007 on maintaining and improving the A75. We recognise that it is—as Elaine Murray and Graeme Pearson pointed out—a key strategic route for the people of Dumfries and Galloway, and a key link to our ports.

The Government is committed to investment in the road network and that commitment is unwavering. My response to the points that have been made about road safety is that the A75 safety group is due to meet in July. That multi-agency group is made up of key stakeholders from the police, local authorities, Amey, the fire service and the safety camera partnership. That group is committed to improving the safety of the road. I am perfectly willing and keen to raise the issues from this debate at that meeting and also to consider some of the signing suggestions that were made by Elaine Murray.

Over this year we have spent £650 million to try to ensure that our road network remains safe, efficient and effective. In 2012-13, £3 million has been allocated to the Scottish budget for the road safety framework delivery and road safety Scotland activities. We are committed, as Joan McAlpine and Aileen McLeod said, to building the £25.6 million Dunragit bypass, which—like the Hardgrove to Kinmount link—was not done previously, despite the length of time that was available in which to do it. We are having to pick up that slack now. The Hardgrove to Kinmount

scheme is shovel ready, which means that when we have the money to get the shovels and go into the ground, we will do that.

Again, as has been pointed out, we made that pitch to the United Kingdom Government. It was not done just because we want more money—although it was probably our money in the first place—but because we had a £1.3 billion cut that comprised £500 million in terms of capital and £800 million in terms of revenue. That was before our capital budgets for the next three years were cut by a third.

It is not possible to wish away those facts and say that we should be doing all the things that were not done before, at the same time as saying that we must cut our budgets. I assume that Jim Hume and Alex Johnstone support the budget cut. We cannot do the same amount of work after such a cut, so they must choose what their priorities are, rather than always asking us to cope with the consequences of their cuts. The First Minister, as was mentioned, wrote to the Prime Minister recently to seek funding for that and a number of other schemes from the Westminster Government. That request was turned down.

There has been some talk of cross-party collaboration. That was how Elaine Murray started her speech, but then it became what Graeme Pearson accused Joan McAlpine of giving—a particular history and a particular set of politics in respect of how that was interpreted over the years when there was a Labour and Liberal Democrat Administration.

Our request for additional funding was turned down. We will seek to do what we can. As Joan McAlpine said, it is much better to look for ways to work together to try to achieve something. That is what we have sought to do over a number of years rather than making simple complaints and accusations. Accusations such as those that were made by Jim Hume are made in the full knowledge that he and his party are responsible for the cuts to our budget.

I welcomed the recent opportunity to write to the *Dumfries and Galloway Standard*. I recommend it—as other members have done—on its campaign to improve the A75, which is an example of local democracy in action and of pressure being brought to bear. I could not have been clearer in the article that the SNP Government will upgrade the road if the UK Government gives us that funding. We have to find the funding from somewhere. There can be no one who is involved in this debate—including me—who does not want the project to go ahead. I would love to be—I intend to be—the transport minister who eventually says that the road will be built. I want to do it and I cannot imagine that the Opposition parties could come up with any reason

why I would not want to do that. Of course we want to do that—not least because we believe that such projects also create jobs. They are good for the economic wellbeing of the country as well as leading to improvements in safety and infrastructure.

Irrespective of the road, one death on our network is too many, especially for the families of those involved. However, we should recognise the substantial improvement that we have made in relation to road safety—we now have the lowest statistics on record, despite increasing car usage. I am determined to do whatever I can to contribute to prevention of loss of life on our roads, whatever the cause.

The Government also recently committed to lowering the amount of alcohol that drivers can consume before driving. That shows the action that we can take as a result of the Scotland Act 2012—we now have the powers to do that.

Elaine Murray may know that a substantial amount of action was taken by the police following the accidents to which she referred in order to try to reduce further the accident rate on the road and to make it safer. The police have said that that will continue and that they will keep an eye on the situation.

On the lower limit on alcohol, on 18 December 2008, the Parliament voted clearly in favour of a reduction in the drink-drive limit. I would like to think that the Parliament stands united in taking that forward. It will result in further safety improvements on our roads. I confirm that we will soon prepare a consultation paper as the next stage in implementation of that change.

The Government is committed to working with its partners to ensure a co-ordinated approach to road safety. I believe that any objective assessment of what we have done in relation to the A75—Joan McAlpine gave us some interesting figures on that—stands comparison with the record of any previous Administration. As the minister who is responsible for safety on Scotland's roads, as a road user and as a father of three children, I am determined to do all that I can to prevent such tragedies. It is up to us, individually, to do all that we can to improve safety, but there is obviously an expectation on Government in that regard. I think that our record shows that we have tried to do that.

I have taken on board a number of the points that have been made. I am happy to engage in further multiparty discussions on the matter. I am sure that if we work together to find an innovative approach, we can get the right solution.

*Meeting closed at 17:40.*





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