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Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Thursday 28 June 2012

Session 4

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Scottish Parliament

Thursday 28 June 2012

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

Business Motions

The Presiding Officer (Tricia Marwick): Good morning. The first item of business is consideration of business motion S4M-03522, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revision to the business programme for this afternoon.

09:15

The Cabinet Secretary for Parliamentary Business and Government Strategy (Bruce Crawford): Before I move the motion, I point out that the change is to allow the insertion into the agenda of an item on membership of the regional chamber of the Congress of Local and Regional Authorities of the Council of Europe. I am glad that the Parliamentary Bureau has agreed to include it.

I move,

That the Parliament agrees the following revision to the programme of business for Thursday 28 June 2012—

after

2.55 pm Stage 3 Proceedings: Welfare Reform
(Further Provision) (Scotland) Bill

insert

followed by Membership of the Regional Chamber of
the Congress of Local and Regional
Authorities of the Council of Europe

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S4M-03497, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Long Leases (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Long Leases (Scotland) Bill, debate on amendment 1 shall, subject to Rule 9.8.4A, be brought to a conclusion no later than 20 minutes after the stage begins (excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended or otherwise not in progress).—[Bruce Crawford.]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S4M-03496, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a

timetable for stage 3 consideration of the Welfare Reform (Further Provision) (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Welfare Reform (Further Provision) (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: 55 minutes.—[Bruce Crawford.]

Motion agreed to.

Rio+20 Earth Summit

The Presiding Officer (Tricia Marwick): The next item of business is a statement by Stewart Stevenson on the Rio+20 earth summit. The minister will take questions at the end of his statement, so there should be no interventions or interruptions.

09:17

The Minister for Environment and Climate Change (Stewart Stevenson): I would like to report back to Parliament on the outcome of the Rio+20 earth summit, which I attended and which was an immensely valuable event for the Scottish Government to participate in. Once again, we contributed to a major international conference in which the subject of debate was the vital sustainability and climate change agenda. While I was there, it became ever clearer to me that our actions, leadership and messages are well received and welcomed by other Governments, international organisations, non-governmental organisations and other actors including businesses and young people.

The wide range of stakeholders whom I met at the conference were keen to hear about what we are doing here in Scotland, and in partnership with other countries. There is support for our commitment to actively addressing climate change and sustainable development and, through our contribution to climate justice, to helping others to do the same. Even though we are, in global terms, a small emitter, we are acting big—we have big ideas, big ambition and a big message. We discussed that with Minister Lidegaard of Denmark, which is a similar-sized European country with big ambition, whose determined leadership of the European Union at the conference should be applauded.

At the conference, which came barely three weeks after the First Minister was joined by Mary Robinson to launch our climate justice fund with £3 million, our message was focused: it is that engagement with the agenda is not simply a moral duty that is born out of historical responsibility and the current economic position, because the path to a green economy that is now laid beneath the feet of the world's leaders offers a substantial economic opportunity to countries around the world that choose to grasp it.

In Scotland, we have proved that the economics of low carbon are sound and that reduced consumption and smarter management of resources do not mean reduced productivity or economic decline, but quite the opposite. Given our competitive advantage and the excellence and experience of key sectors, our low-carbon sectors

have experienced consistent growth in jobs and output and our technological base continues to expand and to be world-leading.

Our record continues to attract the attention of others in the international community, with which we are continuing to build alliances, including with the Inter-American Development Bank, which wishes to benefit from our expertise and innovation in low-carbon technologies—notably marine energy. However, such messages should be coupled with our equally key messages about the importance of strengthening support for developing countries.

In Rio, I had the opportunity to speak about our climate justice agenda at a United Nations Institute for Training and Research and CIFAL event. I talked about our new fund and its objectives of providing poor and vulnerable communities with projects that address climate adaptation solutions and which should result in climate-change resilient legacies in those communities. I was also able to confirm the latest funding, through the international development fund, of three new projects in sub-Saharan Africa, which will receive a total of £4 million investment over three years and will contribute to work in Rwanda, Tanzania and Zambia.

I was also delighted to be able, with the delegation of the Government of Malawi, to build on discussions that we had at previous conferences. I took the opportunity to discuss strengthening our existing relationship and, following our provision of £3 million in recent years for community solar and community renewables, we made an offer—which was accepted—of practical assistance for the country's development of climate change and renewable energy policies. That assistance will take the form of our providing short-term policy secondees from the Scottish Government to the Government of Malawi, and will offer an opportunity for some of its staff to come to Scotland and learn directly from what we are doing, as well as giving us a valuable insight into their work.

The conference's overall programme was extremely full. I attended numerous events, participated in panels and programmes, met many people in the margins and held specific bilaterals with a number of important stakeholders, including the Inter-American Development Bank and The Climate Group. Building on a meeting between the First Minister and Ban Ki-Moon in Abu Dhabi earlier this year, I met United Nations Assistant Secretary General Bob Orr, who is responsible for policy co-ordination and strategic planning, and we discussed the contribution that Scotland can make to Ban Ki-Moon's sustainable energy for all initiative. That meeting will pave the way to the development of a clear offer that we can make

actively to participate in and to support the achievement of the three goals of sustainable energy for all: first, to ensure universal access to modern energy services; secondly, to double the rate of improvement in energy efficiency; and thirdly, to double the share of renewable energy in the global energy mix. Scotland will play a full and active role in that.

As for the conference itself, I was deeply disappointed that there was not more agreement on a more ambitious programme. Nevertheless, we are still determined to engage with partners and, over the coming weeks, there will be a process of analysing and thinking beyond the text.

The conference proceeded in a rather different fashion to many previous international conferences of this variety. After 12 months, there had been only limited progress on agreeing the text; indeed, by the end of the fourth preparatory committee in the week preceding the conference, only about one third of the text had been agreed. Significant differences remained over key elements, including the green economy, the process for agreeing sustainable development goals and the resources that will be required to implement the text.

As the week of the conference opened and further negotiating days were added to the schedule, extraordinary events unfolded. Although certain of the tactics that were deployed by President Rousseff of Brazil were initially not universally welcomed, all the Governments that I met during the week ultimately expressed admiration for, and gratitude towards, the Brazilians for the strength and commitment of their chairmanship. Brazil's achievement was to get an entire text delivered as agreed before the commencement of the high-level summit. The initial shock at not having to spend another three days locked in negotiating rooms quickly wore off as we all realised the opportunity to start focusing on the deliverables—in other words, the concrete next steps towards delivering on sustainable development.

The text has reasonably been criticised for not addressing resources and for setting a weak timetable and thematic list for delivery of the sustainable development goals. Others have described the agreement as “timid”; I must say that I agree. Although it builds on the Durban accord, which is to lead a legally binding agreement by 2015, and takes us forward to a discussion of the timetable and resources for delivering sustainability, it does not go as far as I would have liked and currently provides no certainty that either will be delivered.

The Brazilian text and leadership enabled heads of delegations and ministers to begin to address what each country in the world must now do and

what resources might be made available in order to implement the programme and to build towards a complete post-2015 framework, which will now include the second phase of millennium development goals, a new legally binding framework on climate change and—as a result of the Rio+20 conference—sustainable development goals.

The world no longer needs to rely upon the traditional leaders of opinion. Although the role of the European Union and its member states continues to be important, we now can look wider for sources of progress. We are working on that by building on partnerships with colleagues in Malawi and the Maldives, among others, as well as continuing to work with our European partners.

When Parliament debated the Rio+20 summit on 30 May 2012, much was said about the preparations and expectations for Rio. I very much welcomed the unanimity of support that Parliament showed for my participation in Rio. I am also grateful to the many NGOs and businesses around Scotland that provided support to my programme by recommending side events, facilitating my direct participation in them and offering briefings.

In spite of our disappointment that the summit did not deliver more, it is vital that we maintain and build upon our work so far. I trust that all parties will join me in ensuring that Scotland makes a full and positive contribution to delivering the outcomes of Rio+20, which will support other ambitious nations around the world.

The Presiding Officer: The minister will now take questions on issues that were raised in his statement. I intend to allow approximately 20 minutes for questions, after which we will move to the next item of business. I ask members to press their request-to-speak buttons now if they wish to ask a question.

Claudia Beamish (South Scotland) (Lab): I thank the minister for advance sight of his statement. We are glad that he attended the summit, despite there being some unhelpful comments about carbon and financial costs. Meeting people matters, and meeting people face to face matters for this very important global issue. I hope that the minister managed to see some of Brazil, despite his comments in the members' business debate last month.

While coming through the heavy rain and puddles this morning, it was not difficult to reflect on the responsibility that we all share—in the chamber and across Scotland with civic society, NGOs, trade unions, businesses and our communities—to make the necessary step change to living sustainably and, specifically, to reflect on the responsibility that we have as representatives,

to seek to ensure that that is facilitated in a fair way.

We all recognise that Scotland is a world leader on climate targets, as the minister highlighted in Brazil. Scottish Labour is proud to have pushed those further than was initially intended. Targets are one thing, but what more will the minister's Government be able to do to ensure that we actually meet those world leading targets, especially in the light of consumption and emissions concerns?

The Rio+20 text in the outcome of the conference document states:

"we encourage each country to consider the implementation of green economy policies in the context of sustainable development and poverty eradication".

The Presiding Officer: Please get to the question.

Claudia Beamish: Will the minister please clarify how he will help all sections of society in that context, at home and abroad, to move forward on the issue? We share the minister's frustration that the agreement is being seen as "timid". What are the Scottish Government's plans to engage with the agreed framework in the future?

Stewart Stevenson: The United Kingdom Government's Secretary of State for the Environment, Caroline Spelman, and I visited a national nature park, which is actually inside Rio's boundaries, so we did not have to go too far. That visit, on Monday morning, taught us a very illuminating lesson. The park had been a coffee plantation, but 150 years ago an environmentalist—someone who was well ahead of their time, I suggest—decided that it should be restored to something that approximates its natural state. The interesting thing is that, after 150 years, it is still not quite there. If that tells us anything, it is that we cannot simply reverse some of the adverse processes—to which we are all party—in a very short space of time. My visit enabled me to see a little bit that was not just another conurbation, and which had a very important lesson for us.

Claudia Beamish referred to targets. A key part of the message that we have been deploying is, "If we can do it, so can you," which generally gets heads nodding. She also referred to consumption concerns. It is still genuinely difficult to measure consumption, because we rely on information from other countries about the carbon costs of goods that we import. We are leading the way on that, but internationally there is a great deal more to be done to allow us to have a standardised and normalised approach that enables us properly to understand the carbon costs of goods.

However, none of that difficulty means that we do not acknowledge that, if everyone in the world

lived as Scotland does, the world would not be big enough. We know that we emit too much, which is why the steps that we are taking through the report on proposals and policies are important, and why the preparation of the second document that covers the period 2023 to 2027—and which Parliament will see later this year—is important in mapping out how we will deal with our domestic issues. I am sure that other questions will address international matters.

Jamie McGrigor (Highlands and Islands) (Con): I thank the minister for an early copy of his statement and note his deep disappointment that a more ambitious programme was not agreed. That is echoed by *The Economist*, which suggests that the move to scrap fossil fuel subsidies, which have rocketed in recent years to a cost of more than \$400 billion per annum, was buried, making it all but meaningless. *The Economist* also notes that the WWF has highlighted that the draft agreement said "encourage" 50 times but "we will" only five times, and "support" 99 times but "must" only three times.

Does the minister agree with those assessments and the assessment of the EU Commissioner for Climate Action, Connie Hedegaard? She tweeted:

"Telling that nobody in that room adopting the text was happy. That's how weak it is".

On the positive side, there was political ambition for change. How will the minister ensure that that ambition is not squandered? Does he agree with the UK Government that the main sustainable development goals should cover food, water and energy, as well as his aim for climate change justice, which we commend?

Stewart Stevenson: The reference to fossil fuel subsidies is important. That issue is not universally understood around the world, and we and the other countries that understand it will continue to debate and discuss it and put it before decision makers internationally. Connie Hedegaard, who has played a fundamental role since she was one of the co-chairs of the COP15 summit in Copenhagen, is a key player in that regard.

Jamie McGregor highlighted issues around the question whether there is political ambition. I welcome the UK Government's announcement in the past 24 hours—which we supported in advance—that sanitation would be included as a human right. It shows that, as part of the process beyond the conference, there is a continuing focus—which we welcome—on the responsibilities that we all have to people around the world who are less well off and are affected by climate change.

The Presiding Officer: I remind members that time is very tight indeed. A large number of

members wish to ask a question of the minister, so I ask members to ask one question and the minister to be as succinct as possible in answering. In that way, I hope to get through everyone.

Rob Gibson (Caithness, Sutherland and Ross) (SNP): Given that the international community's commitment at Rio+20 to water as part of the international decade for action's water for life 2005 to 2015 programme, what can our hydro nation ambitions achieve as a focus for deliverables to drought-prone nations?

Stewart Stevenson: Water is an extremely important issue for us—we have already recognised that. I had a very good meeting with UN Assistant Secretary General Bob Orr on Ban Ki-moon's targets. It is clear that they see water as one of the next great issues with which we must engage.

I also spoke to South Australia's Minister for Sustainability, Environment and Conservation, Paul Caica, on the subject. He is keen to see what we are doing and to work with us, because South Australia faces significant issues. We are already engaging with countries—developed and otherwise—around the world, and we will progress that agenda.

Claire Baker (Mid Scotland and Fife) (Lab): The minister mentioned Ban Ki-moon's sustainable energy for all initiative and the development of a clear offer from Scotland to help with the goal of doubling the rate of improvement in energy efficiency. The Scottish Government is revising the RPP. What action is it taking to ensure that its budget priorities meet its environmental ambitions? Will the timing of the RPP in relation to the Scottish budget ensure that they are able to influence each other appropriately?

Stewart Stevenson: The discussions on RPP 2 and RPP 1 are running in parallel with discussions on the budget, so there is interaction between the two. The budget is accompanied by a document that shows carbon impacts, which are important in relation to the budget. We must remember that the RPP is a much longer-term document than the budget and that it does not, of course, rely simply on Government spending. Substantial parts of it will be funded from elsewhere.

Annabelle Ewing (Mid Scotland and Fife) (SNP): What further action can the Scottish Government take to inspire other nations and Governments to move ahead on climate justice? I include among those the Westminster Government, which, disappointingly, has to date failed to follow Scotland's excellent lead.

Stewart Stevenson: We can do a number of things. There is certainly substantial interest around the world in what we are doing. I met Dr

Navarro from El Salvador, whom I had previously met in Durban, to talk about climate justice. He is very interested in that subject. I met other people, including youth ambassadors—for example, a youth ambassador for the polar regions who is very interested in climate justice. We have a wide range of influences.

I am not giving up on the UK Government, on which we will continue to press the case for climate justice. I think that it accepts that case, but we must move it to action. We will continue to urge it to take action.

Sarah Boyack (Lothian) (Lab): How is the Scottish Government working to promote access to information, public participation and access to environmental justice—which was one of the three key themes that were identified in the final version of the Rio+20 agreement—in Scotland and globally?

Stewart Stevenson: The Scottish Government's record on access to information is quite substantial. Access to environmental justice is also important. The effects of climate change include flooding, for which I have ministerial responsibility. We have, in co-operation with local authorities—which are largely responsible for taking action on flooding, while we provide some of the funding—made good progress on the issue.

Our support for projects around the world, which include a water project in southern Africa, are focused interventions that address the environmental justice agenda. We will maintain that focus.

Jim Hume (South Scotland) (LD): In the light of the lack of international progress in Rio and the fact that Scotland is partly reliant on EU action—which is not always forthcoming—to achieve climate change targets, what ambitious domestic policies does the Scottish Government have up its sleeve or is it considering in order to achieve our ambitious climate change targets?

Stewart Stevenson: Our emissions represent one seven hundredth of the world's emissions. Even if we zeroed them, that would not deal with the issue. International engagement is vital. I met again a minister from the Polish Government. Poland is one of the EU members that has greatest difficulty and I fully acknowledge that it is in a difficult position. We will continue to work with countries in the EU that have the greatest difficulty, and to show them the economic and other opportunities that exist for action, and the benefits that can be gained from engaging with the agenda.

Aileen McLeod (South Scotland) (SNP): Given the recognition, in a recent letter to the First Minister, by the UN Secretary General Ban Ki-moon that Scotland is in an "excellent position" to

provide global leadership on sustainable energy, does the minister agree that it would be much better if Scotland were a full member of the United Nations, which would allow us to make the case for international agreement directly, working in partnership with our partners across these islands, in Europe and internationally?

Stewart Stevenson: I can add to my agreement with the sentiment expressed in that question by saying that one of the people whom I met was the ambassador to the United Nations from the country of Bhutan, and he gave me a copy of a document on the UN summit that it hosted on 2 April 2012. Strangely, it is a small country with a big neighbour to which it supplies a large proportion of renewable energy, and it is in a currency union. It has a whole range of analogues with us; its people even wear the kilt, as we do. We can look elsewhere, but of course Bhutan's action and its ability to influence others is greatly enhanced by the fact that it is an independent country.

Alison Johnstone (Lothian) (Green): I thank the minister for his statement. If Scotland had been at the top table, would the minister have signed this "timid" and disappointing agreement?

Stewart Stevenson: We have to see beyond agreements and words on the page. Although the agreement is disappointing—I have said that, as others have done, and I will continue to say it—it had an interesting effect on the dynamics of the conference. It was the first time that this has happened at one of these big conferences. Because we went into the high-level political segment, which was on the Wednesday, Thursday and Friday, with the agreement basically on the table, the ministers were then not involved in the minutiae of discussing an agreement on a piece of paper, which is not a particularly fruitful activity. Instead, they started to engage in a series of bilaterals about taking real action.

With the discussion about the agreement out of the way—however "timid" it might be, and I will continue to say that it is—the nations and their senior representatives talked about real action. That was not a bad outcome, albeit that we will need to see what comes from it.

Margaret McDougall (West Scotland) (Lab): The minister spoke of new alliances to share expertise and innovation in low-carbon technologies. With that in mind, what is the Government doing to ensure that the technologies not only benefit Scotland but are exported to developing countries so that they, too, can access environmentally sound technologies and the corresponding know-how, particularly on how initial development can be sustained?

Stewart Stevenson: That is an excellent question, and it is something on which we are focused. Part of the support that we have been giving to Malawi is precisely to provide energy, particularly to rural areas. In Malawi, which is not untypical in Africa, even the cities do not have 24-hour electricity. When there is no electricity, how can people build the businesses that are important to the economy? In rural areas, the position is even worse. Our interventions are geared towards village developments that will enable constant electricity supply. That is an example of what we are doing in practice.

It is interesting to note that a single photovoltaic array of 100km by 100km in the Sahara desert would supply the whole of the world's electricity, if we could but build it.

John Wilson (Central Scotland) (SNP): I thank the minister for his statement. I share his disappointment that there was not more progress made at the Rio+20 summit. My question is on a similar subject to the previous one. Does the minister agree that the move towards a non-nuclear low-carbon economy is positive for jobs and growth, as our fast-growing renewables and low-carbon sector is delivering jobs and investment in communities across Scotland?

Stewart Stevenson: Yes. I agree that going renewable is the way forward, particularly as we move to tidal energy, which suffers much less from intermittency than wind power recognisably does. As part of our visit to the Rio+20 conference, we had a meeting with the Inter-American Development Bank and ministers from Chile, who are interested in working with us on tidal energy because they have substantial opportunities off the Pacific coast of Chile, as we do off our coasts. It is the way to go.

Jim Eadie (Edinburgh Southern) (SNP): Given Scotland's climate change ambitions, does the minister agree that we must redouble our efforts to ensure that 10 per cent of journeys in Scotland are made by bicycle by 2020? Does he agree that a step change in funding and political will is required at local and national levels if we are to meet that ambitious target and achieve climate justice?

Stewart Stevenson: I know of Jim Eadie's long-standing engagement in that issue. I was happy recently to go to the Bike Station and see the excellent work that it does in rebuilding existing bikes. I share with him the ambition to see more journeys being made sustainably; cycling should be an important part of that sustainable travel.

The Presiding Officer: I thank everybody for their co-operation.

Post-16 Learning

The Presiding Officer (Tricia Marwick): The next item of business is a statement by Michael Russell on progress on the reform of post-16 learning. The cabinet secretary will take questions at the end of his statement, so no interventions or interruptions should be made.

09:45

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Only nine months ago, I announced our plans for significant reform of Scotland's post-16 learning system. My objective was to promote jobs and growth, in order to improve our citizens' life chances. I was—and I remain—confident that we can deliver on those ambitions. Today, I will report on the excellent progress that the whole college sector has made.

College regionalisation lies at the heart of our reforms. Change of that nature and scale is inevitably complex and challenging, but I congratulate college leaders in every part of the sector—chairs, boards, principals, lecturers, support staff, students, people in unions and others—on recognising the opportunities and applying their expertise and influence. The results are already clear.

In the Highlands and Islands region, we have negotiated a new structure for the University of the Highlands and Islands, with a single outcome agreement, a single fundable body and a further education regional board under the UHI court that will, although it is part of the UHI's structure, have autonomy in its decisions.

The merger of the Scottish Agricultural College, Oatridge College, Barony College and Elmwood College is progressing well and will create Scotland's first such tertiary institution. Subject to the Scottish Further and Higher Education Funding Council's advice, I am pleased to announce that I will shortly propose an order that will, if approved by the Parliament, create the new college on 1 October.

The Edinburgh colleges are in the vanguard of change, and I will shortly approve their plan to merge the three existing colleges in October.

I am delighted that John Wheatley College, North Glasgow College and Stow College are to merge in Glasgow. That means that a college of considerable scale will take its place alongside the City of Glasgow College and the new college that will be created by a merger of Anniesland College, Cardonald College and Langside College. The three new colleges—from the seven that now exist and the nine just two years ago—will combine to

form a new region that will be a tremendous driver of skills and learning for Scotland's biggest city.

Plans for new merged regional colleges are also progressing in Fife and the west. Both regions aim for vesting days in August 2013. In Ayrshire, a joint partnership board has been established and is committed to working towards a single college outcome agreement in a region that will include Kilwinning, which is currently part of James Watt College's area.

In the Tayside region, a joint memorandum of understanding has been signed, and the colleges have commissioned an options appraisal to consider the respective merits of merger and federation. The Lanarkshire colleges have agreed a four-way federation. I share their view that that is the best thing for them, and the progress that they have recently made is enormously encouraging. The two colleges in Aberdeen and Aberdeenshire signed a federation agreement last October. They are already planning provision on a regional basis.

Work is well under way in regions that already have only one college—Dumfries and Galloway, the Borders, Forth valley and West Lothian. There—as elsewhere—the common focus is on developing outcome agreements that will deliver excellent and efficient provision.

With colleagues in the Scottish funding council, we are supporting that work and the innovative solutions that are helping to drive it forward, not least through our £15 million college transformation fund. At the same time, we are protecting college places by providing additional opportunities through the new college learning programme, which Skills Development Scotland manages and funds.

All that represents an unprecedented level of change in the sector—change that is being delivered by the colleges themselves. However, the reform is not simply about structures. We are making similarly excellent progress towards developing a robust set of regional outcome agreements. Endorsed by the Scottish Government as the basis on which our relationships with colleges should be built, outcome agreements provide a way to better meet the needs of learners and employers in every region. Outcome agreements also provide the focus for our shared priorities with the higher education sector.

Russel Griggs's premise in his report on college governance was that every region—other than the Highlands and Islands—would have one college. When possible, that is what I want. However, I believe firmly that it is for colleges to come together of their own volition in learners' best interests, so the governance arrangements will

allow for some regions to have more than one college.

Nonetheless, I propose in each region a single body that concludes a regional outcome agreement with the SFC, receives funding for the region and is held to account for delivery. In single-college regions, the regional body will be the college. In the Highlands and Islands, it will be the University of the Highlands and Islands. In other multicollege regions, it will be the new statutory regional board. That would see existing incorporated colleges reformed into two types: regional colleges and—in multicollege regions—local colleges. Regional college boards will have new duties to plan, collaborate and consult, and they will be larger than existing boards because of their new strategic role. Local college boards will be much smaller and leaner, focusing on the day-to-day operational management of the college.

College governance arrangements need greater public accountability. Therefore, my intention is that the Scottish ministers will appoint new boards to local and regional colleges only when those colleges are first reformed. Subsequently, Scottish ministers will appoint only chairs of regional boards, but there will be key criteria for a broad membership including staff and students, involving local authorities and making key links with the community planning process. Statutory appointments will be subject to the normal public appointments principles.

I shall introduce legislation at the earliest opportunity to make the necessary changes, using, where possible, existing powers to make secondary legislation to expedite the process of reform. In the meantime, we need to maintain pace and momentum. I have invited Ian McKay and Henry McLeish to lead the Edinburgh and Glasgow college regions respectively. Today, I am announcing all but one of the other people whom I have invited to lead regional planning, and I have notified the Education and Culture Committee of those details.

I am grateful to Professor Griggs and his colleagues for their thorough report. Today, I have also published my detailed response to each of the recommendations, which has been considered against the backdrop of the plans that I have outlined and the need for a legal framework that sets out the relationship between different links in the accountability chain.

In my previous statement to Parliament, I welcomed the recommendations of Professor von Prondzynski's thoroughly considered review of higher education governance, and I said that I would consider the findings with the sector. Since then, I have discussed the review's findings with a broad range of stakeholders. I will continue to do

so, but I have accepted virtually all Professor von Prondzynski's recommendations.

The most effective approach to implementing the recommendations is to do so in three distinct ways: first, by engaging key sector stakeholders as implementing partners; secondly, by engaging the sector itself in implementing the recommendations by agreement and adapting them as necessary to reflect existing good practice; and, thirdly, by employing legislation as required. As previously announced, a bill will be introduced at the earliest opportunity, although the key issue of an underpinning statute will require a second bill, which we hope to introduce within the lifetime of this Parliament.

I can announce today that the recommendation to establish an advisory forum will be taken forward by the Scottish funding council. I accept Professor von Prondzynski's proposal that the advisory forum should help to consider Government and sector interests in relation to strategic decisions and I have asked that it be convened in time to inform my next guidance letter to the Scottish funding council. I can also announce that, subject to agreement on membership, I have asked the committee of the Scottish chairs of higher education institutions to lead a group to develop a new Scottish code of good higher education governance. Membership of the committee that does that must include the voices of students, staff and the small specialist institutions.

In the midst of all this change, we must keep in mind our priority of putting learners at the centre. We have been clear from the start on the importance of fair and transparent student support in encouraging participation, progression and retention. That is why we have given an undertaking to legislate to introduce statutory widening access agreements. We have made some progress on widening access in recent years, but that progress has been too slow and we need to step it up. In addition, progression to postgraduate study levels is important if we are to ensure that Scotland is internationally competitive. Tuition fees for taught postgraduate courses are a potential barrier to progress and we have moved, by introducing tuition fee loans, to increase the number of supported places that are available to approximately 5,000 from this autumn.

Since publishing "Putting Learners at the Centre: Delivering Our Ambitions for Post-16 Education", we have worked closely with the National Union of Students Scotland to explore ways in which we could simplify the system for current and prospective higher education students. That work also sought to meet our commitment to offer a £7,000 minimum income for students from the lowest-income households, and I am pleased

that we will be able to announce in August a package of student support for the academic year 2013-14 to meet that commitment.

The Government has also been clear in its ambition to protect and enhance life chances. In April, Angela Constance launched opportunities for all, offering every 16 to 19-year-old who is not in work or learning a place in education or training. To that end, staff across our partner agencies are providing advice and support to young people to help them to access opportunities. We are also reaching out to young people and their families to tell them about opportunities for all. We must reach out to those who stand to gain—or to lose—the most.

Underpinning all this change is a need for our skills provision to support our central ambition of driving growth and employment in Scotland. I am pleased—as the whole chamber will be—to note today's publication by the Higher Education Statistics Agency, which shows that, at 90.4 per cent, more graduates in Scotland are in employment or further study than anywhere else in these islands. However, we cannot be complacent. We must continue to listen and respond to what employers need, building on existing good practice within the new, strong framework of regional outcome agreements.

My statement has covered a wide range of changes to various parts of our post-16 learning system, but, of course, there is more. Some of the changes are structural in their focus, but the purpose behind the reforms is what counts.

In January 1885, Lord Reay, then rector of the University of St Andrews, told his students:

"The chief wealth of Scotland consists in the natural resources of Scottish brains. The development of brain-power on a wide scale is what Scotland has to look to."

I endorse that statement. Scotland's learners are our greatest chief natural resource. This Scottish Government will continue to lead our ambitious efforts with their needs at the forefront of our concerns.

The Presiding Officer: The cabinet secretary will now take questions on issues raised in his statement. I intend to allow approximately 20 minutes for questions, after which we will move on to the next item of business.

Hugh Henry (Renfrewshire South) (Lab): I thank the cabinet secretary for advance sight of his statement.

Labour generally welcomes the process of improving governance and bringing more transparency and accountability to further and higher education. We also support initiatives that improve on the excellence already being delivered. We have no doubt that further

improvements can be made, but we have general concerns about the power grab by ministers, which we see particularly in relation to further education. They have forced through shotgun marriages and have introduced an unprecedented level of ministerial control and interference in our colleges. For example, new chairs and boards will be appointed, and can be removed, by ministers.

The cabinet secretary said that he has today notified the Education and Culture Committee of details of who has been invited to lead regional planning bodies. In fact, my colleagues on the committee have not yet had sight of those details; it would have been helpful to ensure that they were made available before the statement was made to Parliament.

Will the cabinet secretary spell out in detail the criteria that are being used to appoint the chairs of college and regional boards? Is the public appointments process being used for the initial appointments? If not, why not?

Scottish Labour generally welcomes the direction of travel in relation to higher education governance, but why has Parliament not been given a copy of the Scottish Government's response, as was done with the response on further education? The cabinet secretary has said that he has accepted virtually all the recommendations. Will he spell out which ones he has not accepted?

We welcome moves to improve student support. Will the cabinet secretary tell Parliament why the announcement will be made in August, rather than to the Scottish Parliament?

Michael Russell: I express my gratitude to Hugh Henry, who has generously accepted that the process of reform is one that is now supported by Labour. I welcome that conversion, and I am pleased that we have Labour's support to progress changes that have been long anticipated in the sector.

The appointments are of chairs of shadow boards, which are the bodies that will be involved in setting up the structure. Any appointments to statutory boards will, as I confirmed in my statement, go through the public appointments process, as they must. I also indicated that the only ministerial involvement will be to nominate chairs. I am glad to set that matter to rest.

I have made clear in this and previous statements that the recommendations on higher education will work their way into legislation, and I have indicated how that will happen and how we will build on it.

The timing of student support is determined, of course, by the timing of the application round. It is important that the student support arrangements

are in place when the new application round opens at the beginning of September. The arrangements are complicated and it is taking a great deal of time to put them in place. I am sure that Hugh Henry will welcome the fact that we have moved so much further than our predecessors in terms of the level of that support, and I give him a guarantee that I will ensure that the Education and Culture Committee is kept informed every step of the way, as it was this morning, when it received the list of shadow chair appointments.

Liz Smith (Mid Scotland and Fife) (Con): What evidence has emerged from the cabinet secretary's discussions with stakeholders to suggest that the reforms that are already being made by colleges and universities themselves are in some way insufficient and require Scottish Government direction?

We know from previous debates that university courts almost unanimously rejected the suggestion that their chairs should be elected. Will the cabinet secretary confirm that that is one of the recommendations in the von Prondzynski report that he will not now pursue?

In yesterday's debate on police and fire service reform, Roseanna Cunningham said that the Scottish National Party does not consider quotas for membership of governing bodies to be an acceptable way forward. Does the cabinet secretary agree with Roseanna Cunningham and therefore reject recommendation 30 in the von Prondzynski report?

Michael Russell: Again, I welcome what is clearly now broad support for the process from the Conservatives. That is a strong move forward.

My statement was entirely clear about how we should proceed with the von Prondzynski recommendations. Liz Smith has in the past quite unjustifiably accused me of trying to push or pressurise bodies, so I am sure that she will welcome the fact that I am keen to negotiate and discuss these matters. The von Prondzynski recommendations are essentially correct but, when I work with the institutions, I want to make sure that we engage—and I quote my statement:

"the sector itself in implementing the recommendations by agreement and adapting them as necessary to reflect existing good practice".

That will cover all the recommendations that I regard as good ones, but I have also said that we will have legislation as required. We are trying to move step by step with the organisations. I am sorry that Liz Smith was not listening so I will repeat what I said in my statement:

"I have asked the committee of the Scottish chairs of higher education institutions to lead a group to develop a new Scottish code of good higher education governance.

Membership of the committee that does that must include the voices of students, staff and the small specialist institutions."

We are engaging with the sector on all issues. The von Prondzynski recommendations are soundly based and important for the future, and I am having detailed discussions and negotiations with the sector so that we can get the best out of it. I would have thought that every member of Parliament would want me to do that.

The Presiding Officer: Many members wish to ask a question. I ask members to ask one question only. The cabinet secretary should be as succinct as possible in his replies.

Annabelle Ewing (Mid Scotland and Fife) (SNP): I welcome the positive progress update from the cabinet secretary. I am pleased to note that learners are still at the centre of the reforms.

Will the cabinet secretary outline the steps that Carnegie College and Adam Smith College need to take next to ensure that the new Fife regional college will be up and running by autumn 2013?

Michael Russell: Both colleges are making good progress in their discussions. Last night, I spoke to Alex Rowley, the leader of Fife Council, and I am keen to involve the local authority in the process. Among other things, we discussed the appointment of a shadow chair. I have tried to discuss that issue as widely as possible with key stakeholders. I believe that the colleges will bring forward their formal plans shortly, and I will look at them very closely. On the recommendation of the Scottish funding council, that is what I have to do.

Neil Findlay (Lothian) (Lab): We know that Scotland's colleges lost 40,000 places last year, and in Glasgow, 39,000 weighted student units of measurement—the equivalent of one full college—are being taken out of the system. How does that stack up with the commitment to maintain places?

Michael Russell: As I explained to Mr Findlay on Tuesday, all members should support the change to using full-time equivalents and meeting the real needs of unemployed young people, prioritising that under opportunities for all. If Mr Findlay simply wants to make political points about changes in weighting and the way in which colleges operate, he is entitled to do so. I am much more interested in supporting young people through the college system. We are developing a series of reforms that, because of Mr Henry's response, I thought Labour welcomed. Clearly, Mr Findlay still has some catching up to do.

Roderick Campbell (North East Fife) (SNP): I welcome today's statement. Will the cabinet secretary provide further information on widening access to universities and the steps that will be taken to improve that?

Michael Russell: We have to put into statute the issue of widening access agreements, which are part of the outcome agreements with the higher education sector. We will do that, which will allow us to ensure that we have carrots and sticks—although I am more in favour of using carrots than sticks. We must continue to drive up access and get it moving faster than it has been doing. Some universities have done exceptionally well, and some have done very poorly; I want to make sure that all do exceptionally well.

Graeme Dey (Angus South) (SNP): As the cabinet secretary is aware, most if not all colleges have a single staff representative on their boards, drawn from the entire staff pool, which may mean that there is no trade union or lecturer representation at the top table. How might that change under the reforms?

Michael Russell: Given the difference in size between regional and local colleges, it is anticipated that in local colleges there would be a minimum of one representative. I say “minimum” because there is scope for greater involvement, which boards should consider. In regional colleges, the minimum should be two, although, again, colleges can appoint more. When colleges come together, which a number of colleges have done, they may want to have interim arrangements to ensure that all the colleges are well represented and all the staff feel satisfied.

I stress a point that I stressed when Mr Findlay brought a group of staff and students from the agricultural sector to see me, which is that I want staff and students to be integrally involved in the planning and delivery of all these changes and, thereafter, in the successful management of the institutions. That is the intention, which I hope that legislation will fulfil.

Kezia Dugdale (Lothian) (Lab): I thank the cabinet secretary for his statement, in which he accepts

“virtually all Professor von Prondzynski’s recommendations”,

one of which was to ensure that at least 40 per cent of a governing body’s board membership is female. I ask him very specifically whether he accepted that recommendation. If not, what is it about progressing the case for gender equality that he disagrees with?

Michael Russell: I hope that that angry question can be turned away by my strong support for the principle in the Prondzynski report. I hope that that will be one of the issues that will progress through the process that I have described today.

Kezia Dugdale: Is that a yes or a no?

Michael Russell: If the member would simply accept that I am trying to agree with her, that

would be a very good end to a long session in which we have had far too much negativity.

Neil Findlay: Is that a yes or a no?

Michael Russell: Mr Findlay cannot take a positive response for an answer. That really says it all about Labour, and it is why Labour is still 13 points behind.

Jean Urquhart (Highlands and Islands) (SNP): As the cabinet secretary explained in his statement, the set-up of the Highlands and Islands further education regional board will be slightly different from the set-up in other regions, with the board sitting under the UHI court. Will the cabinet secretary explain how autonomy of decision making will be guaranteed for the board?

Michael Russell: I pay tribute to Jean Urquhart, who has been very much part of the University of the Highlands and Islands over the years. The development of the UHI structure has been a long process. It has had to take account of not just the unique geography but the unique ecostructure in the Highlands and Islands. We need to ensure that there is an autonomous further education board because it will have about £90 million to disperse, which is three times the amount that UHI has. It is very important that we have a structure that allows that to happen in the interests of further education, and which is integrated with the overall learner journey in the Highlands and Islands.

I have asked Michael Foxley to take on the initial task of chairing a small group in UHI to devise the correct structure. He is doing that now, with the agreement of the university and with the involvement of key players throughout the Highlands and Islands. Once that is done, that body will, I hope, move into the shadow body that will start to implement the work. I am keen to get Michael Foxley’s recommendations. He is a very talented individual and I am sure that he will bring us some interesting stuff.

Neil Bibby (West Scotland) (Lab): The cabinet secretary states that the reforms will maintain college places. I recently received an e-mail from a lecturer at Reid Kerr College in Paisley, who says that numerous courses for students with special needs have been cut. Will the cabinet secretary confirm that college places for students with special needs will be maintained?

Michael Russell: I have met a number of organisations that deal with that issue. I have made a commitment that it should come within the outcome agreements. I want those places to be maintained.

Two weeks ago, I met the principal of Reid Kerr College and the named shadow chair of the new west region, who is the chair of one of the existing colleges. They confirmed to me the commitment in

their area and throughout the sector to students with special needs. I have no difficulty in confirming that.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): I welcome the progress in the Ayrshire further education region, where a joint partnership board has now been established; of course, I also welcome the SNP Government's £50 million investment in a new college facility in Kilmarnock.

How does the cabinet secretary see the code of good governance for higher education in Scotland taking shape? What is the timescale for delivery?

The Presiding Officer: Cabinet secretary, you have a wee bit of time in hand.

Michael Russell: I met representatives and chairs of university courts some weeks ago. We discussed the body that they would establish in order to devise the code. Last week, I met the chairs of the small specialist institutions and asked them to join in the process, and they have indicated that they will. I have said to the chairs of the university courts that I want to ensure that staff and students are involved in the process. Subject to that being done to my satisfaction, that is how we will proceed.

The important thing to say is that the von Prondzynski report and the recommendations are radical, well thought through and detailed and will produce a better sector. I have indicated how we want to deal with the report. I remain dedicated to its radical nature, and we will put that system in place. Rather than carping at that, I want everyone to say, "This is a good thing; let's make it happen." We will make it happen if we have detailed negotiation and discussion with the sector, which is precisely what I am committed to. I am pleased that the chamber has at last endorsed the principle of the changes. Now, let us work together on the details.

Hugh Henry: On a point of order, Presiding Officer. I know that you have an aspiration that members should be able to hold ministers to account and that that is an important principle for you. That aspiration can be delivered only if ministers are prepared to offer information and answer questions that are asked.

Today, the cabinet secretary has said that he has accepted

"virtually all Professor von Prondzynski's recommendations".

That suggests that he knows what he has accepted and what he has not accepted. On three occasions, he was asked what he has not accepted, but we are still waiting on an answer. Can you ensure that, in order to hold ministers to account, we can get an answer to a straight question?

The Presiding Officer: I thank Mr Henry for his point of order. He knows that, as previous Presiding Officers have said, ministers' answers are their responsibility, and their responsibility alone.

Long Leases (Scotland) Bill: Stage 3

10:12

The Presiding Officer (Tricia Marwick): The next item of business is stage 3 proceedings on the Long Leases (Scotland) Bill. In dealing with the amendments, members should have before them the bill as amended at stage 2, which is SP bill 7A, and the marshalled list, which is SP bill 7A-ML.

The division bell will sound and proceedings will be suspended for five minutes, should there be a division. The period of voting for the division will be 30 seconds.

Members who wish to speak in the debate on the amendment should press their request-to-speak button.

Members should now refer to the marshalled list of amendments. It would be helpful if members would take their seats so that we can have a bit of order in the chamber.

Section 1—Meaning of “qualifying lease”

The Presiding Officer: Amendment 1 is in the name of Jim Hume.

Jim Hume (South Scotland) (LD): I rise to speak to my amendment—the only amendment.

The term “common good” was recognised in Scottish law as far back as 1491, allegedly, and, more recently, in the Glasgow Airport Rail Link Act 2007, the Housing (Scotland) Act 2010 and the Local Government etc (Scotland) Act 1994. There is, therefore, not much doubt that we all know what “common good land and assets” means—assets that are held for the common good of our communities and people.

In a recent letter to the Rural Affairs, Climate Change and Environment Committee, Stewart Stevenson said:

“I do not consider we have enough evidence in relation to the common good that the bill will impact adversely on the public interest”.

However, in evidence, the number of common good properties that may be affected by the bill changed from four last year to six, and later changed to nine. It became clear that there is a lack of knowledge, and therefore evidence, of where common good assets are and how many there may be. That lack of knowledge is evident at national and local government level. Given that the number grew to nine in a short time, there is no guarantee that there are not other common good properties that might be adversely affected by the bill.

The minister told the committee that there is “not absolute certainty” about how many common good assets might be affected. That uncertainty only adds weight to the importance of the general principle of my amendment to protect common good property.

That does not mean that the amendment would put a burden on local authorities. At stage 2, Annabelle Ewing seemed concerned that my amendment would be costly to councils by making them hold a register of common good assets, but the very opposite is the case. The amendment would simply give councils the powers to protect common good assets that are entrusted to them in safekeeping for their communities, not a burden of a new register. It would protect local authorities’ ability to protect common good assets that are entrusted to them in the interest of our communities and the common good of our people.

I will move my amendment to protect common good assets for the common good of our people against any unintended consequences of the bill.

I move amendment 1.

10:15

The Deputy Presiding Officer (Elaine Smith): A number of members wish to speak. I ask them to take around two minutes.

Alex Fergusson (Galloway and West Dumfries) (Con): I do not think that I will need two minutes.

I still believe that the issue of common good is a matter of considerable complexity and that the number of common good leases throughout the country remains unclear. That concerns me. Unfortunately, I was unable to attend the stage 2 committee meeting on the bill, but, if I had done so, I would have supported Jim Hume’s amendment, which would have resulted in a 5:4 division, which would have been a little closer than the 5:3 division that there was.

Having previously accepted the view in the committee report that, although concern remains about the bill’s impact on common good assets, it should not provide for an exemption, I now think, on reflection, that that view should be reconsidered in order to avoid possible further conflict and the need to revisit the issue in the future, should it become a genuine grievance. I acknowledge that complexities would arise from including an exemption in the bill and understand the minister’s decision not to lodge an amendment in relation to the common good, as it is likely to impact on only a very few cases, but I feel sure that the minister would agree that complexity alone should not be a valid excuse for failing to amend legislation where that is necessary, and we

should not be encouraged to agree to legislation on issues that remain unclear, as they do in a number of common good cases.

I am persuaded that the amendment is in the public interest and I therefore support it.

Claudia Beamish (South Scotland) (Lab): Scottish Labour is glad that the relationship between common good land and ultra-long leases was debated at length in the committee. A considerable amount of evidence was received. In fact, due to the lack of response from some local authorities, the committee pushed matters and in the end received responses from all the local authorities. Seeking and receiving clarification has been in the public interest.

At stage 1, the committee was undecided on the issue of common good exemption. At stage 2, we supported Jim Hume's amendment from a desire to protect the public interest. The Waverley market issue has now been resolved, and the only long lease that will transfer to a private landlord—Buccleuch Estates—has more than 800 years to run. There would, in effect, be no public interest in exempting the common good for that specific case.

Alex Fergusson: I accept what the member says about the Buccleuch lease in the context of common good cases that we know about, but we know that there is no clarity about the situation. Would she therefore accept that there is still a need to protect the common good? That is what she talked about in discussing the amendment at stage 2.

Claudia Beamish: I agree with the member that there is a need to protect the common good, but I am coming to the point about whether there are likely to be any other ultra-long leases.

The other eight leases will transfer to public ownership, protecting the public interest, so there is not a reason for exemption. After consideration and discussion, Scottish Labour is of the view—this answers the member's point—that there is very little likelihood that further parcels of common good land that are subject to ultra-long leases have not been identified and that, if there are any, the identified parcels will not be of great value. Therefore, we are not minded to support the amendment.

Jim Hume: The member will recall that the minister stated that there was uncertainty about whether there were other ultra-long leases and that she herself stated that protecting the public interest was important and that the amendment, which has not changed since stage 2, would

“provide an effective way of doing that in relation to those parcels of common good land with long leases that have been identified.”—[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 16 May 2012; c 940.]

Why on earth has the member done a U-turn at such short notice?

Claudia Beamish: It is not a case of doing a U-turn. We believe that, as all the local authorities have responded to the question on ultra-long leases, it is extremely unlikely that other such leases exist. We decided after much deliberation and discussion within our party and with others that we are not minded to support the amendment.

The Deputy Presiding Officer: Before I call Annabelle Ewing, I remind members that any conversations should take place outwith the chamber. Members may want to catch up with colleagues before the recess, but I would appreciate it if they showed courtesy and did so outwith the chamber.

Annabelle Ewing (Mid Scotland and Fife) (SNP): On the issue of U-turns, it is important to note that the committee unanimously concluded at stage 1 that it did not wish to include in the bill a provision on the common good. Perhaps Mr Hume should reflect on that for his further comments.

I said at stage 2 that an equivalent amendment by Mr Hume would introduce legal uncertainty in light of the lack of clarity on what is or is not—or, indeed, never could be—regarded as common good land, given that there is no definitive list of such land. That was my key point.

It should be recalled what the bill's fundamental purpose is, which is the simplification of Scots law on property by the automatic conversion on a specified date to ownership of land that landlords, including local authority landlords, have already granted de facto ownership of to tenants holding that land on a long lease as defined. The proposed amendment would cut across that fundamental purpose and create legal uncertainty.

It is perhaps helpful to say to Mr Hume and Mr Fergusson that I understand that they wish to have a discussion on the common good, as we all did in the committee, and find a vehicle for taking it into account, but the bill is not that vehicle, for the reasons that I have stated. The vehicle may be the newly announced proposal for a community empowerment and renewal bill. The consultation document on the proposal has made it quite clear that the issue of common good is to be considered. I suggest to the two members that that proposed bill would be a better vehicle for consideration of the more general operation of common good issues.

The Deputy Presiding Officer: I call the cabinet secretary.

The Minister for Environment and Climate Change (Stewart Stevenson): Thank you for the promotion. [*Laughter.*]

Alex Fergusson: It is only a matter of time.

Stewart Stevenson: There is not long enough, but there we are.

Common good has been regularly raised as an issue throughout the bill's proceedings. There has been some criticism that the information provided by local authorities to the Government of the number of ultra-long leases of common good land has changed as the bill has gone forward. That has been referred to in the debate. However, I do not think that that is surprising. The landlord in most ultra-long leases has little involvement in the property. Typically, the rental is very low—it is generally under £5 a year and it is often not collected at all. Therefore, local authorities have little day-to-day interest, financial or otherwise, in ultra-long leases where they are the landlord. Other landlords of ultra-long leases also have little day-to-day interest in them. That is, in brief, the point of the bill.

However, given the importance of common good land, we have gone to some lengths to obtain information from local authorities. Authorities have identified nine ultra-long leases of common good land. The three in Dumfries and Galloway, which have been referred to in the debate, are for 999 years and were let some 200 years ago. That is a very common length for an ultra-long lease. The lease in South Ayrshire is to a trust and relates to a museum. In one of the leases where Glasgow is the landlord, another local authority is the tenant. The two parkland leases in Glasgow seem to relate to recreational facilities and to police activities. The lease in Edinburgh is very small and covers a few square feet that gives someone access to their house. The lease in Stonehaven is to a recreational body.

The key point is that ultra-long leases should convert under the bill, unless there is a good reason why they should not. It appears that, in leases of common good land, the real interest is already held by the tenant, which is in line with what we would expect in ultra-long leases. Compensatory and additional payments are payable by tenants to landlords under the bill. We will write to local authorities to say that any such payments relating to common good land should be allocated to the common good fund. Indeed, we have already prepared a draft of that letter for issue if the bill passes stage 3 and royal assent is granted.

As I said at stage 2, we have specific concerns about Jim Hume's amendment, well intentioned though it is. It would exempt all common good leases, even those to a trust or a local authority. It is not clear from the amendment how common good status would be established, given that Registers of Scotland would not know that from the deeds that are registered with it.

It is also not clear what would happen if an ultra-long lease that had converted under the bill was subsequently found, after the appointed day, to be part of the common good fund.

As the bill stands, it is possible for any compensatory and additional payments that are received by the authority in respect of the land to be transferred to the common good fund. If the land converts and then it is discovered that it should have been exempt, it is not clear who would own the land. There are real difficulties there.

Mr Hume talked about lack of evidence—I acknowledge that there is uncertainty. We cannot eliminate that uncertainty today. Mr Fergusson said that the whole issue should be reconsidered. I agree with him.

I recognise the general points about the common good that were raised during the passage of the bill. We should reconsider the issue via the consultation on the community empowerment and renewal bill, which was launched on 6 June. The consultation asks specific questions about the common good. That provides a forum for examining this subject to ensure that all its undoubted complexities—we have established that this is quite a complex issue—are identified so that an appropriate solution can be developed.

It is worth reminding members that, under the bill, the appointed day is two years after the coming into force of the relevant section, so it is some distance in the future. It ought to be possible to consider this in the context of the community empowerment and renewal bill before we reach the appointed day.

We will continue to work with local authorities and others on updating common good registers. It is important that local authorities have good information on this subject and we encourage them to continue to improve their information. However, the Government cannot support the amendment and I invite Jim Hume not to press it. If he does press it, I invite the Parliament to reject it.

The Deputy Presiding Officer: I will take this opportunity to put you back in your proper place—thank you, minister.

Jim Hume: Thank you, Presiding Officer; it is always good to see Stewart Stevenson put in his proper place.

All joking aside, I think that this has been an interesting debate. There is still some controversy—[*Interruption.*—] I was getting a bit of an earache in my left ear there, apologies for that. If I may continue—[*Interruption.*]

The Deputy Presiding Officer: I would appreciate it if you could, as we are running out of time.

Jim Hume: It has been an interesting debate. I appreciate the minister looking into the issue and taking the matter seriously. I still have concerns. The most bizarre part of the whole debate has been the 11th hour U-turn by the Labour Party. Last month, at stage 2, Claudia Beamish said in reference to this amendment that

“it is important to protect the public interest, and the amendment would provide an effective way of doing that”—[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 16 May 2012; c 942.]

Margaret McDougall also stated that the amendment would be a good way of protecting assets.

Claudia Beamish: Does the member not accept that there have been developments since stage 2—that is what I highlighted earlier.

Jim Hume: The only development that Claudia Beamish mentioned was that she had talked with her colleagues and some others. There has been no extra evidence since stage 2 and uncertainty remains over how many common good assets there may be.

Annabelle Ewing said that there would be legal uncertainty; that there is no definitive list of common good land; and that other bills might address the issue. However, we have to address issues using the bills that are before us. I repeat that local authorities could have used an exemption in this bill to protect common good assets.

I admit that Stewart Stevenson has been helpful. He mentioned that any payments that occur should go back to common good funds and he said that he would write to local authorities about that. That is welcome but, of course, it does not guarantee that local authorities will do it. Therefore, at the risk of being the most unpopular member of the Scottish Parliament—at least this morning—I will press amendment 1.

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

Members: No.

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

10:30

Meeting suspended.

10:35

On resuming—

The Deputy Presiding Officer: We will proceed with the division.

For

Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)

Against

Adam, Brian (Aberdeen Donside) (SNP)
 Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)

Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 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, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (North East Scotland) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 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 17, Against 93, Abstentions 0.

Amendment 1 disagreed to.

The Deputy Presiding Officer: That ends consideration of amendments.

Long Leases (Scotland) Bill

The Deputy Presiding Officer (Elaine Smith):

The next item of business is a debate on motion S4M-03408, in the name of Stewart Stevenson, on the Long Leases (Scotland) Bill.

Before I invite the minister to open the debate, I call the Cabinet Secretary for Rural Affairs and the Environment to signify Crown consent to the bill.

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): As the real cabinet secretary, I have pleasure in saying that, for the purposes of rule 9.11 of the standing orders, I advise the Parliament that Her Majesty, having been informed of the purport of the Long Leases (Scotland) Bill, has consented to place her prerogative and interest, so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

The Deputy Presiding Officer: Many thanks, cabinet secretary.

I call Stewart Stevenson to speak to and move the motion. Minister, you have 10 minutes.

10:37

The Minister for Environment and Climate Change (Stewart Stevenson): Although this is quite a lengthy bill, its key principle is very simple: it converts to ownership ultra-long leases, which are defined as those that are more than 175 years long and which, in the case of residential property, have more than 100 years left to run at the appointed day or, in the case of non-residential property, more than 175 years left to run.

Under the bill, renewals that the landlord is obliged to grant are taken into account when calculating the duration of leases. Examples of that can be found in Blairgowrie. We estimate that the bill will cover around 9,000 leases, but it excludes leases in which the annual rental is more than £100 and in which, therefore, the landlord has retained a genuine interest.

The bill is a modest simplification of property law. Although ultra-long leases are akin to ownership, they are not quite ownership and that can cause problems. For a start, there may be inappropriate conditions in what are often quite old leases. Lenders might not fully understand the precise nature of the title, which might make it harder for the tenant to obtain a loan using the property as security. Moreover, conveyancing lawyers have told us that they groan at the sight of an ultra-long lease, as it makes completing a transaction relating to the property more complex.

Reform was therefore needed. At the end of 2006, the Scottish Law Commission produced the

report that we are now seeking to implement. As the Law Commission said when it issued its report, the aim is to

“bring law and reality into line by converting such leases into ownership.”

The implementation of the report is part of the implementation of a series of reports on property law by the Law Commission. The work includes the Abolition of Feudal Tenure etc (Scotland) Act 2000, the Leasehold Casualty (Scotland) Act 2001, the Title Conditions (Scotland) Act 2003 and the Tenements (Scotland) Act 2004. Indeed, work on the reform of property law and the abolition of feudal tenure has been going on for some time. For example, the Land Tenure Reform (Scotland) Act 1974 prohibited new feu duties, conferred a right to redeem feu duties voluntarily and provided for the compulsory redemption of existing feu duties when a property was sold. So this bill completes an aspect of property law reform. I take this opportunity to record my thanks to the Law Commission for its work on property law reform.

We have, of course, just appointed a new chair of the Law Commission: Lady Clark of Calton. Lynda Clark will be known to many of us, and the Government looks forward to working with her on the reports that the commission produces and on helping to implement those reports.

The value of the commission’s work is shown by the detail of the bill. I said that the bill has a simple concept at its heart—conversion to ownership—but it has to protect landlords’ rights, too, which is one of the reasons why it is fairly lengthy.

The bill makes provision for a number of leasehold conditions to convert to real burdens in the title deeds; it allows landlords to preserve sporting rights; it makes provision for compensatory payments to be made, based on the rent that the landlord will lose; and it makes provision for additional payments to be made, to reflect other rights that the landlord may lose.

In many cases, the detail of the bill may not have much impact on individual leases. On sporting rights, the commission noted in paragraph 5.13 of its report:

“Although not common in the context of ultra-long leases, the rights where they exist may be of considerable value.”

The typical annual rental in an ultra-long lease is less than £5, so the compensation for the loss of rent will, inevitably, not amount to very much either. The commission noted in paragraph 6.28 of its report that cases where additional payments will be claimed

“are likely to be rare”.

However, the provisions will be needed in some cases and they are there to protect landlords’ rights.

There has been vigorous debate about some of the provisions of the bill when it was considered during the previous parliamentary session by the Justice Committee and when it was considered this time around by the Rural Affairs, Climate Change and Environment Committee. The bill has been improved as a result. The scrutiny that the bill received at stage 1 showed the benefit of the Parliament’s processes, and we have had the benefit of two excellent stage 1 reports.

Before the bill was introduced to Parliament again in January, we made some amendments to reflect the Justice Committee’s report. We added an exemption for harbours, we clarified the exemption for pipes and cables, and we made provision to allow landlords to register an exemption where the rental is over £100 a year. That reflects the fact that the lease may include variable rental, which can mean that the annual rent paid is more than £100 a year.

In this parliamentary session, further amendments have been made to reflect the evidence that was taken. We have amended the requirement in relation to the unexpired portion of a lease, to draw a distinction between residential and non-residential leases; and we amended section 2 to reflect the fact that the annual rent payable under a lease can be varied by a registered minute of variation or agreement.

I appreciate that much has been made about the common good—the debate that we have just had reflects that. The Government is taking very seriously the issues that were raised in that debate. However, we are very reluctant to cut across the general principle in the bill, which is that ultra-long leases akin to ownership should convert to actual ownership.

The bill is part of wider work that has been carried out to reform property law. Clarifying the law in this way will make life easier for tenants in ultra-long leases and lenders and solicitors engaged in transactions relating to the properties. Ultimately, I presume that its simplification will relieve many transfer transaction costs. The bill is not magically going to transform the world, but I think that I can say without fear of contradiction that the simplification will be welcomed by practitioners in the field.

I commend the bill to Parliament and look forward to the concluding debate.

10:45

Claire Baker (Mid Scotland and Fife) (Lab): I am pleased to take part in this stage 3 debate. As

the parliamentary term comes to an end there is a cluster of stage 3 debates, although we are more concise this morning than we were yesterday. If it had not been for Jim Hume raising the thorny issue of common good land, there is a chance that we would have had no amendments to the bill at all.

After our recent cautious approach to the Agricultural Holdings (Amendment) (Scotland) Bill, in relation to which we took a wait-and-see approach on many issues, the rural portfolio may be starting to get a reputation, although the minister might welcome that.

Although we did not support Jim Hume's proposal today, I welcome the debate that we had on the issue of common good land, which I am sure will be discussed in more detail this morning. I thank the Rural Affairs, Climate Change and Environment Committee for its scrutiny of the bill, and I thank all the witnesses who submitted evidence.

The bill has been thoroughly scrutinised, having gone before the Justice Committee in the previous session of Parliament. Changes were made to the previous piece of legislation to take into account the concerns that were raised during that process; I imagine that that has played a role in our having a limited number of amendments this time round.

The disadvantages of ultra-long leases are evident. The landlord can place restrictions and other obligations on the tenant, although only a very small income stream is provided to the landlord and the length of the lease means in effect that the tenant is the owner and the landlord has very little real interest. On the appointed day in 2015, all appropriate ultra-long leases will convert to ownership. That all sounds quite simple, but the bill is a technically complex piece of legislation, and the contribution from all parties should be recognised.

Our stage 1 debate raised many points to which we returned at stage 2, most notably the concerns around Waverley market. Many members called for a solution to the prospect that Waverley market would transfer from public authority to private ownership. The City of Edinburgh Council argued that that would severely compromise the public interest in the site, and that its location within a United Nations Educational, Scientific and Cultural Organization world heritage site meant that the transfer of ownership would not be appropriate. It also argued that the—admittedly unusual—terms of the lease meant that the grassum should be taken into account as rent to move the site out of the scope of the bill. Others argued that the site should be recognised as common good land, and as such should be exempt from the provisions in the bill.

Initially, the Scottish Government appeared to be reluctant to accept any of those arguments. Although the minister was technically correct in his view of grassum, for example, I and other members were pleased to receive at stage 1 a commitment from him to look at the detail of that particular case in order to find a solution. The minister's solution appeared at stage 2, although the fact that no member of the committee asked any questions about his amendment suggests that the minister's "relatively lengthy remarks"—as he referred to them—did not explain the amendment's significance in plain language.

I admit that I was not at the committee meeting, and it took me a few readings of the *Official Report* to appreciate the amendment's significance for Waverley market. However, it appears that, by splitting the conditions for residential and non-residential leases and changing the length of time left on the lease of non-residential leases from 100 years to 175 years, a neat solution was found that has little impact on other long leases but results in the City of Edinburgh Council retaining ownership of Waverley market.

Common good land continues to present challenges for public bodies and communities. Whenever the Scottish Parliament considers issues of land ownership, persistent frustrations with common good land arise in relation to identification, ownership and use of the land.

With regard to the bill, neither the Justice Committee nor the Rural Affairs, Climate Change and Environment Committee came to a firm decision about the best way to proceed on exemption during their stage 1 discussions. Although we did not support Jim Hume's amendment today, for reasons that Claudia Beamish identified, I appreciate his focus on retaining the public interest.

Jim Hume (South Scotland) (LD): Claire Baker mentioned that Labour changed its mind because of new evidence from Claudia Beamish. Can she repeat what that new evidence was?

Claire Baker: There was a discussion on Waverley market at stage 2. Once it became clear that the amendment exempted Waverley market, that was an important factor. I will go on to explain the reasons why.

The narrowness of the criteria in the bill—principally, the length of the lease and the amount of money involved—limits the impact on common good land. Although we accept that the minister cannot be definitive about the amount of land that may be affected—Alex Fergusson raised that point—and that the complexities of common good mean that we probably never can be, I accept that if further land is identified that will be of limited significance.

I was not entirely convinced by the minister's argument on legal challenge, as that would depend on additional identification. I have a level of confidence that the level of legal challenge would be extremely limited, if there was any such challenge at all, although given that the number of affected parcels of land continually increased—albeit that it never reached double figures—that confidence may be misplaced.

Stewart Stevenson: I suspect that most members will have experience of constituency work that involved considering whether a piece of land in their community was common good land. The concern that arises is that if we were to adopt the approach to which Claire Baker refers, it might create a charter for anyone to use the process to challenge almost any disposal of property that a council might make, which would hold up many projects that we would all wish to see progress. It would introduce uncertainty and, potentially, substantial expense for no substantial public benefit. Dealing with matters in the way in which we plan to do in the consultation that is open—to which I encourage everyone to respond, by the way—is probably a better way to proceed. We all agree that the issue is complex and not well understood.

Claire Baker: Reconciling the Government's confidence that only eight pieces of land were affected with its argument that legal challenges might arise in the future was what I had difficulty with. However, now that Waverley is out of the equation, I believe that the principle of protecting the public interest is upheld, in the vast majority of cases, by the transfer from public to public authority.

Claudia Beamish correctly raised concerns about the transfer of parcels of land from Dumfries and Galloway Council to Buccleuch Estates, which will be a transfer from public to private ownership. In that case, the length of the lease impacts on our understanding of the public interest. By the time the lease expires, I am not confident that there will still be a Dumfries and Galloway Council to return the land to. We are dealing with the consequences of decisions that were made in the early 1800s and although that may not be the outcome that we desire, we are limited in how the situation can be resolved. In that context, the minister's comments that the bill is an attempt to bring law and reality into line are relevant.

The law and practices surrounding common good land, its use and its identification are tangled. As MSPs, we are all aware of those challenges. In evidence to the committee, the representative of Brodies LLP said:

"It seems to me that common good has been an issue for a few hundred years and is a matter that is not going to resolve itself. If it were to receive the attentions of the

Parliament, that may be a favour to all concerned with it."—*[Official Report, Rural Affairs, Climate Change and Environment Committee, 22 February 2012; c 624.]*

The minister may wish to reflect on that point.

Finally, although the bill does not address this issue, there are concerns about implementation and the role of the Registers of Scotland. The fact that a specific exercise will not be undertaken to update the land register of Scotland to reflect the conversion of ultra-long leases to ownership raises concerns that the register will not be accurate and correct. We recently passed the Land Registration etc (Scotland) Bill and it seems incongruous that we are now passing a bill that is likely to add to the inaccuracy of the land register. The Economy, Energy and Tourism Committee called for further information to be provided on plans to complete the register, including a target date for completion of the register. That call reflects concerns about the accurate inclusion of ultra-long leases once they are transferred to ownership. Perhaps the minister can provide more detail on that in his closing speech.

The bill makes a contribution towards Scotland's land laws becoming more transparent and more relevant to modern expectations.

10:53

Alex Fergusson (Galloway and West Dumfries) (Con): Like Claire Baker, I was not present for the stage 2 discussions at which the two amendments were debated but, like her, I have spent some time studying what the minister referred to as his "relatively lengthy remarks" on the subject of one of them. Unlike Claire Baker, I was not much the wiser having studied those remarks. That is not a reflection on the minister; it is entirely a reflection on my ability to absorb fairly technical information.

Despite that inability, I am happy to take part in today's debate, the outcome of which will mark the final stage of the Scottish Law Commission's structural review of land law and, therefore, the abolition, in effect, of the feudal system in Scotland. No one in the chamber will mourn its passing.

The Scottish Government has estimated that there are currently some 9,000 ultra-long leases in Scotland that are eligible for conversion under the bill. As we are all very well aware by now, broadly speaking, an ultra-long lease, as the minister said, is defined as a registered lease of more than 175 years. The Abolition of Feudal Tenure etc (Scotland) Act 2000 prohibited the granting of any type of lease for longer than that and converted other types of quasi-ownership to true ownership.

The leases that are eligible for conversion under the bill are those that have more than 100 years

left to run. The main policy rationale for the bill is that a tenant's right under a long lease is akin to a right of ownership. The bill therefore provides for such a right to be automatically converted to a right of ownership, with compensation being paid to the former landowner if necessary.

I apologise for the repetition, Presiding Officer, but I guarantee that it will not be the last bit of repetition that we hear in the debate.

I am pleased that the bill has passed through the Parliament relatively swiftly and with little contention, but a couple of points continue to be grounds for a little concern. In his opening remarks, the minister described the bill as modest, and so it is, but as he acknowledged, it is also complex. There are a lot of complexities in the issue, and where there is complexity, there is concern.

One of those issues is the common good. I am sorry that Jim Hume's amendment was defeated this morning. I remain somewhat mystified as to Labour's change of position, but it is not the first time that we have seen such a thing. As a result of the defeat of the amendment, the bill is not as tidy as it could have been. Members can call me old fashioned if they will, but I do not believe that we should be in the business of passing untidy legislation.

The second issue about which I remain to be convinced—Claire Baker touched on it—is the lack of a statutory requirement for Registers of Scotland to update the land register to reflect the change in ownership once an ultra-long lease has been converted to ownership. In response to my intervention on the issue during the stage 1 debate, the minister tried to appease me by arguing as follows:

"Registers of Scotland has decided not to carry out a bespoke exercise to update the land register as a result of the bill as it now stands, because updating the land register is not required for the bill to work."

He went on to say that the conversion

"will happen independently of any action that is taken by Registers of Scotland."—[*Official Report*, 25 April 2012; c 8366.]

I remain concerned that, as a result of that, the land register will wrongly show the original landlord as the owner and the new owner as the tenant. Surely, if only for the sake of the accuracy of Scottish property law, it is important that the register can be relied upon, yet if there remains no requirement to update the register, it cannot be.

The minister mentioned the Land Registration etc (Scotland) Bill, which was recently agreed to, and indicated that perhaps that would be the correct vehicle through which to address the issue. I understand that his officials will work closely with Registers of Scotland to ensure that the land

register is kept as up to date as possible. I welcome that, but even if, as the minister stated in the stage 1 debate, the two pieces of legislation will work in tandem, I remain to be convinced of the reasoning behind the refusal to make a particular provision in the Long Leases (Scotland) Bill merely because of the possible complexity involved. Others might expand on or otherwise comment on the issue during the debate, but I cannot accept that complexity alone is a reason not to address an issue.

Stewart Stevenson: There are perhaps two things to say on the subject. Similarly to the position with the abolition of feudal payments, which essentially crystallised on the sale or disposal of property, transfer of ownership at a later date will ensure that, from that point onwards, the register is clear. However, even today, the register will note the interests of the tenant and landlord. Lawyers are perfectly aware of the bill and will be aware that the ownership has transferred. Also, it will be open to the tenant, if they wish to have the register updated, to take action to do that.

The effect is to distribute the work over a much longer period, so we will have a much more cost-effective solution to the issue without creating unnecessary legal issues.

The Deputy Presiding Officer (John Scott): Briefly, please, Mr Fergusson.

Alex Fergusson: I am grateful to the minister for that explanation. I hear what he says. The Presiding Officer has indicated that my time is up, so I will reflect on that before I make my closing remarks.

For the time being, I am pleased to note that the bill has got to stage 3 with relatively little contention. I welcome the fact that the end of the feudal system is now within our grasp.

10:59

Annabelle Ewing (Mid Scotland and Fife) (SNP): As the Rural Affairs, Climate Change and Environment Committee's deputy convener, I am pleased to speak in the debate. Our committee was the lead committee on the bill in this parliamentary session, but I pay tribute to the Justice Committee in the previous session for its hard work. That committee secured significant progress on a similar bill but could not complete that work because of what could be regarded as an immutable deadline in this place—an election. I say well done to that committee.

As we have heard, the bill will complete a substantial piece of work by the Scottish Law Commission on the reform of Scots property law. The key element of that reform was the abolition of

feudal tenure, which was a significant development in Scots property law. Like the minister, I pay tribute to the commission for its hard work. I, too, am pleased to hear that Lynda Clark will take on a new role, in which I wish her well.

The bill will facilitate the objective that was set forth—abolishing the feudal system—by converting to ownership instances of what could be termed *de facto* ownership, in which a tenant holds over land a registered long lease, as defined in the bill. That is akin to being the owner of the land, but the tenant is not the heritable proprietor, as we have heard.

Conversion will be automatic if the relevant thresholds are passed—they are defined as a rent of more than £100 and, as we have heard, a lease duration of more than 175 years with 100 years or more left to run for residential long leases or with more than 175 years left to run for non-residential long leases. It is important to bear it in mind that a tenant may opt out of automatic conversion. Compensation will be payable to the landlord, although—in keeping with the terms of long leases—the compensation will not be a hugely significant sum.

Those are the bare bones of the bill. As we have heard, some amendments were made to it. As the minister said, they have served to improve the bill's drafting. We have heard about the contentious part of the debate and in particular about the common good—that was discussed at stage 3 this morning. It is absolutely clear that, if we have an automatic trigger date for the entry into force of the key provision on automatic conversion and if we have a system in which the keeper is not on the face of it in a position to know whether land is common good, it cannot be in the public interest that legal uncertainty could be created by asking who the owner is, if that is not the tenant who would become the heritable proprietor on automatic conversion.

As a conveyancing lawyer in a previous life, I understand absolutely the mechanics of how the system would work in practice, and I know that the proposal in the stage 3 amendment would not have worked in practice. I am pleased that the Labour group changed to a much more sensible position and listened to the debate, and I am also pleased that the Parliament rejected the unworkable amendment that was lodged.

I am pleased to support the bill, which represents a significant further step in reforming Scots property law. That is important, and it is very important to practitioners—as I said, I was one in a former life. I commend the bill's tenets to the Parliament.

11:03

Margaret McDougall (West Scotland) (Lab): I welcome the opportunity to speak in the debate. As has been said, the bill's aim is to convert ultra-long leases into ownership. That means that leases that are for more than 175 years and which have more than 100 years left to run will convert to ownership, unless a tenant opts out. The bill will protect landlords' rights by providing compensation and will move the system away from an unnecessary and complex form of land tenure.

It is estimated that there are 9,000 ultra-long leases in Scotland that the bill could affect, but getting an exact figure is difficult. I welcome the cabinet secretary's responses to the concerns that were raised at stages 1 and 2—[*Interruption.*] I am sorry; I have promoted the minister again. However, I feel that a few issues with the bill remain. We will need to monitor how the bill interacts with the Land Registration etc (Scotland) Bill. I believe that Registers of Scotland needs to update the land register, so that it holds an accurate record that reflects the conversion of ultra-long leases to ownership under the Long Leases (Scotland) Bill. However, I accept the minister's assurance—he has been demoted again—that the Long Leases (Scotland) Bill will not require any further amendments to reflect that and that the land register will be updated independently.

I note that there are still concerns surrounding common good assets. As the issue is extremely complex, that is of little wonder. I welcome the minister's comments this morning, because there is still a lack of confidence on accuracy where common good assets are concerned. For example, there was some confusion in Kilmarnock recently over whether the land on which the new athletics centre at Queen's Drive was to be built was common good land. In 2010, the matter was discussed by the council and the idea of a long lease was floated. The council then decided that it was not common good land and that the common good land was on the other side of the river. The latest information that I have, which I received yesterday, is that it is common good land. Having a comprehensive list of what is and is not a common good asset would help with such issues in the future, and there would be cost savings in the long run.

I welcome the minister's agreement that it would be useful to compile a register of all common good assets at some point in the future. In recognition of the fact that that will be an extremely difficult and expensive exercise for local authorities, the Scottish Government should work with councils to find better ways to collect the information. I

wonder whether funding support could be found to make that happen.

I welcome the bill, as it dispenses with the archaic system of ultra-long leases, but we need to ensure that Registers of Scotland updates the land register.

11:06

Graeme Dey (Angus South) (SNP): When I learned that I was to serve on the Rural Affairs, Climate Change and Environment Committee, I expected to expand my—at that stage—limited knowledge of farming, fishing and environmental issues. I am not sure that I expected to deal with a bill on long leases, and I am not sure that my committee colleagues would have expected to do so either. The subject matter, however, has proved fascinating, as were the committee's evidence sessions even if they failed to provide compelling reasons to amend the bill to exclude common good land from its reach; at the outset, it might have been thought that we would do that.

It is believed that only nine out of an estimated 9,000 ultra-long leases in Scotland are of a common good nature, but it is a case of "it is believed" rather than "the facts show". Whatever else the process of getting to stage 3 has demonstrated, it has shown that councils are some way short of being on the case when it comes to understanding the common good portfolio. Members should not just take my word for that, but should consider the evidence that was given to the committee by Bill Miller, the property management and development manager for the City of Edinburgh Council.

Mr Miller revealed that land campaigner Andy Wightman, in researching his respected book, "The Poor Had No Lawyers", wrote to all councils in Scotland for details of their common good properties. The council responded, but with what Mr Miller acknowledged was "very poor information". He went on:

"Mr Wightman replied to us and said, 'But what about' and listed a number of properties that he felt should be common good and which were not on our register. At that point, we carried out a major exercise to look at those properties and ... agreed that a number of the properties that he suggested should be common good".—[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 29 February 2012; c 651.]

Mr Miller expressed the view that, following Mr Wightman's contribution, the council now has "a fairly good register" but admitted that there remained a "however".

I cite the example of City of Edinburgh Council not to have a pop at our capital city—indeed, Mr Miller's candour was very welcome in informing the committee's deliberations—but to illustrate the

complexity of the issue. Given that the task involves going back to the 12th century in seeking to ascertain the status of properties, as has happened in Edinburgh, the process is clearly full of challenges. It is interesting that witnesses representing other local authorities in Glasgow and Fife also admitted that they could not guarantee the absolute accuracy of their registers. We were told that it was thought that

"most of the significant common good properties in Glasgow are on the common good register".—[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 29 February 2012; c 653.]

They did not claim that the list is comprehensive.

As the bill has proceeded, a number of changes were made to what we were told regarding the number and the specific nature of common good assets that are subject to long leases. By my recollection, the number started out as five, went down to four and ended up at nine. On the way from four to nine, we were told that Rouken Glen park fell into that category only to be told, subsequently, that it did not. That is just one reason why the bill could not make an exemption for common good land.

The minister made a point during a committee evidence session, and reiterated it today, regarding what would happen if the common good exemption that has been mooted was agreed to. What would happen if a lease was converted under the bill and then the council in question discovered that the asset had been common good in nature and so should not have been converted? Who would own that asset?

Claire Baker questioned the extent to which legal challenge might come forward. Ahead of stage 3, I posed that question to a lawyer who specialises in land matters. His reaction was informative: a broad smile spread across his face at the prospect of arguing the case backwards and forwards, and I am sure that I saw pound signs in his eyes.

I understand the genuine motives behind Jim Hume's amendment, but the Parliament was right not to exempt common good long leases, with the uncertainties that that might have thrown up. The case for exempting common good land from the reach of the bill was not made, just as happened with the session 3 bill on the same subject at the Justice Committee. That is not to say that we do not have a general issue to address with common good, and I welcome the fact that the status of common good will be included in the consultation on the community empowerment and renewal bill.

As the minister and others have acknowledged, the latest process highlights the wider issue of just how accurate information about common good is. That requires to be addressed—

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

Graeme Dey: As the Rural Affairs, Climate Change and Environment Committee recommended in its stage 1 report, the Scottish Government should work together with local councils and relevant professionals to identify better ways to gather, verify, record and maintain common good information.

11:11

Jim Hume (South Scotland) (LD): I thank fellow members of the Rural Affairs, Climate Change and Environment Committee for all their hard work on the bill. I also thank, of course, the clerks, the Scottish Parliament information centre, the Scottish Law Commission, which has been mentioned, and our witnesses, too.

The Long Leases (Scotland) Bill has been fairly consensual, although I thought that it was more consensual until about half an hour ago. The bill goes a long way towards addressing remnants of what may be called feudalism in Scotland. I say “fairly consensual” because the SNP Government did not budge in its opposition to my amendment, the purpose of which was to give further protection to common good assets. I believe that my amendment would have helped to do that.

Even though other parties recognised the threat of the bill’s unintended consequences on common good, the SNP dug in its heels on the matter and has hardly taken into consideration others’ views. That is not quite the consensual politics that we were promised at the beginning of this parliamentary session.

Annabelle Ewing: Consensual politics are all well and good, but if the fundamental basis of the amendment can be challenged on the grounds of legal uncertainty—as has been explained at some length—why on earth would people want to promote that?

Jim Hume: The uncertainty is the difference between our two views on the matter; I will clarify that point later.

From the start of the bill proceedings, it was clear that there was a lack of knowledge on the number of common good properties that may be affected. That number rapidly increased, and the minister has stated in evidence and again today that there can be no “absolute certainty” about the number. That leaves me baffled about why the Government decided not to yield to the concerns that were expressed by other parties in the political world and others who gave evidence.

Alex Fergusson, too, was baffled, as was I, at Labour’s U-turn. Claudia Beamish stated in committee:

“I feel that it is important to protect the public interest, and the amendment would provide an effective way of doing that”.

Margaret McDougall said that

“if common good land is not excluded, common good land and assets will pass to others over time and the common good will be lost to communities forever.”—[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 16 May 2012; c 942, 943]

They said that on 16 May and it is now just the end of June.

When Claire Baker was pressed on why Labour had changed its mind, she referred to the Waverley market evidence. My amendment was not to do with that; it concerned the general principle of protecting common good assets and any that are unknown to us. Graeme Dey made it clear in his speech that there is still a great lack of knowledge about common good assets and where they may be. However, we are where we are.

The Liberal Democrats will support the bill, even though it could have been dramatically improved. I am aware that there will be a compensation payment for a landlord who loses land that is affected by the bill. That is welcome. The Government intends to write to all local authorities to recommend that they put any funds gained from a long-term tenant gaining ownership of the common good asset to the common good fund.

Of course, as I said before, that is only a recommendation, not a must. I wonder how we can compensate fully for a common good asset that might have been held in trust since 1491 when the Scots Parliament passed the original Common Good Act 1491. Nevertheless, the Liberal Democrats will support the bill. It will go a long way towards ending what could be called feudalism in Scotland. I note how surprised I was to find out that the Government estimates that around 9,000 leases in Scotland could be affected by the passing of the bill, so I hope that we do not find ourselves in the future regretting not supporting the amendment to exempt common good assets from the bill.

11:15

Rob Gibson (Caithness, Sutherland and Ross) (SNP): As the convener of the Rural Affairs, Climate Change and Environment Committee, which has dealt with the bill and amendments, I know that we have changed and improved an important bill to add to the modernisation of the law of property and land in Scotland. It is a vital aspect of a modern nation’s ability to know who owns what and whether ownership can be conferred on people who have for many years been virtual owners. Making actual owners under the legislation is quite an important development.

I say that because we have been discussing the issue for a long time. In the excellent Scottish Parliament information centre briefing, Sarah Harvie-Clark noted that, under Lord Guthrie, the Scottish leases committee did a search in the register of sasines for the period 1905 to 1951, the results of which disclosed 13,151 such leases, almost 9,000 of which were found to have more than 100 years still to run. That shows for how long there has been concern about long leases. Indeed, I recall debates on Scottish National Party policy formation in the 1970s and conference resolutions by the late Willie MacRae and others that recognised that people have suffered from not being able to borrow on the basis of their assets. The SNP has recognised the need to change that. Vetoes from the House of Lords and others, and lack of time in London, mean that it is only the establishment of the Scottish Parliament that has allowed us to tackle any of those problems.

A comprehensive approach to the problem has thrown up the difficulties of having a register that matches our aspirations. After stage 2 of the bill, we received responses from the minister about books of council and session, which refer to very old arrangements for the ownership and leasing of land, and that made us realise how much had to be modernised and how complex the process would be.

Previous Governments have tried to find out who owns what in the country. In 1872 and then in 1910, a survey was conducted throughout the United Kingdom of who owned what. That was with a view to land value taxation, which the then Government was considering.

We need to think about two aspects of who owns what. The cost of bringing the land register up to date is a matter of concern, but it is worth considering the fact that people were compelled to inform past Governments about what they owned. It would be worth our looking at some way of people providing us with the information without it being a cost to the public purse. That might be difficult, but we must consider it because we are not going to complete our knowledge without it.

Up to 9,000 householders will benefit most from the legislation, and I always welcome more people having a direct stake in the land of Scotland and the properties thereon. It improves their grasp of their own country. If the bill goes a little way towards taking that opportunity, I am delighted. It goes hand in hand with other legislation and I recognise that the proposed community empowerment and renewal bill will deal with the common good issue if people choose to raise it. In the meantime, I welcome the changes to the Long Leases (Scotland) Bill made by the Rural Affairs, Climate Change and Environment Committee and the Parliament, and I hope that it passes.

11:20

Alex Fergusson: And so we approach the end of a process that will, in effect, bring about an end to the feudal system—something that I have no doubt is welcomed on all sides of the chamber, as I said in my opening remarks.

As one who served on the Rural Affairs Committee in the first session of the Parliament, and who is delighted to be serving on its later version, the RACCE committee, as it is referred to, I am only too pleased to note that, in this instance at least, the rural affairs committee has succeeded where previous justice committees failed, even if that failure was for an entirely justifiable reason—I think an election could be called that.

If I have a remaining concern about the bill, it is summed up by comments from various members highlighting the modest nature of the bill, to which the minister rightly referred, while raising the issue of the complexities within it. Most of those complexities are legal in nature and highly technical. Anyone who knows me even reasonably well knows that my mind is not one that easily absorbs legal complexities. Graeme Dey suggested, accurately, that the topic is not one that most of us might have expected to be dealing with when we first came together as a committee.

I tend to accept the minister's assurances that all will be well, which is, in effect, what he is saying in relation to the concerns that I and others have raised about common good and the updating of Registers of Scotland, which Margaret McDougall mentioned. They are and remain genuine concerns.

If I have picked him up right, Graeme Dey stated that the exemption of common good leases would have thrown up complexities. The problem as I see it, however, is that by not accepting Jim Hume's amendment to exempt common good leases, we continue to promulgate complex matters in an inconclusive way. I remain unhappy that the minister was content to say, as he did at stage 2, that there is not absolute certainty in relation to the number of common good leases. I repeat my claim that the complexities of this small bill mean that we are about to pass untidy legislation that could easily lead to future challenge and further complexity.

Nonetheless, as Jim Hume said, we are where we are, and the end of the feudal system is in sight. When I look at the current designs of buildings on Princes Street and compare them with those in George Street, I ponder that feus were not necessarily a bad thing. However, they are behind us now. Times move, and we are moving with them. Overall, I welcome the end of the feudal system and, despite the concerns that I

have raised, we will support the passing of the bill this evening.

11:23

Claudia Beamish (South Scotland) (Lab): I am pleased to close on behalf of Scottish Labour, and as a member of the Rural Affairs, Climate Change and Environment Committee, because the bill contributes in a limited way to moving Scotland further away from feudalism and closer to a system of property law that recognises where rights and responsibilities should fairly lie.

In the policy memorandum to the bill, the Scottish Government highlighted some of its benefits. It stated:

“Ultra-long leases amount to virtual ownership. It would simplify property law in Scotland to convert them to ownership.”

As highlighted by the Scottish Government, the bill will also further minimise any threat of title raiders—a point that has not yet been raised in the debate. It will also ensure that property rights lie where they should lie, in the 9,000 or so relevant cases. The Scottish Law Commission stressed that ultra-long leases are “barely distinguishable from feus”. As highlighted in previous stages, that can juxtapose very small rents with unreasonable and sometimes sudden obligations on the tenant.

Alex Fergusson stressed that the bill marks the end of the feudal system. I wonder whether that is the case—I very much hope that it is.

Rob Gibson stressed the importance of clarity for those who have been tenants in ultra-long leases, and said that the ownership of such property is an important step forward.

It is also important that there is clarity about ownership in relation to the land and property in question, due to the difficulties of seeking investment for anyone holding an ultra-long lease.

There will no longer be concern about the uncertainty of compensation for improvements at the end of an ultra-long lease, and no anxiety about the issue of renewal of a long lease in that category.

Annabelle Ewing highlighted the fact that tenants can opt out, which is also significant.

The rarity of ultra-long leases means that in some places in Scotland it can be the case that it is hard to find a legal practice where there is knowledge of them. The passing of the bill will end that concern.

The minister explained that land register arrangements will be distributed over time. Although Scottish Labour acknowledges the concerns that are connected with that, we note the fact that—if I understand the situation correctly—it

is possible for a registration to be made through choice rather than only through time, as it were.

The issue of ownership, which is usually assumed in relation to tenements—again, something that is not mentioned in the bill—will be resolved, as ultra-long leases will no longer exist. That will end such complications. The externalities that could occur in that respect—if, for instance, a group of owners wished to improve a tenement and the long lease was in an unclear position—will now be resolved.

Since the bill was considered by the Justice Committee in the previous session of the Parliament, ports and harbours have, rightly, been exempted if there is a statutory port authority. That follows on from evidence that was given by the Peterhead Port Authority. Further, the pipes and cables issue, which could cause complications for owners, has been resolved.

There was much discussion at earlier stages about the exemption of common good land. In its stage 1 report, the committee argued that

“common good land is an extremely complex area.”

Many, including Graeme Dey, have highlighted that today.

We spent a great deal of time discussing Jim Hume’s amendment. The lack of an evident threat to the public interest, our concern about legal implications and the resolution of the Waverley market issue led us to the decision that we took today.

Jim Hume: Does the member now regret her support for the amendment at stage 2, and the words that she and her colleague spoke at that stage?

Claudia Beamish: I think that I will just move on. I have tried to highlight the point. We considered issues as carefully as possible and arrived at the decision that we thought was best for the future in order to avoid complexities.

As Claire Baker highlighted, Brodies LLP, said that

“common good has been an issue for a few hundred years and is a matter that is not going to resolve itself. If it were to receive the attentions of the Parliament, that may be a favour to all concerned with it.”—[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 22 February 2012; c 624.]

As Graeme Dey pointed out, the complexities of unravelling the issue might go back to the 12th century. I am confused about that, as I understand that the concept of common good land started in 14-something. We could have a debate about that, but perhaps not on the last day of the term. Common good land is a matter for another day, but Scottish Labour sees a resolution of the issue

as essential to clarifying fair land ownership in Scotland.

The minister has highlighted the opportunity to explore common good in the context of the proposed community empowerment and renewal bill. We welcome that.

Ultra-long leases of over 175 years, with more than 100 years to run, are indeed a feudal anomaly and modern Scotland is better off without them, so we support the passing of the bill.

11:29

Stewart Stevenson: I welcome the positive contribution to the debate from members across the chamber and the indication that this highly technical bill, which has raised a significant number of issues, will be supported, unless people change their minds when we come to decision time.

I will say a little about the common good. I have been passed the Common Good Act 1491, which is a modest little act that contains two sentences. We have been having a little debate, and we believe that it was passed under James IV, but we will be certain if somebody can enlighten us. I will translate the act from Scots into English. It simply says:

"Item, it is stated and ordained that the common good of all our sovereign lord's burghs within the realm be observed and kept to the common good of the town and to be spent in common and necessary things of the burgh by the advice of the council of the town for time and decades of crafts where they are"—

in other words, for ever. That is it. That is what the approach is founded on. When such modest, little acts—it was the 19th act in 1491—are translated into the modern era, they leave certain interesting and important questions unanswered or uncertain. In talking about the common good, we must recognise that.

The consultation that is open, which includes questions on the common good, is an opportunity to start to understand the status quo and to work out what the new status of the common good might be in the future. Perhaps it is time to move away from the complexities of the past and state some simplicities that are fit for purpose for the future. However, that is for another day and, I suspect, another minister. I am taking the bill forward because the leases that are affected by it are largely rural leases, but it is perfectly fair to say that a range of ministers could have stood here to speak about this particular issue.

Alex Fergusson apologised for repetition. Obviously, he has forgotten one of the important rules of politics: a debate is not over when everything has been said; it is over only when

everybody has said it. Perhaps this debate clearly illustrates that point.

Annabelle Ewing highlighted her experience as a conveyancing lawyer, and I listened carefully to what she had to say.

I am grateful to Margaret McDougall for the albeit transient promotion in the interstices of this debate. She effectively described some of the difficulties that she has experienced in local government in finding out whether something is a common good property. The reality is that a document in somebody's file somewhere—not necessarily in the files of the council concerned, of course—that says that something is common good property may be all but impossible to find unless it is known that it exists in the first place. There are genuine and significant concerns.

Jim Hume in a sense recognised that consensus probably has been achieved. The Government has responded to the issues as they have arisen and I hope that, as he looks at Labour's review of its position, he remembers a response given by someone else:

"When the facts change, I change my mind. What do you do?"

I suppose that that is a question that we might address to Mr Hume. Grown-up politics involves recognising that there is a debate, that the debate moves on, and that we take positions as it moves on, as we in the Government have done.

We will continue to work on the common good with local authorities. Local authorities were open and honest with the committees, gave it their best shot, and showed a depth of knowledge and understanding. Paragraph 55 of the Justice Committee's stage 1 report says:

"This Bill is not about common good. It is about ultra-long leases."

The conclusion in paragraph 61 of that report is:

"The desirability for certainty from this legislation and the provisions for compensation provided in the Bill have led the Committee to conclude that it is not persuaded, at this time, that there is a compelling case for exempting leases of common good property from this Bill."

Paragraph 127 of the Rural Affairs, Climate Change and Environment Committee stage 1 report says:

"The Committee is not persuaded by the arguments made thus far to exempt ultra-long leases on common good land, however, neither is the case against this exemption a clear and compelling one."

There are a number of reasons against the exemption, as I said earlier. The bill does not take account of who the landlord and tenant are and is blind to that. Decisions on development should now be for the planning system. Alex Fergusson referred to enlightened feudal landlords who

helped to build the attractive facades that we have in some of our cities. Of course, it is fair to say that not all feudal landlords were enlightened. That is why the feudal system has been addressed over recent decades.

We need to protect common good land and we will not forget about that. Indeed, our consultation document on the proposed community empowerment and renewal bill has two specific questions—25 and 26—on the issue. I draw members' attention to the fact that that consultation does not close until 29 August, so if they are short of things to do over the summer recess they can read the consultation document and respond. I do not think that anyone should stand in this chamber or any in other forum and suggest that they have all the answers on common good—that would be specious. It is a genuine question that we should all turn our minds to. Those of us who have been involved in the debate are probably relatively well placed to understand some of the complexities and uncertainties and perhaps make a contribution to the consultation.

I confirm again that I will write to local authorities saying that any compensatory and additional payments should go to the common good fund if common good land is affected, while recognising that the amounts will be very small. We have prepared the letter and, assuming royal assent for the bill, it will go out shortly thereafter.

Land registration came up again in the debate. Our commitment to land registration is shown by the Land Registration etc (Scotland) Bill that we have just put through the Parliament. Again, that bill arose as the result of a Scottish Law Commission report. That highlights the value of having some of the best of the legal brains out there engaged in the issues of reforming Scotland's law and identifying what needs to be done. Mr Ewing said on 31 May during stage 3 consideration of the Land Registration etc (Scotland) Bill that it

"provides the legal framework that will allow the land register to be completed."—[*Official Report*, 31 May; c 9596.]

We will ensure that officials continue to work with Registers of Scotland on that.

We need to ensure that information on the provisions of the Long Leases (Scotland) Bill reaches landlords, tenants and their legal representatives. As ultra-long leases are concentrated in particular areas of the country, we can target the information at those areas. We will ensure that we have articles in relevant publications and will provide information on the Scottish Government website and the Registers of Scotland website.

Our intention is that the appointed day for the bill's provisions will be in 2015, which should give sufficient time for parties to prepare. We will need some secondary legislation, particularly in relation to forms, and we will consult on those, in line with our best practice.

I am grateful to colleagues across the chamber for their work on the bill. It is a technical bill, but no one could accuse the process of having been dull. Indeed, there have been sparks of humour from many of those who have contributed to the debate.

The bill team had to advise a minister who usually works outside the justice area, but they were superb in their support and in ensuring that the minister was properly engaged and had a proper understanding of the complexities and the legal aspects. I have thoroughly enjoyed having their support.

The bill is an overdue bit of land reform that will reduce costs and complexities, and we have had an excellent debate on it. The common good debate that we have had will warm up the debate that will follow on the consultation that is currently on the table, as I said. I hope that members who have just joined us in the chamber will consider responding to the consultation on common good.

I commend the Long Leases (Scotland) Bill to members and I urge them to support it at decision time and to ensure that their constituents, when they meet them, are aware of the contents of the bill and the opportunities that come with it. We can all play a part in finally ending the feudal system in Scotland.

Scottish Executive Question Time

General Questions

11:39

Violence Reduction Unit

1. Margaret Mitchell (Central Scotland) (Con): To ask the Scottish Executive when it last met representatives of the violence reduction unit and what issues were discussed. (S4O-01179)

The Cabinet Secretary for Justice (Kenny MacAskill): Scottish Government officials met representatives of the violence reduction unit on 25 June 2012 to discuss how innovative prevention initiatives are helping to keep violent crime at a 30-year low.

Margaret Mitchell: The violence reduction unit has carried out a pilot in Lanarkshire hospitals that seeks to improve the recording of information about knife crime. Currently accident and emergency departments do not record what types of weapons are used in serious assaults and stabbings—weapons that can range from kitchen knives to samurai swords. That information would be useful to the police and other public bodies in developing effective prevention strategies and in identifying where weapons—and what types of weapons—are being used in violent incidents.

Can the cabinet secretary confirm that he considers that health boards should be required to collect information about the types of weapons that are used in serious assaults? Can he update members on the outcomes of the Lanarkshire pilot?

Kenny MacAskill: I am aware of the matter that Margaret Mitchell raises—I believe that Stewart Maxwell has raised it in the chamber previously. There is a clear desire by everybody—not just the police and justice authorities, but health boards—to ensure that the information is provided. If I recall correctly from when the issue was raised previously, such information is already being provided in south Wales and in other areas south of the border.

There are technical issues relating to information technology systems and so on, but I assure the member that we welcome the pilot and that the issue is being looked at by the police and the health board. The impediments and the delay relate more to technological challenges than to any desire not to proceed. I am happy to keep the member appraised as matters progress. I give her my full assurance that we are looking to build on the pilot. The obstacles tend to relate to IT

systems, but they can be dealt with. They have been resolved elsewhere, so there is no reason why they cannot be dealt with in Scotland.

Parades (Policing Costs) (Glasgow)

2. Humza Yousaf (Glasgow) (SNP): To ask the Scottish Government what recent discussions it has had with stakeholders regarding the cost of policing parades in Glasgow. (S4O-01180)

The Cabinet Secretary for Justice (Kenny MacAskill): The cost of policing marches and parades in Glasgow was discussed during my meeting with the Association of Scottish Police Superintendents on 19 June 2012. Officials also discussed the issue recently with Assistant Chief Constable Higgins of Strathclyde Police in the context of the Jubilee weekend marches in Glasgow.

Humza Yousaf: There were almost 300 Orange parades last year in Glasgow alone. During times of financial restraint, does the cabinet secretary agree that perhaps we need to think of measures whereby the cost of keeping the public safe does not fall solely on the police?

Kenny MacAskill: I accept that there are significant issues. Early on in our administration, we faced the incident at Glasgow airport; about three weeks later, we faced the apprentice boys march in Glasgow. As I recall, at a time when we faced challenges in Scotland from an attempted terrorist atrocity, about 1,800 officers were deployed to cover that march.

This is fundamentally about balance. In terms of the legislation, we have to ensure that we do not catch innocuous events such as a Boys Brigade march when we seek to take action against events that have huge cost implications. Such issues are for local authorities to deal with. However, as an Administration we have made it clear that although we recognise the rights of individuals to take such opportunities—even when we disagree with what they are protesting about—a whole variety of issues need to be taken into account, including the implications for police.

I have discussed the issue with the ASPS, and my ministerial colleague Roseanna Cunningham is taking it forward. We accept that there are huge implications in terms of policing and cost, and we are more than happy to work with local authorities to ensure that, as a country, we get the right balance between the right of people to march and demonstrate and the right of communities to be protected and not face significant costs and challenges to their police, who have other things to do apart from simply looking after the desires of a small minority.

Lightburn Hospital

3. Paul Martin (Glasgow Provan) (Lab): To ask the Scottish Executive what instructions the Cabinet Secretary for Health, Wellbeing and Cities Strategy has given NHS Greater Glasgow and Clyde in relation to reinstating services at Lightburn hospital. (S4O-01181)

The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon): When I made my decision to reject NHS Greater Glasgow and Clyde's proposal to close Lightburn hospital last December, I was clear that the health board should work to maintain and improve the quality of the service that is delivered from the hospital in the best interests of local people.

Paul Martin: The cabinet secretary and I agree on one thing, which is that Lightburn hospital has a future. However, those warm words mean nothing when local campaigners such as Gerry McCann advise us that the only progress that has been made at Lightburn hospital is the installation of a vending machine following the closure of the canteen. When can we expect real progress at Lightburn hospital?

Nicola Sturgeon: As a preface to the substance of my answer, I say to Paul Martin that I do not indulge in warm words when it comes to Lightburn hospital; I acted to save it from closure. That was welcomed by Gerry McCann, who said:

"We're delighted Nicola Sturgeon listened and common sense has prevailed."

However, I recognise that concerns remain about the fabric and maintenance of the accommodation at Lightburn. The board has commissioned a review of the buildings to develop a robust capital plan for the site. Rather than signalling any removal of services from the hospital, the health board has confirmed that it will consider opening new or complementary services at the hospital. The board hopes to conclude the review during the summer. I expect local stakeholders to continue to be fully and meaningfully engaged as the work is taken forward. I am happy to ask NHS Greater Glasgow and Clyde to keep Paul Martin fully informed of progress.

Raptor Populations

4. Alex Johnstone (North East Scotland) (Con): To ask the Scottish Executive how it assesses the population of raptor species across Scotland and how this information is recorded and published. (S4O-01182)

The Minister for Environment and Climate Change (Stewart Stevenson): Information on the number and breeding performance of the 19

species of raptor and owl that regularly breed in Scotland is co-ordinated annually by Scottish Natural Heritage and collated under the Scottish raptor monitoring scheme. There is a link to the information from the SRMS on the Scottish Natural Heritage website.

Alex Johnstone: I thank the minister for that answer and for the written answer that I received yesterday on a related subject. The minister will be aware that there is a growing number of reports of attacks by large avian predators on livestock. That was brought home to me by a constituent, Mrs Moyra Gray of Glendye, who successfully filmed a golden eagle attacking a lamb—although, happily, the attack was fought off by a particularly vociferous blackface ewe. Will the minister give an undertaking that, in what is a difficult situation, he will ensure that there is accurate and independent recording of populations of large avian predators and of reports of attacks on livestock to ensure that, at some point in the not-too-distant future, we begin to address the issue of how farmers might be appropriately compensated for what I believe are increasing losses?

Stewart Stevenson: I take the member's general point that any actions that Government takes should be evidence based. No one would disagree with that. We certainly want to understand the nature of the issue. It was interesting that, yesterday, a film was released of a buzzard taking an osprey chick, which shows that sometimes there are issues between raptor species and not simply issues for animals for which humans are responsible. I am certainly always interested to have more information so that we can better inform our decisions.

Scotland's Languages

5. Mark Griffin (Central Scotland) (Lab): To ask the Scottish Executive what progress has been made on implementing the recommendation of the Scottish studies working group that opportunities to learn Scotland's languages should be promoted. (S4O-01183)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): Opportunities to learn Scotland's languages are being promoted and strengthened in collaboration with Education Scotland, Bòrd na Gàidhlig, Stòrlann Nàiseanta na Gàidhlig, the Association for Scottish Literary Studies, the Scots Language Centre, Scottish Language Dictionaries and other partners.

A Scottish literature website is being developed by Education Scotland in partnership with the University of Glasgow. A network of co-ordinators will support professional learning and sharing of practice and will help to build confidence in the use of Scotland's languages. Progress is also

being made on a learning about Scotland co-ordinators network, which will promote learning and teaching about Scotland, with a key explicit role of promoting the Scots and Gaelic languages. Recommendations on Scottish texts in the new national qualifications in English have been implemented and progress is being made on the development of an award in Scottish studies.

Mark Griffin: Will British Sign Language be one of the languages in relation to which opportunities to learn are promoted?

Dr Allan: I confirm that we want more opportunities for those in our schools to learn, and learn about, BSL and that we recognise not only its value as a means of communication but its cultural and social value.

Probationer Teachers

6. Gordon MacDonald (Edinburgh Pentlands) (SNP): To ask the Scottish Government how many probationer teachers have found employment in the last year. (S4O-01184)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): One thousand nine hundred and eighty-five probationer teachers took up their allocated teaching posts on the teacher induction scheme at the start of the school session in August 2011. That figure represents more than 95 per cent of those eligible to join the scheme.

Gordon MacDonald: Does the cabinet secretary agree that those figures show that the Scottish Government is continuing to protect and invest in crucial front-line education at a time when we are having to deal with ever-deepening cuts and austerity from the Tory-Liberal Democrat Westminster Government?

Michael Russell: I do not find it difficult to agree with such an assertion; indeed, I am very happy to sign up to it in its entirety. Despite the difficult financial constraints that have been imposed on us by the Westminster Government—or, should I say, successive Westminster Governments—we have secured from local authorities a commitment that they will continue to ensure that places are offered to all probationer teachers.

It is also significant to note that according to a recent General Teaching Council for Scotland survey 88 per cent of last year's probationer teachers secured some form of teaching employment during the current year, with 59 per cent of them in full-time employment. That means that our record in teacher employment is better than any other part of these islands, but we can always do better and will go on working hard on the matter.

Further Education Colleges (Funding)

8. Hanzala Malik (Glasgow) (Lab): To ask the Scottish Executive what the impact on colleges is of the reductions in their funding. (S4O-01186)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): There is no reduction in funding for colleges in financial year 2012-13. [*Interruption.*] Presiding Officer, there is no reduction in funding for colleges in financial year 2012-13. [*Applause.*] Indeed, we are continuing to fund the sector to allow it to maintain the volume of its teaching activity, ensuring that even in the current difficult financial climate, which has been caused by Westminster, the overall offer to students is undiminished.

Colleges are increasingly prioritising in favour of young people at risk of unemployment and are offering more full-time courses. That has led to a 9 per cent increase in full-time courses at advanced level and a 1 per cent increase in full-time courses at non-advanced level. That is being achieved by enrolling fewer people on courses that are very short or do not lead to a qualification, or courses that are of less economic relevance and which, consequently, are less likely to lead to a job.

Hanzala Malik: Good-quality education will be essential in growing our economy and allowing people to fulfil their potential. The Educational Institute of Scotland says that 1,800 jobs have already been lost in Scottish colleges. How many colleges have, as a result of the cuts, reduced real subjects, by which I mean courses on real topics, not those without any qualification value?

Michael Russell: I am very happy to assure Mr Malik that we are trying to ensure an increase in real opportunities. I have no power of direction over colleges—I am sure that Mr Malik finds that as difficult to believe as I do, but the power was taken away by a previous Labour-Liberal Government and, as a result, I cannot tell colleges how to employ people. However, I have repeatedly told—and will go on telling—every college that I believe that compulsory redundancy is wrong. If the entire chamber joined me and said, "That's how we want to go forward," we would be able to send out an even more powerful message.

Nevertheless, I agree with Mr Malik: we must ensure that real opportunities lead to real jobs. That is the purpose of the college reforms, and I am very glad that Mr Henry endorsed them this morning in response to my statement.

Kilmarnock and Irvine Valley (Economy)

9. Willie Coffey (Kilmarnock and Irvine Valley) (SNP): To ask the Scottish Government what plans it has to grow the economy in Kilmarnock and Irvine valley. (S4O-01187)

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): In encouraging and promoting sustainable economic growth throughout Scotland, including Kilmarnock and the Irvine valley, the Scottish Government works closely with a wide range of organisations such as Scottish Enterprise, Scottish Development International, Skills Development Scotland, VisitScotland, the relevant local authorities, the third sector and financial institutions. We also have discussions with specialist sectoral advisory bodies to pursue particular opportunities to encourage economic growth. Responsibility for local economic growth lies with the local authority, and Scottish Government officials are working closely with East Ayrshire Council to support it as it progresses its local economic plans.

Willie Coffey: I thank the cabinet secretary for his detailed response. He will be aware of the disappointment of the board of make it Kilmarnock at Diageo's decision to not support a legacy fund for the town, which was compounded by its recent announcement of its billion-pound investment elsewhere in Scotland. Will the cabinet secretary assure me that everything possible is being done to support East Ayrshire Council to progress its efforts to rebuild the economy in the area, and will he perhaps invite Diageo to play a greater part in that process?

John Swinney: I confirm that, just the other week, I had very fruitful discussions with make it Kilmarnock, in which it gave me a number of suggestions about how the Government could perhaps further assist the stimulation of economic growth and development in Kilmarnock and the wider East Ayrshire area. That dialogue is helpful and on-going, and my officials are assessing some of the proposals that have been put forward.

Diageo has made it clear that it wants to leave a positive legacy for Kilmarnock. Joint work has been taken forward with the education secretary on the development of the new Kilmarnock College, which, of course, is on land that has been gifted by Diageo. We will continue to have dialogue with Diageo on these important questions. It is important that I put on record the fact that the company has made a very sizable investment in the future of production in Scotland, which helps to demonstrate that Scotland is a country in which it is practical, possible and attractive to do business in the current challenging economic climate.

In Vitro Fertilisation Treatment

10. James Kelly (Rutherglen) (Lab): To ask the Scottish Executive what discussions it has had with national health service boards regarding the

provision of in vitro fertilisation treatment. (S4O-01188)

The Minister for Public Health (Michael Matheson): The provision of IVF treatment was raised in the 2011 annual reviews of national health service boards with waiting times of 18 months or more, and will be followed up during the forthcoming 2012 annual reviews. The provision of IVF treatment was discussed with NHS board chief executives in April 2012, in light of the Government's 12-month waiting time commitment. We will be writing to NHS boards shortly to ask for clear plans on how they will meet the Government's 12-month waiting time commitment for IVF, which is to be in place by March 2015, and we will request regular updates to ensure that the plans meet those timescales.

James Kelly: The minister will be aware of proposals in England and Wales to extend the upper age limit from 40 to 42 for provision of IVF treatment. That differs from the current age limit in Scotland, which is 40. Does the minister agree that if such proposals go ahead, they will cause anxiety and stress to those currently in the 40 to 42 age range in Scotland? Will he commit to take the necessary steps to ensure that the proposals are also implemented in Scotland?

Michael Matheson: I recognise the anxiety that couples can have over changes in arrangements around IVF treatment. I also recognise that there are some inconsistencies in how different NHS boards in Scotland provide IVF services. It is important that we address those issues so that couples have certainty on the way in which services will be provided locally.

We have established the national infertility group, which is an expert group comprising a range of stakeholders, to look at the approaches of Scottish NHS boards, how we can improve the provision of IVF services and the most up-to-date evidence on the provision of IVF treatment. We expect to receive that group's report early next year, which will inform how we move forward with the NHS in Scotland on the provision of IVF treatment. The group will also look at the issue of age range, based on the most up-to-date evidence that we have. I have no doubt that the expert group will make its recommendations to ministers, who will then consider how to progress them with the NHS in Scotland.

First Minister's Question Time

12:00

Engagements

1. Johann Lamont (Glasgow Pollok) (Lab): I welcome the First Minister back to his place.

To ask the First Minister what engagements he has planned for the rest of the day. (S4F-00801)

The First Minister (Alex Salmond): I thank Johann Lamont for that welcome.

Later today I will meet Fergus Ewing and Derek Mackay to discuss arrangements for Mandela day, which is the annual celebration of the work and legacy of Nelson Mandela that is held on his birthday on July 18. Events in Scotland are co-ordinated by Action for Southern Africa Scotland, which is the successor to the anti-apartheid movement.

I am sure that all members in the chamber will be delighted to know that we have just received a message from Archbishop Desmond Tutu. He says:

"I am aware that Scotland has set world leading targets to reduce greenhouse gas emissions and is working closely with Mary Robinson to champion climate justice. These initiatives are very much in the spirit of Mandela Day and I am delighted that the strong links between the people of South Africa, and the people of Scotland endure. The more people who mark and enjoy Mandela day, the better!" [Applause.]

Johann Lamont: Of course, I wish the First Minister well with those plans for a man who is an inspiration to all of us who believe in equality and justice across the world.

In the past few years, the First Minister has befriended Fred Goodwin, Rupert Murdoch and David Murray. Since then, a bank has gone down, a paper has folded and a football club has closed. In that context, was the First Minister's decision not to meet the Dalai Lama an act of mercy? [Interruption.]

The Presiding Officer (Tricia Marwick): Order.

The First Minister: The visit of the Dalai Lama was presented as a pastoral religious visit, which is how it was greeted. As I understand it, the Presiding Officer convened a meeting in Parliament to receive him with due respect. That is the right way to greet a religious leader, which is a perfectly proper way for the Dalai Lama to be regarded.

For the life of me, I cannot see why that should be a matter of political division. It is a matter of duly acknowledging respect for a religious leader.

Johann Lamont: Last week, the Deputy First Minister quoted Robin Cook. This week, I will paraphrase John Smith. Here is the First Minister with the non-Midas touch. He holds his party conference in Glasgow, and in the local elections the city

"sent him homeward
Tae think again."

He went to the cinema to launch his independence campaign and only yesterday announced that there will be a remake—[Interruption.] Did his pandas mate? No. They got the colic. How does the First Minister—[Interruption.]

The Presiding Officer: Order.

Johann Lamont: How does the First Minister explain his sudden loss of form?

The First Minister: I am willing to accept responsibility for many things—but for non-mating pandas? I am glad that Johann Lamont is so pleased about yesterday. Yesterday, of course, we had an opinion poll that shows the SNP Government at 45 per cent and the Labour Party at 32 per cent. [Interruption.]

The Presiding Officer: Order. Members should settle down.

The First Minister: I was pleased enough with the figures, but I am delighted with the Labour Party's reaction. A Labour spokesman reacted to a poll that shows a 13 per cent SNP lead by saying, "We are pleased". Labour is pleased and I am pleased with a 13 per cent SNP lead. We are ending the year in total harmony. We are all pleased.

Johann Lamont: That is just taking it too far. [Interruption.]

The Presiding Officer: Order.

Johann Lamont: I would hazard a guess that, if the pandas had mated, the First Minister might have struggled to take credit for it. I know that the First Minister is pleased with himself—it is a defining characteristic of his nature.

However, I sometimes think that the firebrand First Minister's gas is at a peep. Let us look at his radical plans. We are keeping the Queen and the pound, and keeping London in charge of interest rates and banking regulation. We are keeping the Union Jack and—oh—in an independent Scotland, we will all be British. That is what his party members all joined the SNP for: to remain British.

Is not the real reason why the First Minister is asking for a second question in his referendum the fact that he knows that he has lost the first?

The First Minister: I now realise that the Labour Party has a fascination with pandas. On 11 May, Patricia Ferguson reported that the Labour

Party had submitted responses to the consultation on the referendum in the names of Mickey Mouse, Daffy Duck and Tian Tian the panda. Unfortunately, there was no official response from the Labour Party itself, unless we want to select from the Labour ranks members for the three names that Patricia Ferguson noted. Given that the Labour Party did not submit a response to the consultation, is it really in a position to say that it has a stance on how the referendum should take place?

In contrast to the Labour Party, a huge number of people from civic Scotland were among the 21,000 people who responded to the consultation exercise. Last week, Pat Rafferty, the Unite regional secretary, said:

"The survey already reflects what the Scottish people are ... saying—that a majority want a second question."

Henry McLeish said:

"There are compelling reasons for a second question and a bigger choice for Scots."

Martin Sime of the Scottish Council for Voluntary Organisations said that there is a "strong appetite" for a second question, and Grahame Smith, the general secretary of the Scottish Trades Union Congress, said that it would be "daft" to rule out a multi-option referendum. *[Interruption.]*

The Presiding Officer: There is too much shouting across the chamber.

The First Minister: In January, the Scottish Government set out our preferred question, which Ruth Davidson was fine enough about to say is "legal and decisive". It is one that she approved of, at that stage.

People in civic Scotland are entitled to submit their ideas to the consultation. It ill behoves a party that could not even be bothered to submit a response to criticise those who have submitted one.

Johann Lamont: First, we recognise that the First Minister has a mandate to ask whether Scotland wants to leave the United Kingdom. The people of Scotland have the right to answer that question.

Secondly, the First Minister mentioned people who want a second question to be asked, but his own Deputy First Minister has said that she wants one question to be asked, and I suspect that the members behind her want that, too.

When the First Minister was a nationalist, my complaint was that rather than focusing on health and education, he just obsessed about independence. He still does not focus on what really matters to people, and it now appears that he does not even believe in independence any more. Yesterday, he abandoned the economic

case for independence, outsourced his campaign and declared that the real nationalist Margo MacDonald is incompatible with it. Is not it the case that this is not about Scotland's future, but that the country has been put on pause while the First Minister gropes for his place in history?

The First Minister: I am a Scottish nationalist and I believe in an independent Scotland, as does Margo MacDonald. When did Johann Lamont and the Labour Party last declare themselves to be socialists?

Let us talk about the issues that matter to Scots, which Johann Lamont says the Government does not focus on. In the past few days, we have seen some vital statistics. On the economy, Ernst & Young reported that, yet again, Scotland is the top destination for inward investment. We have the lowest level of recorded crime since 1975. Satisfaction with the health service in Scotland in the social attitudes survey is at a record level since the start of the Parliament. In education, 92 per cent of secondary schools provide two periods of physical education—that figure is up from 46 per cent. Maybe that is why the social attitudes survey told us that 71 per cent of people trust this Scottish Government, whereas 18 per cent trust the Westminster Government.

Prime Minister (Meetings)

2. Ruth Davidson (Glasgow) (Con): I thank the First Minister for his letter in which he apologised to me for saying in the chamber last week that the Scottish Conservatives did not respond to his consultation. I am glad that he was able to put the record straight.

To ask the First Minister when he will next meet the Prime Minister. (S4F-00795)

The First Minister (Alex Salmond): I willingly acknowledge that I did correct the record. I am sure that the Parliament will pardon me. It is becoming increasingly difficult to remember what the Conservative Party is and what the Labour Party is.

I have no plans to meet the Prime Minister in the near future.

Ruth Davidson: A month ago, the First Minister spared no expense in shipping in Atlantic ex-pats to add a touch of celebrity and glamour to the launch of his separation campaign. It was a launch the like of which we had never seen. In fact, it was remarkable in one completely undisputed way—it was the first campaign launch in political history to produce a bounce for its opponents.

However, since last month, the Greens have taken their ball away; we heard that a rapid relaunch was ordered from nat high command, and that is what we have seen. We now know that

Dennis Canavan is going to be the new chair of the yes Scotland campaign. The First Minister has read out everybody else's name. Can he tell us what Mr Canavan's views are on the referendum question?

The First Minister: Mr Canavan is looking at the consultation that supports the right of the Scottish people to decide their own future in a referendum. I just wish that the Tories had been consistent on that position.

In terms of bounces, there was no bounce for the Tory party. It thought that, by association with Labour—a party for which support is at its lowest since 1918—it might get an opinion poll bounce, but there it is at 12 per cent in yesterday's poll. There is not much sign of a bounce there.

I am puzzled as to why the Conservatives believe that having a campaign that is headed up by a Chancellor of the Exchequer who brought this "great country ... to its knees"—

I am quoting from Annabel Goldie in 2010—is a particularly effective thing to do. [*Interruption.*]

The Presiding Officer: Order.

The First Minister: I think that most folk, looking at the no campaign launch, would probably agree with the words of Charlie Gordon. Remember him? Charlie Gordon, former leader of Glasgow City Council and former Labour MSP, said:

"Only halfway through the recession, jobless youngsters' benefits threatened, devolution can't protect them."

Better together with the Tories? I think that most Labour supporters in Scotland will agree with Charlie Gordon that the alliance between Labour and the Tories will be the death knell for both parties in Scotland.

Ruth Davidson: I know that I am relatively new at this, but I am kind of getting used to all the assertion and bluster. I am pretty sure that the First Minister has no idea what Dennis Canavan's views are on the referendum question, so let me share those views with Parliament. Just in April this year, the new chair of the separatist campaign said that he supports a single question, because otherwise

"It's completely confusing to the electorate with all this devo-plus and devo-max."

The chair of the yes Scotland campaign is in favour of a single question, the better together campaign is in favour of a single question, and every major party in this Parliament is in favour of a single question. Will the First Minister confirm today, ahead of whenever his next relaunch will be, that his Government and his party will back Dennis Canavan and support a single referendum question?

The First Minister: As Ruth Davidson might remember, the Government set out its preferred question in January. It is:

"Do you agree that Scotland should be an independent country?"

Of course, that was voted on recently by Parliament: a majority in Parliament agreed that Scotland should be an independent country.

Ruth Davidson responded to that in January by saying that it is a reasonable, direct and proper question to ask. I suppose that we should ask whether she is still of that opinion or has been instructed otherwise by her new partners in the no campaign.

We held a consultation exercise to which 21,000 submissions were made—roughly 10 times the number of submissions to the United Kingdom Government's consultation. We now know that one person who made a submission was Ruth Davidson, on the Conservative Party's behalf. I am sure that she would not want us not to consider carefully what the Conservative Party had to say about the great question that faces the Scottish people.

Equally, does Ruth Davidson think that we should not look at what civic Scotland, the Scottish Trades Union Congress and the range of other opinions say? Maybe the Scottish National Party is at 45 per cent while the Tories are at 12 per cent in the polls because the trust that is invested in the Government is based on the fact that we listen to the people of Scotland and then take decisions, as opposed to listening to David Cameron and then doing what we are told.

Patrick Harvie (Glasgow) (Green): In Glasgow earlier this month, the so-called Scottish defence league sought to disrupt a peaceful demonstration by the Glasgow campaign to welcome refugees. Following serious complaints, the chief constable of Strathclyde Police has agreed to an external investigation of allegations that officers were perceived to be facilitating the SDL's activity.

Does the First Minister acknowledge the threat that is posed to our society by the organised racist thugs of the SDL and similar organisations? Does he agree that it would be unacceptable in the future for any police officer to be put in the position of being accused of facilitating the SDL in its obnoxious and disgusting activism?

The First Minister: Patrick Harvie and I are at one—as are members across the chamber—on his description of the Scottish defence league. I have great confidence in the chief constable of Strathclyde Police in pursuing the investigations. I am sure that, in asking his questions, Patrick Harvie was in no way suggesting a lack of confidence in the police service. The investigation

will be pursued. One reason why we have much confidence in our police service is that we know that such things will be conducted properly. I have no doubt that the results of the investigation will inform lessons for the future. Parliament is united against the Scottish defence league's activities.

Kenneth Gibson (Cunninghame North) (SNP): The First Minister will be aware of the recent announcement that may result in 50 job losses at the DSM Nutritional Products (UK) manufacturing facility in Dalry, in my constituency, where 370 people are employed and which is the only site outside China at which vitamin C is manufactured. What discussions has the Scottish Government had with DSM about potential job losses? What action will the Scottish Government take to mitigate to the greatest possible extent the consequences of any job losses?

The First Minister: My officials at Scottish Development International and Scottish Enterprise are already working with DSM's management in Dalry to strengthen employees' skills by investing in workforce development projects and providing grant funding to improve the manufacturing processes. That should help to safeguard the Dalry site.

Scottish Enterprise will encourage the company to minimise potential redundancies. If the job losses go ahead, we will of course ensure that support and advice are given to all who are affected, through the partnership action for continuing employment programme.

As Kenny Gibson knows, huge successes have recently occurred in the life sciences sector in Scotland, not least in his constituency. However, we will do everything possible to minimise the impact of potential job losses at DSM.

Neil Findlay (Lothian) (Lab): There is anger in West Lothian today about the news that the children's ward at St John's hospital is to close for three weeks in July because of a lack of junior doctors. Will the First Minister personally intervene so that we can resolve that appalling situation? Will he agree to meet me and representatives from West Lothian to discuss that vital matter?

The First Minister: I am sure that the Cabinet Secretary for Health, Wellbeing and Cities Strategy would be happy to conduct such a meeting. It is clear that the situation that Neil Findlay describes is unsatisfactory. It is to do with difficulties in recruiting paediatric staff. The recruitment process is under way, as is a new training exercise. Those actions are designed to avoid such things happening at St John's hospital in the future. I am sure that, in their meeting, the health secretary will be able to reassure Neil Findlay and the people whom he brings along from

West Lothian that those actions are well and truly under way.

United Kingdom Welfare Budget

3. Joe FitzPatrick (Dundee City West) (SNP): To ask the First Minister what impact the Scottish Government considers further reductions in the UK welfare budget will have on poverty in Scotland. (S4F-00804)

The First Minister (Alex Salmond): The Department for Work and Pensions estimates that the reforms that have been made by the United Kingdom coalition Government will reduce benefits receipts in Scotland by some £2.5 billion by 2015. The projections that were made by the Institute for Fiscal Studies in October suggest that, by 2020, child poverty in Scotland could rise by more than 50,000 as a result, and that working-age poverty could rise by more than 160,000 if we directly extrapolate the impact of current UK Government policy.

Joe FitzPatrick: Those figures are extremely worrying. The Scottish Parliament can rightly be proud of the progress that we have made on a range of social issues. For example, the latest figures show that levels of homelessness have dropped by about a fifth in the past year and that local authorities are set to meet their 2012 commitment.

However, that progress is threatened by the UK Prime Minister's attempts to portray thousands of low-paid workers and out-of-work youngsters as scroungers who do not deserve the safety net of housing benefit. What can we do to protect Scots from these ill thought out and damaging proposals, which I am sure my colleagues on the Labour benches agree would never have been, and never would be, proposed by any past, present or future Scottish Government?

The First Minister: Joe FitzPatrick has put it very well. General agreement with the proposition that work should pay is shared across the parties. However, there is also a general revulsion in Scotland to attacks on people with disabilities and on young people just because they are young. The Scottish Parliament has united—substantially, at least—to do what it can to mitigate the impact of some of the worst of the welfare cuts that are taking place. In the long term, however, the best answer is perhaps to vote yes in the referendum.

British-Irish Council (Meetings)

4. Roderick Campbell (North East Fife) (SNP): To ask the First Minister what issues were discussed at the most recent meeting of the British-Irish Council. (S4F-00815)

The First Minister (Alex Salmond): As Roderick Campbell will be aware, I chaired the

18th summit of the British-Irish Council, which was hosted by the Scottish Government in Stirling on Friday. We discussed a range of topics—in particular, ways to encourage increased youth employment throughout these islands, and support for the marine energy sector. All member nations of the council agreed that we should continue to work closely on those important issues and that, following the establishment of the permanent secretariat here in Edinburgh, the British-Irish Council is moving up a gear and is an extremely useful body.

Roderick Campbell: The First Minister has referred to the findings of the latest social attitudes survey, which show that 71 per cent of people trust the Scottish Government to act in Scotland's best interests, compared to 18 per cent who trust the United Kingdom Government. The same survey also shows that 73 per cent of people think that the Scottish Government ought to have most influence over how Scotland is run. In the light of that survey, what advice will the First Minister give the Prime Minister at the next meeting of the British-Irish Council?

The First Minister: "Let my people go."
[Applause.]

Legionella Outbreak (Public Inquiry)

5. Sarah Boyack (Lothian) (Lab): To ask the First Minister whether the Scottish Government will instigate a public inquiry into the outbreak of legionella in Edinburgh. (S4F-00810)

The First Minister (Alex Salmond): I thank Sarah Boyack for raising the issue. I am sure that the whole Parliament will join me in thanking the staff of NHS Lothian for their effective response to the legionnaire's disease outbreak. Our condolences are with the families of those who have, sadly, lost their lives to the disease. The Health and Safety Executive and the City of Edinburgh Council are continuing their regulatory investigations into the source of the outbreak. Lothian and Borders Police and the Health and Safety Executive are jointly investigating the circumstances of the two deaths under the direction of the Crown Office and Procurator Fiscal Service. I am sure that Sarah Boyack, as a former minister, knows that the time to consider what steps to take in terms of inquiries will be after the criminal investigations are completed.

Sarah Boyack: Indeed. The evidence that was given to the Health and Sport Committee this week left many questions unanswered. It was suggested that there might be technical changes in relation to cooling towers, which could reduce the possibility of future outbreaks. What will the First Minister do to ensure that we get a proper inquiry so that lessons will be learned swiftly and action will be taken to protect public health?

Firefighter Ewan Williamson died on 12 July in Dalry nearly three years ago, but his family and fellow firefighters are still waiting for vital questions to be answered. Can the First Minister promise that communities will not have to wait that long this time and that we will get a proper inquiry and answers to the questions that are of concern to the whole community?

The First Minister: Sarah Boyack will know that the Health and Safety Executive is a reserved function. We are working extremely closely with it, as is Lothian NHS Board, but the Health and Safety Executive has to be allowed to apply its investigation in its own timescale. The member must appreciate that, when potentially criminal matters are involved, the timing of criminal inquiries takes precedence over more general inquiries. Sarah Boyack can be absolutely certain that whatever needs to be done will be done in inquiring into this most serious outbreak.

Thankfully, I can report that there have been no new cases in the past couple of days, but this is an immensely serious outbreak that has resulted in human tragedy. No stone will be left unturned in inquiring into what lessons that can be learned, once the timescale of criminal investigation has been met.

Plastic Bags (Charges)

6. Jamie McGrigor (Highlands and Islands) (Con): To ask the First Minister what the Scottish Government's position is on charging shoppers 5p per plastic carrier bag. (S4F-00811)

The First Minister (Alex Salmond): As Jimmy McGrigor knows, we are consulting on a proposal—[*Interruption.*] As Jamie McGrigor knows—[*Laughter.*]—we are consulting on a proposal to require retailers to charge for all single-use carrier bags, thereby encouraging reuse and cutting a very visible form of litter and its impact on wildlife and local economies. Any proceeds would be directed to charity.

That proposal is part of the safeguarding Scotland's resources programme, which Richard Lochhead launched yesterday to consult on a programme of measures on effective use of materials. As Jamie McGrigor will be aware, there is a big focus on helping businesses to innovate and cut costs, which could help them save up to £1.4 billion a year by using raw materials more efficiently and cutting waste effectively.

Jamie McGrigor: We all agree with the aim of reducing use of plastic, but does the First Minister agree that efforts should be focused on the carrot rather than on the stick—that we should focus on incentives rather than just impose yet another tax on hard-pressed Scottish consumers? What is his response to the concerns of the Scottish Retail

Consortium, whose director has stated that an obsession with carrier bags, which account for a fraction of 1 per cent of household waste, must not get in the way of the much more significant goals, such as reducing the carbon footprint of thousands of everyday products?

If the First Minister's Government goes ahead with this punitive tax on Scottish people, will the funds that are raised be used to tackle the spread of litter, which he has mentioned and which is the real cause of the problem? Will the funds also be used to encourage use of reusable bags, such as this lovely ladybird bag that I have brought into the chamber to show members? *[Laughter.]*

The Presiding Officer: I think that Jamie McGrigor knows that I do not like props. I certainly do not like advertising, either.

The First Minister: That was slightly more effective when the member mentioned it on the radio programme that I heard the other day. I am sure that no promotion is involved in Jamie McGrigor's demonstration.

While listening to the radio programme, I was rather puzzled by one reference that Jamie McGrigor made. He said that Scotland is "too wet" to introduce the policy. I was disappointed by that because, as he knows, the policy has been successfully introduced in Wales. I looked at the average rainfall in Aberdeen and Glasgow, and I am delighted to report that it is less than rainfall in Cardiff. If it is too wet in Scotland, I presume that it must be too wet in Cardiff, which leaves Jamie McGrigor to explain why the policy has been so successful in Wales.

Finally, let me also say that we are not the only people considering the measure. It is not happening just in Wales; I understand that our friends in the south are also considering such a measure. It was reported in *The Independent on Sunday* on 24 June—just last Sunday—that the Chancellor of the Exchequer has defied the Prime Minister over the introduction of a similar bag tax. I am sure that Jamie McGrigor is pleased to know that he is not only questioning me but defying his own Prime Minister.

The Presiding Officer: That ends First Minister's questions.

Points of Order

12:29

Mark McDonald (North East Scotland) (SNP):

On a point of order, Presiding Officer. Yesterday, during the stage 3 debate on the Police and Fire Reform (Scotland) Bill, Jenny Marra challenged me to audit Scotland's 32 local authorities and stated that, if I did so, I would find that the Labour Party has "far more female councillors" than the SNP across the nation. I have done that, and I have discovered that Labour has 103 female councillors in Scotland while the SNP has 105.

The Presiding Officer: What is your point of order Mr McDonald?

Mark McDonald: I am sure that Ms Marra did not mean to mislead the chamber and that she will want to correct the record at the earliest available opportunity.

The Presiding Officer: As Mr McDonald well knows, and as I have said many times before, I am not responsible for the accuracy of what is said during proceedings. That is neither a point of order nor a matter for me as Presiding Officer.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): On a point of order, Presiding Officer. Would the First Minister like to take an early opportunity to correct the misleading information that he gave about the St John's hospital closure? It is not about the recruitment of paediatric staff but about the decision to withdraw training posts. That has already resulted in the closure of wards in Kirkcaldy two years ago, and both closures followed the 2009 chief executive's letter that reduced the number of junior doctor training posts in Scotland.

The Presiding Officer: As I have just said—I have said it many times before and I have no doubt that I will have to say it many times in the future—I am not responsible for the accuracy of what is said during debates. That was neither a point of order nor a matter for me, as Presiding Officer.

Armed Services Advice Project

The Deputy Presiding Officer (Elaine Smith):

The next item of business is a members' business debate on motion S4M-03049, in the name of Christina McKelvie, on the success of the armed services advice project. The debate will be concluded without any question being put.

Motion debated,

That the Parliament congratulates the Armed Services Advice Project (ASAP) on what it considers two successful years of delivering advice, information and support to the armed forces community in Scotland; notes that ASAP is delivered by Citizens Advice Bureaux (CAB) across Scotland, including by Hamilton CAB; understands that ASAP has dealt with over 6,000 issues for more than 1,400 clients in its first 21 months and gained £893,000 for its clients; believes that this is an important project and commends the group of service and non-service charities that fund it, including Poppyscotland, the Royal Air Force Benevolent Fund, the Maritime Charities Funding Group, ABF the Soldiers' Charity, Soldiers, Sailors, Airmen and Families Association Forces Help, the Robertson Trust and Turn2us; considers that, while the majority of servicemen and women make a successful transition to civilian life following discharge, for a minority of veterans or their family members who experience significant problems, ASAP provides a vital source of advice and support; notes that getting the right help at the right time can make a significant contribution to helping veterans recover from problems, and looks forward to the forthcoming Citizens Advice Scotland report on veterans' issues, which will be published to coincide with Armed Services Day.

12:32

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): I am delighted to be moving today's motion for members' business and I would like Parliament to warmly welcome the Citizens Advice Scotland report "Civvy Street: The New Frontline. Meeting the advice needs of the Armed Forces community in Scotland". The armed services support project, or ASAP, has been piloted in a number of areas, including Fife, Dundee, Inverness, Nairn, Moray, Renfrewshire and East Renfrewshire, Inverclyde and Stirling, and in conjunction with the citizens advice bureau in Hamilton in Lanarkshire. It is a partnership involving Poppyscotland, Citizens Advice Scotland and a number of other forces and non-forces charities.

The armed forces advice project was established in 2010 to provide advice and support for all members of the armed forces community, whether serving personnel, veterans or their families. It is a holistic service that supports veterans who have served their time and those who, for whatever reason, have had to leave the forces early. People who leave the forces early do not generally get the same transitional support, so the project is very important for them in particular.

ASAP is delivered by the Scottish citizens advice bureau service, which is a highly trusted network, which is very important. CAB has decades of experience of delivering a free, independent, confidential and impartial advice and information service to the general public.

I am going to give members some of the statistics that are in the report. In the period from July 2010 to March 2012—the first 21 months of the project—ASAP advisers assisted 1,769 clients with more than 6,000 issues. Approximately 84 per cent of the clients were either veterans or their dependants, while the majority of the remaining 16 per cent were serving members of the forces or their dependants. Some of the veterans had issues such as homelessness, debt, alcohol and drug dependency and post-traumatic stress disorder, and some of them were just unable to adjust to civilian life. They deserve our full support.

I am talking about homeless veterans, such as the client reported by west of Scotland citizens advice. He became homeless after serving in the Army for 20 years. He did not have family to rely on and he said that he was not prepared for society, having lived with a routine for so long. The client admitted that he had been stealing so that he could get into jail, so that he would be back in a routine. That is a very sad story indeed. He wanted a roof over his head. The client's lawyer took him to citizens advice to get advice and stated that he had had no help in adjusting to life outside the Army.

I ask the minister to look urgently at the fact that service personnel cannot fill in housing application forms while they are still in service, even if they know their leaving date. That can lead to homelessness, or a situation called sofa surfing.

A client in another case study in the report had financial problems. He had been in the Army for 20 years and was in financial trouble. He was in full-time employment as a contract worker but borrowed to repay his debts, which he was unable to service. He had secured a loan to pay off debts, but he did not understand that the loan was secured on his home. His borrowings included payment protection insurance. He had unsecured loans of approximately £36,000 and secured loans of £48,000. On investigation, citizens advice realised that he might not really understand what his borrowings involved and that that might be due to his length of service in the Army. That is another very sad story. There are a number of case studies, which I ask members to look at.

I welcome the amendment to the motion that was lodged—it is unusual to have an amendment to a members' business motion.

Recently, I was asked why I supported armed forces day and veterans week, given my obvious

anti-war stance. The Presiding Officer and I have both participated in anti-war rallies and demonstrations. War is the last resort. Every possibility of a diplomatic solution should be exhausted before we engage in any act that results inevitably in loss of life or limb. Given that pacifist principle, I had a long hard think about why I support veterans and their families. I came to the conclusion that although I may not support Governments in their decision to go to war, I whole-heartedly believe that our armed forces deserve care and support when they have to undertake the risk of the front line.

I recently met an amazing woman called Ann Hardman, who is a constituent of mine. She may not describe herself as an amazing woman but, inevitably in this job, we come across amazing people who are very humble and do not describe themselves in those terms. Ann Hardman lost her brother, David—a member of 2 para—in the battle at Goose Green, near Darwin, on 28 May 1982.

I will put the story into context. I had the great privilege of being invited to join a delegation from throughout the United Kingdom to celebrate liberation day in the Falklands and to remember those who lost life and limb securing that liberation. Ann Hardman asked me to honour her brother David and the other fallen when I attended the many memorial services over the three days that we were there. There can be nothing more compelling than the stories of our service people who, in the face of great danger, show such determination and courage.

I also spoke to a veteran who was severely injured in the battle in which David Hardman lost his life. He had suffered years of survivor guilt. He believed that the support that he received from a number of agencies, including some of the ones involved in ASAP, had helped him to lead a good life.

I went to see Ann Hardman when I got home last week and shared with her my experiences with the people, the veterans and of course the wildlife—the penguins were very endearing. I gave Ann a number of keepsakes, which I hope will give her a different, more positive view of the Falkland Islands, other than it being a place of war and, for her, the death of her brother.

ASAP is an inspired and inspiring service. It brings hope and light at the end of what can be a dark and lonely tunnel. I was privileged to be at the launch of the Lanarkshire service in Low Parks museum, where we have an exhibit on the Cameronian regiment. There is a long military history in Hamilton, and I am delighted that the project there is going from strength to strength.

I hope that members agree that ASAP is a very worthwhile project. I felt that it was my duty to raise it in Parliament.

This week, when I think of liberation and freedom, I will be thinking of Ann Hardman, David Hardman and the many, many service personnel and families who have put their lives on the line for that freedom.

12:38

Paul Wheelhouse (South Scotland) (SNP): I congratulate Christine McKelvie on securing this debate during armed forces week to highlight the tremendous work that is undertaken by the ASAP project, delivered by Citizens Advice Scotland. As a member of the cross-party group on armed forces veterans, I associate myself with Christina McKelvie's praise for those involved in providing the ASAP service and funding the work, and indeed for the excellent work that other organisations undertake on behalf of the veterans community.

The amendment that I lodged sought to highlight armed forces day, which will be held this Saturday and marked with events throughout Scotland, including in Haddington and in Stranraer in southern Scotland. I thank all members who signed the amendment, in particular those from Opposition parties, who made it possible for the debate to be heard today.

Before returning to the subject of armed forces week, I want to reflect on the contents of the Citizens Advice Scotland report, as it is a valuable source of evidence on the experiences of veterans and the wider armed forces community.

Citizens Advice Scotland has identified a number of key issues, many of which Christina McKelvie referred to. A number jumped out at me. First, and positively, most veterans are coping with the transition from a very regimented way of life to civvy street, and support for veterans is recognised as improving in Scotland and across the UK. However, among the 480,000 veterans in Scotland, 35 per cent—or 168,000—experience some difficulty. There are an estimated 363,000 adult dependants and 174,000 dependent children, and 16 per cent of veterans are estimated to experience multiple areas of need, which means that 80,000 veterans, 55,000 adults and 25,000 children may be affected. That shows the number of people for whom veterans policy has huge relevance.

Currently, the Royal British Legion estimates that 6 per cent of veterans face some welfare difficulty but do not yet seek help for it. That suggests that some 29,000 veterans and 31,000 dependants are affected and need support. Therefore, we should warmly welcome the fact

that, through ASAP's work, people—including people in areas of South Lanarkshire that fall within my South Scotland region, who might be able to access services in Hamilton—have access to expert knowledge of armed forces and veterans issues in respect of employment, finance, mental health, bereavement and other issues that Christina McKelvie referred to.

In the remainder of my time, I will focus on armed forces week and armed forces day and highlight the need for us all—regardless of our stance on deployments to particular conflict areas or on the decisions of the politicians who send troops to them, as Christina McKelvie said—to recognise the tremendous contribution that forces personnel and the wider forces family make to the people of Scotland. Members of our armed forces are hugely appreciative of demonstrations of public support for them, their families, veterans and groups such as the cadets. As my proposed amendment highlighted, personnel who return from service overseas, and while abroad, can be placed under huge pressure, and the concept of the military covenant between the politicians who send them there and our personnel is of huge value to them.

Knowing that the fact that they do our bidding and put their lives on the line for our safety and security is recognised and valued means a huge amount to them. As I saw in the annual parade of colours at Coldstream last weekend, it is very much appreciated across the political divide.

Through this debate, we can again show that this Parliament values our armed forces and their sacrifice for us, even if this place does not yet have responsibility for making such deployments.

Once again, I congratulate Christina McKelvie on highlighting this excellent project and thank all members present for helping to mark armed forces week and for their support for the armed forces community.

12:42

Mark Griffin (Central Scotland) (Lab): I welcome the opportunity once again to speak on the subject of the armed forces, veterans and the vital support services and charities that operate in Scotland and throughout the United Kingdom. I congratulate Christina McKelvie on securing the debate. Like other members, I congratulate those who operate and support ASAP. I look forward to reading CAS's report on armed forces issues in greater depth than I have been able to in the past half hour—I thank Christina McKelvie for giving me a copy of it.

Being a member of the armed forces is immensely stressful, particularly during periods of armed conflict—stressful beyond anything that any

of us can imagine. That stressful situation creates a level of commitment and an intense bond among service personnel that is unique to our armed forces in this country. I could only listen and try to comprehend when hearing from a soldier who had served in Afghanistan what it was like to come under fire and lose a fellow soldier who was as close to him as any member of his family. I can only imagine how isolated someone must feel when they are discharged from the armed forces, perhaps alone and without family, after having such a close bond with the comrades whom they fought alongside and possibly lost in combat. Going from living in close quarters with people whom they considered to be family—eating, sleeping and socialising with the same group—and being discharged into a community of strangers who tend not to understand military life and the bond that it creates must be isolating.

As the motion states, the majority of servicemen and women make a successful transition into civilian life, but it is not hard to imagine why some of our veterans struggle. The transition to civilian life can put a massive strain on family life for those who struggle to adapt, and civilian life must be one of the loneliest places in the world for those without family. There is a simple thing that I picked up from one of the quotations in the reports. People in the armed forces take cooking for granted, as meals are provided at a set time. They rely on the armed forces to provide something as simple as their diet for them so, when they are discharged, they can end up being inactive and they might not be able to cook for themselves. Something as simple as that can be a massive issue.

Therefore, it is vital that advice and support services are in place for former service personnel to adjust to living in mainstream society, and that we support plans to co-ordinate and deliver support and advice services from the private, public and voluntary sectors for ex-service personnel and their families. There are too many fantastic organisations that provide support and advice to ex-service personnel and their families to mention and to do justice to all the work that they do in a four-minute speech, but I want to mention one organisation that could give us experience of what being an armed forces reservist involves.

SaBRE—supporting Britain's reservists and employers—gives advice and information on the extra skills that a reservist can bring to an organisation and provides weekend training courses for employers who would like to experience the sort of training that a reservist gets. It regularly holds employer weekends. Members could go and experience first-hand the sort of training that a reservist gets. I would be happy to pass on details to any member who is interested in going on one of those training weekends to get a

small flavour of what our reservists do when they go away every weekend.

I will close my speech as I opened it, by offering my support and congratulations to the armed services advice project and by congratulating Christina McKelvie on securing the debate.

12:47

Margaret Burgess (Cunninghame South) (SNP): I refer to my register of interests in respect of my long-standing relationship with Citizens Advice Scotland and the citizens advice service in general.

I, too, congratulate Christina McKelvie on securing this debate on the success of the armed services advice project, which rightly deserved to be raised in the chamber, particularly in armed forces week.

I was still involved with the citizens advice bureau service when the armed services advice project was first mooted, and I confess that my initial reaction was not that favourable. That was not because I thought that veterans and serving personnel did not need advice—I knew that they did, and thought that the local citizens advice bureau was the place to provide it, as that is what citizens advice bureaux do. However, I was not convinced that a special project was needed, as it was likely that those people would need advice on the same issues on which most CAB clients need it—benefits, debt, employment and housing. However, after listening to Poppyscotland and other veteran organisations, I was persuaded that many veterans experience complex social and health-related issues in trying to move back into civilian life. Research suggests that many veterans experience such issues for years without accessing support or assistance. I was then convinced that a project specifically for veterans, serving personnel and their families would fill a gap and provide a vital service to an important and sometimes forgotten section of our community.

The excellent “Civvy Street: The New Frontline” report from Citizens Advice Scotland, which was published today and which Christina McKelvie referred to, demonstrates the value of the project. The report recognises that the majority of serving personnel make a successful transition to civilian life, which is good, but it also highlights that a significant minority of veterans and their families experience challenging problems. The project focuses on that minority. As we heard from Paul Wheelhouse, there are around 1 million people in the wider veteran community in Scotland, including families, so the minority is substantial.

In addition to the presenting problems, we have heard about other complex issues, such as people’s inability to find employment, their few

transferable skills, their lack of a partner sometimes, their lack of financial capabilities, little or no family support, mental health issues and social isolation.

One of the things in the report that struck me is the number of veterans who face real difficulty in getting back on to civvy street. Mark Griffin referred to the regular routine for those in the services, with meals prepared for them and bills deducted straight from their pay, so that they do not have to pay them on their own. One veteran is quoted in the report as saying:

“You’ve never had to go hand and foot looking for anything, because it’s all been done for you ... You come out and it’s like a different planet... like planet of the apes.”

That is what service personnel feel.

I have heard people say many times when talking about somebody coming out of the services that at least they will be used to doing things for themselves, so they should cope all right on their own, which is a perception that is clearly well off the mark, as the report highlights.

I commend the success of the armed services advice project and congratulate all those involved with it. I hope that it continues to provide vital services to our veterans, service personnel and their families. As we approach armed forces day, I am sure that we would all like to record our gratitude to our veterans and serving personnel across the armed services and to take time to remember those who have paid the ultimate price in the course of duty. We owe them an immense debt.

12:50

Alex Fergusson (Galloway and West Dumfries) (Con): Like others, I commend Christina McKelvie for bringing the debate to the chamber, particularly as this is armed forces week. I thought that she spoke with great principle on the subject. If I may say so, I do not think that anyone has to be a warmonger in any shape or form to address the issues that she brought to the chamber today. I thought that she spoke with great emotion and relevance.

I probably ought to declare an interest in that I am the convener of the cross-party group in the Scottish Parliament on armed forces veterans and a board member of the Scottish advisory board of the Royal British Legion, which is better known as Poppyscotland. I was very pleased to have been at the meeting at which it was agreed that Poppyscotland should provide considerable funding towards the armed services advice project. It might help Margaret Burgess to know that there was not one moment of hesitation or doubt about the benefits of doing so. Around the table, we all felt to a man or woman that it would

be a very worthwhile service, as I think the very good report to which members have referred has proved.

The way in which the public have reacted to the sad legacy of recent conflicts and the issues for armed forces veterans has been welcome. That reaction is as heart warming as it is necessary, although obviously we would all prefer it to be otherwise. However, it is impossible not to be hugely impressed by the way in which the British public have responded to modern-day needs in that regard. One does not have to look far to see evidence of that. For example, there are the results of last year's Poppyscotland appeal. We know all too well the economic difficulties that we are all being subjected to, but that appeal saw a rise of 14.7 per cent in its figures and brought in the sum of £2.68 million last year, not by way of corporate donation or massive sponsorship but by people putting their hands in their pockets and putting money into tins. That is an extraordinary result.

As Christina McKelvie said, extraordinary people are now doing extraordinary things for the benefit of our veterans. Of course, veterans are no longer 80 or 90 years old, as I grew up believing them to be, but 18 or 19 years old in some cases. I want to mention just two extraordinary people, if I may. The first is the remarkable Anna Baker Cresswell, who created the charity Gardening Leave. In my previous parliamentary guise, I had the great privilege of visiting the Combat Stress charity in Ayrshire. I met a veteran there, but I could not get a word out of him over lunch. He simply would not speak to me and did not want to speak to anybody. I accompanied him and others down to the garden of what was the Scottish Agricultural College Auchincruive estate, where Anna Baker Cresswell started her charity. When we got into the greenhouse that the veteran was looking after, I could not stop him talking. The transformation from somebody who did not feel able to talk for much of the time into a person who suddenly felt comfortable in his surroundings and able to talk was extraordinary and remarkable.

The other person whom I want to mention is a constituent of mine called Jennefer Tobin, who has begun a charity called Southwest Scotland RnR through which she simply provides a week's orderly rest and recreation for servicemen returning from modern battlefields, who are often mentally injured. I asked her once how she measured success and she said that if they laugh and sleep by the end of the week, they have succeeded. Such people do extraordinary things.

In recognition of such services, I commend the great work that the armed services advice project is undertaking. It is a true partnership between CAB, Poppyscotland and all the other partners

that are mentioned in the motion. The need for that work in Scotland is vividly highlighted by the briefing from Poppyscotland that members received earlier this week. I will mention just one statistic—veterans in Scotland are 10 per cent more likely to be homeless than their counterparts in England and Wales. There are other statistics that highlight the issue. This is not a party-political issue, but it is an issue that is peculiar to Scotland, and I am proud of the efforts that are made here to address it. ASAP is a vital part of those efforts. I commend the motion.

12:55

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): I will start with a little irreverence—if Alex Fergusson thought of veterans as being 80 or 90 years old when he was growing up, I wonder what 18th or 19th century war they must have been fighting in. Perhaps that is more a sign of how much cheekier I am prepared to be to Mr Fergusson now that he is no longer Presiding Officer.

I congratulate Christina McKelvie on securing the debate. It is on an important issue and it is particularly useful to hold it in armed forces week—Alex Fergusson made that point well. I thank Poppyscotland and Citizens Advice Scotland for the information that they provided in advance of the debate.

Like most members, I have never served in the military. Few of us—a notable exception is the minister who will speak later, Keith Brown—have served in the military. However, like almost every Scottish family, I have had family members who served in the military—my grandfather, for example, was a Seaforth Highlander during the second world war. That is not particularly unusual. I will repeat the statistic that was cited by Paul Wheelhouse and Margaret Burgess: about 1 million people make up the wider veteran community in Scotland. That is one in five of the population. That shows the reach of military families across the nation.

It is right that service personnel are catered for and looked after during and after their military service. Christina McKelvie made the point well—we do not need to support any particular military action that those personnel may be involved in, but we should always support those serving. For a long time, the state has not done enough in that regard.

Christina McKelvie told a sad story about the ex-serviceman who was deliberately seeking to be imprisoned—it sounds as though that individual has moved on and has the support that they need, but that story is a stark example of the lack of support.

Various statistics are available. In 1994, Crisis estimated that approximately a quarter of all single homeless people had served in the UK armed forces. Glasgow Homeless Partnership surveyed the local single homeless population and found that 12 per cent reported that they had previously served in the armed forces. The Howard League for Penal Reform also set out that a disproportionately high percentage of the prison population are ex-service personnel. A survey by the probation officers' union revealed that, in 2009, 10 per cent of the UK prison population were former military personnel—that is about 8,500 men in jail.

Soldiers returning from combat report an 18 per cent increase in alcohol abuse and the rate of post-traumatic stress disorder among servicemen returning from Iraq and Afghanistan is 4.8 per cent, with other forms of mental illness reported at 27.2 per cent. That could be an underestimate, because some soldiers may not come forward.

There are issues with this group of individuals, so I welcome the Citizens Advice Scotland report "Civvy Street: The New Frontline". It is useful in assessing where we are in terms of meeting the needs of those who served and their families. The report's conclusion sets out that, although assistance from the Government and local authorities is better now, there are still those who need that assistance. The armed services advice project is a good example of the support that can be given and I congratulate those who are involved. I hope that it is a project that can be rolled out further and that other areas can benefit beyond the pilot area—including my own area. I wish those involved well for the future and I congratulate Christina McKelvie on securing the debate.

12:59

Maureen Watt (Aberdeen South and North Kincardine) (SNP): I, too, congratulate Christina McKelvie on securing this debate on the importance of the armed services advice project. The debate is a great opportunity to publicise the Citizens Advice Scotland report "Civvy Street: The New Frontline" and the service that citizens advice bureaux provide. I believe that all MSPs and their staff should know about it.

It is important that dependants of current and previous forces personnel know about the project and the wide and varied number of organisations that are available to provide help. Knowledge of this one-stop shop would have been helpful to one of my constituents, whose husband, who had formerly been in the Army, tragically committed suicide as a result of post-traumatic stress disorder. Unfortunately, because of unemployment, the family had cancelled insurance

plans and, as a result, lost the house that they owned and found themselves in temporary accommodation and then council accommodation, a situation that the widow and her family found traumatic. Sadly, my constituent contacted me only 18 months or so after that had happened.

I make the minister aware of the case because I have concerns that dependants and former personnel who are perhaps not near the voluntary organisations' centres face greater challenges in accessing help. For example, my constituent's husband was asked to travel from the north-east to the central belt for counselling, despite the fact that agoraphobia was part of his mental health problems. Similarly, my constituent was not made aware of the availability of housing in the central belt for widows in her situation. Indeed, she might have been eligible for help with her mortgage and been able to stay in her home.

The Citizens Advice Scotland document "Advice and information for the Armed Forces Community" lists the wide range of organisations that can help. I stress that ex-service personnel and their dependants might need help at any time after service—there is no limit. My constituent's husband had been out of the Army for many decades. Many organisations are available to help, but the one-stop-shop service from citizens advice bureaux must be made available throughout Scotland. I look forward to the minister's reply.

13:03

The Minister for Housing and Transport (Keith Brown): As other members have done, I congratulate Christina McKelvie on securing this debate on what is an excellent initiative from Citizens Advice Scotland. I also welcome members' comments, which illustrate the keen interest in the Parliament in the support and welfare needs of our veterans community in Scotland. To repeat a point that I made during the previous debate on veterans, it is appreciated by veterans and by those in the armed forces that there is such a consensus on the issue, or at least on what we have to try to do for veterans.

When I was first elected to the Parliament, I very much enjoyed the confusion that the then Presiding Officer, Alex Fergusson, had in trying to tell me and Jamie Hepburn apart. Of course, the reason why I very much enjoyed that comparison was that Jamie Hepburn's grandfather served with the Seaforth Highlanders in the second world war and my grandfather served with the Black Watch in the first world war.

Jamie Hepburn: Will the minister give way?

Keith Brown: Certainly.

Jamie Hepburn: It is just so that I can put on the record that I enjoyed the confusion rather less.

Keith Brown: In the past few months, several members have lodged motions congratulating Citizens Advice Scotland on the armed services advice project, or ASAP. Today's debate has enabled us to acknowledge publicly the success of ASAP, which is important. Initiatives by national third sector organisations such as Citizens Advice Scotland are widely acknowledged as examples of forward thinking and collaborative working that have a significant impact on the ground and which deliver help, support and tangible results to those who face a disadvantage. That is an important point. I hope to visit Stirling citizens advice bureau on 19 July.

Dennis Robertson (Aberdeenshire West) (SNP): Will the minister commend the work of Scottish War Blinded, which provides not only rehabilitation services to those who lose their sight during conflict but outreach services to those who, as Maureen Watt suggested, do so many decades later, giving them information and advice that are essential to their wellbeing?

Keith Brown: I certainly commend Scottish War Blinded on its work. Dennis Robertson's intervention underlines my point that many different organisations across the country provide services. They might not be directly involved with the Scottish Government but they work on their own merits. Many of them, including Scottish War Blinded, have been around for many years and we acknowledge the work that they carry out.

ASAP is a free, independent and confidential advice service that is available to serving personnel, veterans and their families, regardless of where they live in Scotland—although I take on board Maureen Watt's point. The Scottish Government does not provide these services directly, but we must as far as possible ensure that veterans throughout Scotland are able to draw on available services.

ASAP's specialist advice is available through appropriate signposting and is only a phone call away. Initial advice is available on a national helpline—0845 231 0300—and, after that, veterans can get an appointment with an adviser at a designated CAB. This excellent, intuitive and well-designed tool makes the right connections with organisations and agencies that have expertise of direct benefit to those who need it and provides the right people to assist with benefits inquiries; debt and money management advice; housing issues, to which I will return in a moment; work-related problems; consumer issues; and help in coping with relationships.

In response to Alex Fergusson's point about the preponderance of veterans in the homelessness

figures, I point out that we have been tackling homelessness directly. For example, as was made clear during First Minister's questions, the level of homelessness dropped by almost a fifth over the past year while, south of the border, there was a substantial increase. We have managed to reduce those figures in the teeth both of a recession and of certain welfare reforms that have increased homelessness south of the border. If Mr Fergusson has more information on the figure that he mentioned—more than 10 per cent, I believe—I would be interested in hearing it.

In order to tackle this issue more effectively, we need more effective joint working between those who help veterans, the Scottish Government and the Ministry of Defence. We have certainly had a great deal of co-operation from those at the very top of the armed forces, who have made it very clear that they are keen to work with us; and Veterans Scotland has said the same. However, if the MOD and the Scottish Government can engage more effectively, we will be able to pick up certain issues, particularly the point highlighted by Christina McKelvie about the ability of members of the armed forces to apply for housing.

Alex Fergusson: I hope that the minister will accept that I was not trying to make a political point or, indeed, any criticism of the Scottish Government's housing or homelessness policies, particularly in relation to the armed forces. The Scottish Government and the Parliament are both highly regarded by the armed forces as being open, accessible and doing everything they can to help. However, although I was not making a party-political point, the fact remains that ex-servicemen are 10 per cent more likely to be homeless in Scotland than they are in other parts of the United Kingdom and, despite the Government's laudable efforts to address the matter, that must surely be a matter for concern.

Keith Brown: I take Alex Fergusson's point. All I am saying is that I would like more information. I know that that has been the case in the past when there have been substantial reductions in the homelessness figures but it seems counterintuitive that that should continue to be the case.

As part of my work with the MOD, I have recently visited two bases. The visits were not public; I had gone along with the intention of asking serving personnel to give me their views and to highlight certain issues, particularly with regard to leaving the service. In one base, the tables were turned on me and I had around 40 personnel from the different ranks asking me what the Scottish Government was able to do. Housing came up repeatedly, but often their questions were less about what the Scottish Government could do before personnel left the service and more about what the MOD could do with regard to, for

example, housing grants, which are available only in certain parts of the country. It was extremely useful for me to realise where we have more work to do and to get an idea of serving personnel's concerns.

The statistics in the motion make very impressive reading. Christina McKelvie mentioned some of them: ASAP has helped more than 1,400 clients in 21 months and addressed 6,000 issues. I am particularly struck by the fact that it has secured almost £900,000 in additional benefits for those who access the service. That is a successful project by any description and I congratulate all the advisers in each CAB on their considerable achievement.

It is only right that the other partners in the project are congratulated on their foresight and commitment, and on their support of ASAP. First and foremost the role of Poppyscotland must be applauded, as Alex Fergusson mentioned. The staff from that veterans charity work very closely with CAS and it is entirely appropriate to acknowledge the fantastic work that Ian McGregor and his staff have done to move the project forward. It is also right that we acknowledge the other funders. There are many, which demonstrates the faith that they put into ASAP. I welcome the contributions and support of the other veterans charities mentioned in the motion.

I am sure that members would also wish me to record the role of the Scottish Government in the project, which is a minor part, but integral nevertheless. We contribute to the Scottish veterans fund just more than £6,000 towards the cost of booklets for advisers, which has helped to build the library of information that has proved to be so invaluable. I am pleased that we have made a contribution to that.

Of course, ASAP is a tool to be used to assist those who face difficulties when transiting from military to civilian life or who experience problems some years after discharge. Mark Griffin spoke about some of those challenges for service personnel and I should challenge one of his points. Service personnel often cook for themselves, although that tends to be in circumstances where they have ready-made food products in the field. He is right to say that when service personnel move into a tenancy or new housing arrangements they face a challenge of home economics. The armed forces could do more about that while people are still serving.

I look forward to reading the CAB report on veterans' issues, which was published today. I am sure that it will provide valuable insight into particular needs and aspirations. Members will be interested to know that yesterday I met with Colonel Martin Gibson, who is chairman of Veterans Scotland. Once again, he congratulated

the Scottish Government for its inclusive, supportive and effective raft of programmes, which was developed to support our armed forces and veterans community.

Last year I announced in the chamber that the Government would publish a road map, which would set out our future plans for the planning and delivery of support and advice services. That road map is almost ready and I will write to all members shortly.

The Deputy Presiding Officer: Please come to a conclusion.

Keith Brown: I am sorry. I am taking a bit longer than I intended because I took three interventions.

As Paul Wheelhouse mentioned, it is important that we acknowledge armed forces week. I went to armed forces day in Stirling on Saturday and I will go to armed forces day in Edinburgh this week. The interests of serving armed forces personnel and veterans are served by ASAP, which is a fantastic project, and the motion sums up its success very well. It is a vital source of advice and support, and it succeeds in exactly what it sets out to do. It makes a significant contribution to help veterans recover from problems and it should be commended.

13:13

Meeting suspended.

14:15

On resuming—

Scottish Executive Question Time

Culture and External Affairs

Creative Scotland (Aberdeen)

1. Kevin Stewart (Aberdeen Central) (SNP):

To ask the Scottish Government when it last met Creative Scotland to discuss its work in Aberdeen. (S4O-01189)

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): The Scottish Government regularly meets Creative Scotland, the Convention of Scottish Local Authorities and Vocal Scotland to discuss issues and share information in relation to culture and cultural services in a local authority context. The Scottish Government has not met Creative Scotland to discuss its work in Aberdeen specifically.

Kevin Stewart: Has Creative Scotland been in discussion with partners, including Aberdeen City Council, about the proposed city garden project? Has the Labour-led Administration indicated to Creative Scotland what its funding plans are to refurbish Aberdeen art gallery if it rejects the tax incremental financing bid?

Fiona Hyslop: Creative Scotland is represented on the Aberdeen city garden project group in forming and influencing the strategic content of the proposed granite web. Its interests are in delivering quality arts facilities for the people of Scotland, and it is keen to ensure that the proposed development helps to strengthen Aberdeen's cultural infrastructure and adds value to the work of existing organisations in the area.

Creative Scotland recently spoke to the leader of Aberdeen City Council about the city garden project. The council considers that it offers the potential to be a key platform for the city's bid to win city of culture status. I do not know whether the council indicated to Creative Scotland what the funding plans are to refurbish the art gallery should it reject TIF, but I will endeavour to find that out for Kevin Stewart.

Lewis Macdonald (North East Scotland) (Lab): I confirm what the minister has said: the Aberdeen art gallery and the city garden project were among the issues discussed at that meeting. All the members in the chamber understand that the garden project is one that has deeply divided opinion in the city, but what I think will unite opinion—I welcome the minister's comments on this—is the city's bid to be the United Kingdom's

city of culture in 2017. Does the minister encourage people to support that bid? Does she support the bid?

Fiona Hyslop: I note Lewis Macdonald's comments. I refer to the fact that there was a referendum and that a large number of Aberdeen's population voted in favour of the project, and it is up to the democratic process within Aberdeen to take its course. There is great potential for cultural activity in Aberdeen to be enhanced by a variety of projects.

On the city of culture bid, I warmly welcome and support Aberdeen's proposals. I add that I am aware that the city of Dundee is also interested in bidding. If the member can bear with me, I think that we can provide opportunities to support culture more generally as the proposals develop. It is fantastic that we have Scottish cities bidding to be city of culture.

Nanette Milne (North East Scotland) (Con):

On what is perhaps a slightly less controversial topic, will the minister outline what additional support and promotion the Scottish Government, along with Creative Scotland, might provide to help festivals such as the Aberdeen international youth festival and others across the north-east such as the Portsoy, Sound and Stonehaven folk festivals, as part of the winning years and homecoming initiatives, given the fact that many festivals are facing cuts to grants and significant challenges in securing sponsorship?

Fiona Hyslop: I am very pleased that, in what is a difficult financial climate, we have managed to protect front-line investment for culture and creative services and, indeed, Creative Scotland. One reason why Creative Scotland has developed a formal place partnership with Aberdeen city in particular is to look at how we can strategically support all the wonderful, different festivals and cultural offerings that are available in Aberdeen. As the member knows, I am looking forward to attending the Aberdeen international youth festival to help in the celebrations and to showcase the best of not only Scottish but international youth talent to Scotland and the wider world.

Indonesian Government (Discussions)

2. Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): To ask the Scottish Government what discussions it has had with the Indonesian Government. (S4O-01190)

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): The Scottish Government has not had any discussions with the Indonesian Government.

Jamie Hepburn: The cabinet secretary will recall the tragedy in East Timor in which, under Indonesian occupation, between 100,000 and

200,000 people were killed. Less well known is the situation in West Papua, which has been occupied by Indonesia since 1962. There has been ongoing repression there: people can be arrested for raising the West Papuan flag and it is reported that 400,000 West Papuans have been killed in the intervening years. There is currently a crackdown on those who are asserting West Papua's right to sovereignty. Can the cabinet secretary assure me that the Scottish Government condemns human rights abuses wherever they occur?

Fiona Hyslop: I and the Scottish Government condemn human rights abuses wherever they occur. As a responsible nation within the global community, Scotland has a strong and enduring commitment to securing fundamental human rights and we expect all states to comply with international and human rights law.

Through organisations such as the United Nations, the international community has a key role in establishing the framework to ensure that the fundamental rights of all, particularly the most vulnerable and powerless, are fully protected and respected. I thank the member for bringing the issue of West Papua to the attention of the Scottish Parliament.

Homecoming 2014

3. Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP): To ask the Scottish Government how it will showcase Scots culture for the year of homecoming 2014 and beyond. (S4O-01191)

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): We are keen to take every opportunity to showcase Scots culture during homecoming 2014 and beyond. An inspirational events programme for the year will be developed, set around the five themes of ancestry, food and drink, active, creative and natural Scotland. We recently announced £3 million to support that programme, and a call for funding applications to events and organisations will be made later in the summer when full criteria and guidelines will also be provided.

Adam Ingram: With her Ayrshire connections, the cabinet secretary will be well aware of the huge contribution that Burns country could make to the year of homecoming. What discussions has the Scottish Government had with the National Trust for Scotland and others to connect up existing offerings, such as music and literary festivals, perhaps using the Robert Burns birthplace museum as a hub for Scots cultural initiatives?

Fiona Hyslop: The National Trust for Scotland is an enthusiastic supporter of the plans for the focus years and homecoming 2014. It is

represented on the strategic group along with other key partners. As well as leading the delivery of homecoming 2014, the group will look at opportunities to work with others.

The member made points about all the fantastic festivals that already take place in Ayrshire that could be enhanced during the year of homecoming 2014, and that is a great idea. I know that he has been encouraging Creative Scotland to make contact with South Ayrshire Council to see what opportunities exist.

Burns country was such an important part of the 2009 homecoming, and it presents a great opportunity for the future. The suggestion of the Robert Burns birthplace museum being used as a hub for Scots is a good one, but the member will appreciate that it is for Creative Scotland, South Ayrshire Council and the National Trust for Scotland to implement such ideas.

Jean Urquhart (Highlands and Islands) (SNP): How will the Scottish Government showcase the Gaelic language and culture for the year of homecoming 2014 and beyond?

Fiona Hyslop: I refer the member to the points in my earlier answer about this summer's opportunities for bids. There will be a great opportunity to showcase Gaelic culture during the year of homecoming 2014, building on the momentum of some of the activity that we are already seeing. For example, the Tìree music festival, Fèis Canna, the Royal National Mod and the Blas festival are all joining the celebration of the year of creative Scotland. We can build on that going forward to 2014.

Annabel Goldie (West Scotland) (Con): For the many people who were left with unpaid bills from homecoming 2009, there is still a bad taste in the mouth. Has the Scottish Government any plans to mitigate the unfortunate legacy from that previous failure? Does it have any plans to reassure people who are going to be involved in the homecoming 2014 that those who provide goods and services will be paid?

Fiona Hyslop: The member will be aware that homecoming 2009 was extremely successful. It brought a great deal of additional income to Scottish businesses, and more than 300 events were highly successful.

The member will be aware that the Parliament has carried out an investigation into the one event that had some difficulties. Recommendations were made as part of that, and those taking forward any future gathering in 2014 will have learned lessons, not least to be careful who they work with when it comes to private companies. Anyone involved in clan 2014 will take on board the weaknesses of the gathering of 2009.

Lessons learned at the time of the inquiry will be taken forward, but we cannot forget the success of all the festivals and events in homecoming 2009. It is important that members throughout the chamber get behind all the events in homecoming 2014 to make them a success.

Lower Saxony (Discussions)

4. Colin Keir (Edinburgh Western) (SNP): To ask the Scottish Government what issues were discussed with the Prime Minister of Lower Saxony during his visit to the Parliament. (S4O-01192)

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): At their meeting on 7 June, the First Minister and David McAllister, Minister-President of Lower Saxony, discussed strengthening co-operation between Scotland and Lower Saxony in the fields of renewable energy and energy technology, including how to turn low-carbon opportunities into reality. They also discussed wider issues in Europe. The First Minister accepted an invitation to visit Lower Saxony later in the year and received an invitation for the Scottish Government to participate in a celebration of Scottish culture in Lower Saxony next year.

The Presiding Officer (Tricia Marwick): Question 5 from James Dornan.

James Dornan (Glasgow Cathcart) (SNP)
rose—

The Presiding Officer: Excuse me, Mr Dornan. Colin Keir has a supplementary.

Colin Keir: Thank you, Presiding Officer.

What recent discussions have taken place with other German leaders, with a view to promoting Scotland's economic interests in Germany?

Fiona Hyslop: I think I am with you, Presiding Officer.

Fergus Ewing is in Germany this week, giving a keynote address at windforce 2012 in Bremen, which is a major offshore wind energy trade fair and conference. Mr Ewing will meet a number of existing and potential inward investors, including AREVA Wind, Alstom, ForWind, PNE WIND and Mahle. There are 14 Scottish companies attending windforce 2012, of which 10 will be on the Scottish Development International stand at the exhibition.

Fergus Ewing will also meet politicians, including the Federal Minister for the Environment, the Lower Saxony Minister for Environment, Energy and Climate Protection, and the Baden-Württemberg Minister of the Environment, Climate Protection and the Energy Sector. Mr Ewing has invited the Lower Saxony environment minister to

come to Scotland to build on the co-operation between Scotland and Lower Saxony.

The Presiding Officer: Now we come to question 5 from James Dornan.

South Sudan (Scottish Organisations)

5. James Dornan (Glasgow Cathcart) (SNP): I hope that you think this is worth waiting for, Presiding Officer.

To ask the Scottish Government what recent discussions it has had with Scottish organisations carrying out development work in South Sudan. (S4O-01193)

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): The Scottish Government has regular discussions with the Network of International Development Organisations in Scotland, whose members are involved in development work throughout Africa, including South Sudan.

James Dornan: I have recently visited South Sudan and Uganda with Glasgow the Caring City, and I saw first-hand some of the inspirational work that it and other Scottish charities are doing to make life better for the children of South Sudan, many of whom have been orphaned because of the atrocities committed by Joseph Kony and the Lord's Resistance Army. Will the cabinet secretary join me in condemning those atrocities, praising the work of Scottish aid charities in South Sudan, who are making a significant difference to the lives of those in need, and congratulating South Sudan on the first anniversary of its independence on 9 July?

Fiona Hyslop: I join the member in congratulating South Sudan on the first anniversary of its independence on 9 July. I am aware of the good work undertaken by Glasgow the Caring City, which the Scottish Government has previously funded to undertake humanitarian work in response to events in Gaza and Haiti. I welcome its valuable contribution to the relief effort in South Sudan.

The Scottish Government condemns in the strongest possible terms the atrocities carried out by Joseph Kony and the Lord's Resistance Army. As I said in response to an earlier question, we promote a positive vision of human rights around the world. Our international development policy articulates the vision of Scotland's place and its commitment to play a role in responding to challenges faced by our world today.

The Presiding Officer: Question 6, from Stewart Maxwell, was not lodged, although the member has provided an explanation.

European Commission (Discussions)

7. Helen Eadie (Cowdenbeath) (Lab): To ask the Scottish Executive what recent discussions it has had with the European Commission. (S4O-01195)

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): The Government has regular contact with the Commission and other member states concerning a range of issues in order to govern in the best interests of the people of Scotland.

Helen Eadie: I note that the cabinet secretary did not mention any conversations, discussions or correspondence about the key issue of the legal competence of a separate Scotland's accession to the European Union and the euro currency. I know that the Scottish Government asserts that that is somehow a done deal but, without the paperwork, canny Scots have questions that remain. When will the cabinet secretary publish a view from the Commission that clarifies whether a separate Scotland can or cannot join the EU without joining the euro? If not, why not?

Fiona Hyslop: When Helen Eadie asked this question on 8 September 2011, I answered:

"The Government has regular contact with Commission officials and other member states, which concern a range of issues. It is not customary to divulge the content of those or any other official discussions."—[*Official Report*, 8 September 2011; c 1548.]

I refer Helen Eadie to the Commission. It is for the Commission to answer those points. The one statement that we have had from the Commission has been from the Commissioner for Inter-Institutional Relations and Administration—interestingly, not the commissioner with responsibility for enlargement. That statement said:

"At the present time, the Commission is not able to express any view on the specific issue ... given that the terms and result of any future referendum are unknown, as is the nature of the possible future relationships between the parties concerned and between those parties and European Union partners."

I remind Helen Eadie that, following independence, the rest of the United Kingdom would be in a position similar to Scotland's, and, as continuing members of the European Union, both of us would have interests in engaging constructively with the Commission at that time.

Aileen McLeod (South Scotland) (SNP): In light of the meeting of the European Council that is getting under way in Brussels right now, does the cabinet secretary agree that the United Kingdom Prime Minister should use it as an opportunity to commit his Government to a common EU growth strategy based on increasing capital investment and strengthening job creation across the UK,

exactly in accordance with the policies that the Scottish Government has repeatedly urged him to initiate?

Fiona Hyslop: Yesterday, the Scottish Government announced £105 million of capital investment to stimulate the Scottish economy. I am sure that that will be welcomed across the chamber. We have repeatedly emphasised to the UK chancellor the importance of increased investment in infrastructure and have highlighted the need for shovel-ready projects to protect jobs and strengthen recovery. This Government is delivering. It would be helpful if the UK Government could do likewise.

The Cabinet Secretary for Finance, Employment and Sustainable Growth and I have repeatedly made those points to the UK Government in the context of the European Council and in other discussions. It is important for the sake of jobs in Europe and Scotland that we do everything that we can to generate economic growth. This Government has delivered, and I am sure that members will recognise that, with the £105 million that we announced yesterday, we are stimulating the Scottish economy.

Local Broadcasting and Programming (Scottish Borders)

8. John Lamont (Ettrick, Roxburgh and Berwickshire) (Con): To ask the Scottish Executive what steps it is taking to promote local broadcasting and programming in the Scottish Borders. (S4O-01196)

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): The quality of broadcasting in the Scottish Borders and the south of Scotland generally is a key concern for the Government. That is why, in meetings and correspondence with STV, ITV, the Office of Communications and the Westminster Government, we have stressed the importance of viewers having access to Scottish programming, particularly on news and current affairs at this time of national debate.

It is also why we are investing £239,000 into a pilot project for a local television service that will be delivered in Annan via broadband. That is a co-investment with Dumfries and Galloway Council. The pilot commences in the second half of this year and will last until early 2013. If the pilot is successful, it will be repeated as part of the next-generation broadband scheme in the area, starting in mid-2013, under the Scottish Government's procurement plan.

John Lamont: In light of Ofcom's recent report, "Licensing of Channel 3 and Channel 5", does the cabinet secretary share my belief that local broadcasting and planning would be better served

by having a dedicated, regional service for viewers in the south of Scotland, supplemented with coverage of national Scottish issues, rather than a Scotland-wide service, such as the one that is proposed by STV?

Fiona Hyslop: Indeed I do. I think that the member is right to draw our attention to the Ofcom report. The Ofcom advice on channel 3 relicensing said:

“Changes to the Channel 3 service broadcast in the south of Scotland may also be appropriate to ensure viewers receive coverage of both regional and National matters.”

This is an issue that unites members across the chamber who want to achieve a better quality of news and service for the Borders. The licence for the channel 3 service is one of the opportunities in that regard. It would be appropriate for me to encourage the member to encourage the United Kingdom Government to make a decision about that sooner rather than later. If it heeds the advice in Ofcom’s report, we might make progress on an issue that unites the chamber.

Traditional Arts Working Group

9. Rob Gibson (Caithness, Sutherland and Ross) (SNP): To ask the Scottish Government what progress has been made in implementing the proposals of the traditional arts working group. (S4O-01197)

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): Creative Scotland, which is our national body for the arts, culture and creative industries, continues to take forward the traditional arts working group’s recommendations.

The introduction of dedicated investment programmes to support the traditional arts in commissions, mentoring and tutoring and professional development, and increased investment from a range of Creative Scotland’s funding streams, have resulted in progress, with the creation and implementation of a range of successful projects and schemes, including “The Boy and the Bunnet”, which uses traditional Scottish instruments and musical styles and which will be performed at this year’s Edinburgh festival fringe. A touring performance on the life of the Highland preacher the Rev Duncan Campbell, the Scottish Youth Theatre’s “Family Storytime” for young children and families, and two commemorative performances at the National Mod in celebration of its 120th anniversary are currently in development.

Rob Gibson: Will the minister ensure that Creative Scotland maintains the promotion of Scottish traditional music in its rubric of the forthcoming development plan?

Fiona Hyslop: Yes. I will ensure that Creative Scotland maintains the promotion of all traditional arts, including traditional music.

Infrastructure and Capital Investment

Electric Cars

1. Claudia Beamish (South Scotland) (Lab): To ask the Scottish Executive what progress it is making on rolling out an infrastructure for electric cars. (S4O-01199)

The Minister for Housing and Transport (Keith Brown): Building on the successful installation of more than 300 electric vehicle charging posts in phase 1, good progress continues with phase 2 in concentrating on expanding that network further. We are in discussions with a number of stakeholders to widen the current infrastructure to include trunk roads, workplaces, ferry terminals, homes and transportation for the Commonwealth games in Glasgow. Work is also on-going on the creation of a Scottish plugged-in places and electric vehicles website, which will provide information on how to purchase electric vehicles, their associated benefits, as well as a map that details charge point locations.

Claudia Beamish: I thank the minister for that helpful answer.

An electric vehicle charge point has just been installed at St Bride’s community centre in South Lanarkshire in my region, but it is rarely used by the public, which is disappointing. The minister has highlighted the advertising of possibilities. In addition to the infrastructure work, what is the Scottish Government doing to encourage uptake of electric vehicles and to give consumers confidence to overcome range anxiety, in particular?

Keith Brown: That is an important issue. We should understand that it will be very difficult to encourage people to buy electric vehicles until the infrastructure for them is in place. I take on board Claudia Beamish’s point about ensuring that people are aware of where charge points are. They are all in the national charge-point registry and, as I mentioned, will be on the website that we are developing.

It is worth saying that the new charge points that we will create will include a number of fast-charge points, which are important for range—Claudia Beamish mentioned range. They will be in more rural areas, and we will ensure that we can join up between the cities as well. With those things being taken forward, we will have the infrastructure in place that will, I hope, encourage more people to use electric vehicles.

The Presiding Officer: Question 2, in the name of Jenny Marra, has not been lodged, but she has provided an explanation for that.

Railway Station Improvement Programme

3. Chic Brodie (South Scotland) (SNP): To ask the Scottish Government what the uptake and interest has been in the railway station improvement programme announced earlier this year. (S4O-01201)

The Minister for Housing and Transport (Keith Brown): The £30 million stations investment fund, which was announced in April this year, will aim to lever in additional funding to deliver improved and new stations from 2014. Transport Scotland has received 12 inquiries since the announcement, but we are aware of further station aspirations, including those that are highlighted in responses to the "Rail 2014" consultation.

Chic Brodie: The minister is to be congratulated on the programme, which will present an even better image to tourists who travel by train across Scotland.

A plan to develop the railway station at Prestwick airport has been under way for some time, and I understand that the proposal is now decision-ready. That railway station is particularly important because it is the only one that adjoins a key airport. Will the minister encourage his officials to engage quickly with Network Rail and Prestwick airport to give the go-ahead to that development?

Keith Brown: Stations that are owned by third parties such as Prestwick airport will be eligible and will be considered for funding through the Scottish stations investment fund. The eligibility criteria and the application process will be discussed with stakeholders over the coming months. I certainly encourage Prestwick airport to get involved in that process. As I said, the station development programme will start in 2014.

Elaine Murray (Dumfriesshire) (Lab): The minister said that the criteria will be discussed over coming months. Can he say what the criteria are likely to be, so that stations and communities can prepare bids for the fund? As the minister will know, there will be a lot more than 12, as I can think of two in my own constituency that would be interested.

Keith Brown: I think that every member in the chamber could think of two stations in their constituency. It is important to repeat that we will seek to have others contribute to the capital costs, whether they are regional transport partnerships, local councils or private developers. Some of the bids that have already been put to us will also be considered in that respect. We want the capital costs of new stations to be covered in that way as

much as possible. The franchise holder will, of course, take on the on-going subsidy costs to provide the service. The more we can cover the costs, the more stations we can take forward. The criteria are likely to include how such contributions will be made. They are also likely to cover the necessary Scottish transport appraisal guidance arrangements, because we must ensure that the train option is the right option for any proposed stations. All those aspects will be considered for the criteria that will be formed by officials and brought forward in the coming months.

Broadband Roll-out

4. Linda Fabiani (East Kilbride) (SNP): To ask the Scottish Government what criteria will be considered in deciding where to target the next roll-out of broadband. (S4O-01202)

The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil): "Scotland's Digital Future—Infrastructure Action Plan" was published on 31 January 2012 and makes it clear that public sector intervention in next generation broadband infrastructure will be targeted solely in the areas where the market is not delivering or will not deliver next generation broadband. Those are defined by the European Union as "white areas".

Linda Fabiani: The market is certainly not delivering in East Kilbride in my constituency, which is the largest town in Scotland and has a very high number of extremely successful businesses and makes a great contribution to Scotland's economy. Can the cabinet secretary please take steps to ensure that that thriving hub of business is given decent broadband coverage so that we can all move forward?

Alex Neil: I appreciate that point. East Kilbride is a large town and one would expect the private sector to provide superfast broadband in a town that size. I am happy to take up that issue with providers and to meet Linda Fabiani to discuss how we can develop the situation and ensure that East Kilbride has access to superfast broadband.

Elaine Smith (Coatbridge and Chryston) (Lab): Can the cabinet secretary take action to ensure that broadband infrastructure is improved in places like Moodiesburn and Mollinsburn in my constituency, where internet speeds are prohibitively slow and cause problems for households and local businesses?

Alex Neil: I realise that many people are in a similar position in that regard, including in the two communities to which Elaine Smith referred. We will announce later this year the detail of the roll-out of our superfast broadband investment. East Kilbride is under South Lanarkshire Council and the two communities to which Elaine Smith referred are under North Lanarkshire Council. It

would be helpful if both those councils could produce their proposals for the roll-out of superfast broadband in their areas.

Town Centre and High Street Investment

5. Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): To ask the Scottish Executive what investment it plans for town centres and high streets. (S4O-01203)

The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil): The Scottish Government recognises that vibrant town centres and high streets are vital to the wellbeing of communities and the local economy.

We are committed to supporting town centres and high streets, and I will announce details of our town centre review in the summer, which will bring together representatives from the public, private and third sectors who have an appetite to get involved.

However, local authorities are responsible for local economic development and therefore for ensuring the viability of the towns within their areas, taking account of local circumstances and the aspirations of their communities.

Patricia Ferguson: As the minister will know, I was a supporter of the previous town centre regeneration fund and saw the good work that was achieved using that money. It would be helpful if the minister could consider reinstating such a fund or introducing a similar mechanism, particularly to help to tackle the problems of town centres like Springburn, where the facilities are in private ownership and there are consequently fewer levers to promote the change and improvement that is badly needed.

Alex Neil: I would be delighted to reinstate such a fund if I had the money to do so. Of course I do not have the money to do so, because the capital budget of the Scottish Government was cut by 40 per cent by Alasdair Darling and is still being cut by 30 per cent by the Conservatives and the Liberal Democrats. If they reverse their cuts, I will set up a new town centre regeneration fund.

Broadband (Central Scotland)

6. John Wilson (Central Scotland) (SNP): To ask the Scottish Government what steps it is taking to improve the broadband infrastructure in Central Scotland. (S4O-01204)

The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil): Members may have heard some of this already.

The infrastructure action plan that I referred to in my answer to the previous question on broadband sets out the Scottish Government commitment

to—and the steps that it will take to deliver—a step change in broadband speeds by 2015. That will pave the way for the delivery of world-class and future-proofed infrastructure across the whole of Scotland by 2020.

Through our step change 2015 programme, we will invest in infrastructure that will have the capacity to deliver broadband at a speed of 40 to 80 megabits per second to 85 to 90 per cent of premises by 2015. In John Wilson's constituency, that commitment will be delivered through our rest of Scotland broadband project, which aims to enter procurement in September.

As we progress through delivery of that programme, we will work collaboratively with the local authorities in central Scotland to ensure that we take account of local plans and priorities in the region.

John Wilson: I thank the cabinet secretary for his extensive response. To follow up on the points that were raised by my colleagues earlier, can I get assurances from the cabinet secretary that issues relating to broadband slow-spots and the current inequality in accessing broadband that are experienced by many communities throughout central Scotland will be tackled?

Alex Neil: Slow-spots and not-spots are our top priorities in rolling out broadband. However, as we have said, we will follow the priorities that are decided locally. That is why I am anxious that North Lanarkshire Council, South Lanarkshire Council and Falkirk Council—which cover the area that is represented by the regional member—all submit their plans and proposals. As I have made clear twice in two documents in the past three or four months, areas that submit their plans will be given priority. We are not going to hold up the rest of Scotland because some people are falling behind in submitting their plans for broadband.

Broadband (Angus and Aberdeenshire)

7. Nigel Don (Angus North and Mearns) (SNP): To ask the Scottish Government what action is being taken to improve broadband speeds in Angus and Aberdeenshire. (S4O-01205)

The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil): I am beginning to feel like a broadband.

In my response to the previous question, I referred to the step change 2015 programme, in which the Scottish Government has committed to investing in infrastructure that will have the capacity to deliver broadband at a speed of 40 to 80 megabits per second to 85 to 90 per cent of premises by 2015.

In total, the Scottish Government's central funding pot for broadband delivery across

Scotland is now £244.5 million. In addition, about £40 million to date has been secured in local authority contributions—that includes the intention of Aberdeenshire Council to provide up to £18 million. That significant contribution to the procurement exercise that is due to begin in September will enable even more businesses and people in Aberdeenshire to benefit from next-generation broadband.

Over the summer, we will continue our dialogue with the local authorities in Angus and Aberdeenshire to ensure that we take account of local plans and priorities in the respective regions.

Nigel Don: I guess that we are getting a taste of what topical questions might be like next term.

I have heard everything that the cabinet secretary has said—including his responses to the previous questions, of course. I make the point that I—and many other members—represent the communities who will be in the last 10 per cent or so. To them, what the other 85 to 90 per cent of the population are getting is of little interest. Those small communities that are a significant distance away from existing telephone exchanges will be the last to be reached but, if I can make the point gently, they are the people—[*Interruption.*]

The Presiding Officer: I am not sure what happened to Mr Don's microphone there. The light was certainly on, but it was difficult to hear him. I am sure that you can be brief, cabinet secretary.

Alex Neil: I hope that Mr Don's seat is not a not-spot for broadband, as it seems to be for the microphone. He should not assume that because an area is quite far away from the cabinet or exchange, it will automatically be in the last 10 or 15 per cent of areas to be dealt with. I have made it absolutely clear that I am determined that remote rural areas and island communities will not be at the tail end of the process. The whole point of the money that we are investing is to get, in the shortest time, to the areas where need is greatest. During the summer, I will announce various other initiatives that will be designed specifically to deal with the kind of situation in which Mr Don's constituents find themselves.

Richard Baker (North East Scotland) (Lab): How will the Scottish Government achieve its ambition that the rate of broadband take-up in Scotland be at or above the United Kingdom average by next year, when the current figure is significantly below that and the contracts for the work will not even be awarded until the first half of next year? Is it not time for superfast action from the broadband secretary and are we not lacking that at the moment?

Alex Neil: That is superfast nonsense. Mr Baker, as is his wont, picks out one statistic from a battery of statistics. For example, he does not take

into account take-up of mobile broadband, particularly among young people, which in some areas is of the order of 85 to 90 per cent. Rather than give us the doom and gloom, why does he not join us and recognise, as the rest of the UK now does, that Scotland has caught up and will move ahead of everybody else to ensure that our country has superfast broadband as and when it requires it.

Scottish Water (Meetings)

8. Drew Smith (Glasgow) (Lab): To ask the Scottish Executive when it last met the chief executive of Scottish Water and what issues were discussed. (S4O-01206)

The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil): I thank Drew Smith for not asking about broadband.

I met the chair and chief executive of Scottish Water on Monday 25 June 2012, when I opened the new Dunoon waste water improvement scheme, which is a most impressive facility that is delivering significant benefits to the community of Dunoon.

Drew Smith: Earlier this year, the First Minister mooted the idea that Scottish Water should be able to raise and borrow money from the markets or, in other words, that Scottish Water should be transformed into a so-called public interest company. Does the cabinet secretary agree with the trade unions and others that that model is simply privatisation by another name? Does he agree that the Scottish people are entitled to know whether the Scottish Government has any plans to sell water and waste water services to contractors and to transfer control of water from the public sector to the markets?

Alex Neil: I draw Drew Smith's attention to the Water Resources (Scotland) Bill, which was published today along with a policy memorandum and explanatory notes in which we make it abundantly clear that Scottish Water will remain in public ownership while we remain in government. Unlike the Labour Party, we will not follow the Tory agenda of privatisation.

Public Sector Contracts (Access)

9. Graeme Dey (Angus South) (SNP): To ask the Scottish Government what it is doing to improve access to public sector contracts for small companies. (S4O-01207)

The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil): As part of our drive to achieve sustainable economic growth, the Government has greatly enhanced ease of access to public sector contracts, especially through the introduction of the public contracts Scotland service, which provides suppliers with free access

to thousands of Scottish contracting opportunities. Since the website's launch in 2008, more than 15,000 public contract opportunities have been advertised on it. The service currently has more than 60,000 supplier registrations, in excess of 80 per cent of which are small and medium-sized enterprises. The website consistently achieves more than 1 million page views every month.

Graeme Dey: Although I accept entirely that there are legislative impediments to local companies of all sizes being favoured in procurement processes, has the cabinet secretary considered whether it might be possible for carbon footprint to become a consideration in awarding of contracts?

Alex Neil: I raised that point yesterday in Brussels with Commissioner Barnier, who is in overall charge of public procurement reform in Brussels. The European Commission and the Scottish Government will take forward work on that.

As for some of the nonsense that has been put around about the ability of small to medium-sized enterprises in Scotland to win work, I can tell Graeme Dey that, according to figures for the Forth replacement crossing, 87 per cent of the supply orders and 60 per cent of the subcontract work have gone to Scottish companies. Those figures make an absolute nonsense of the misinformation and disinformation that the Labour Party is putting about.

Housing Supply (Social Rented Sector)

10. John Finnie (Highlands and Islands) (SNP): To ask the Scottish Government what is being done to increase the supply of social rented housing. (S4O-01208)

The Minister for Housing and Transport (Keith Brown): The Scottish Government has been absolutely clear in its aim to deliver during this session of Parliament at least 30,000 affordable homes, at least two thirds of which will be for social rent. In the first full year of this Parliament, almost 6,900 affordable homes were completed, 5,662 of which were for social rent.

John Finnie: Given that the Highlands is leading the way with health and social care integration, and in the light of the Christie commission's proposals promoting collaborative working across public bodies, will the Scottish Government encourage public authorities to convert, wherever practicable, vacated office space into dwelling houses?

Keith Brown: John Finnie might be aware that a consultation on proposals for integration of adult health and social care is under way and that the deadline for responses is 11 September. I

encourage all members, including Mr Finnie, to respond to it.

As for conversion of vacant office space for housing, details of public sector surplus land and properties are circulated internally to check for potential interest. That system allows the Scottish Government to consider with local partners whether any of the surplus properties that are available might, where practicable, be suitable for housing use.

Welfare Reform (Further Provision) (Scotland) Bill: Stage 3

14:56

The Deputy Presiding Officer (John Scott):

The next item of business is stage 3 proceedings on the Welfare Reform (Further Provision) (Scotland) Bill. In dealing with the amendments, members should have: the bill as amended at stage 2; the marshalled list; and the groupings.

For the first division of the afternoon, the division bell will sound and proceedings will be suspended for five minutes. 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. All other divisions will be 30 seconds. 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 1—Universal credit: further provision

The Deputy Presiding Officer: Amendment 1, in the name of Drew Smith, is grouped with amendment 2.

Drew Smith (Glasgow) (Lab): The purpose of amendments 1 and 2 is to ensure a more appropriate level of scrutiny of the regulations that will emanate from the bill. If agreed to, both amendments would require regulations to be subject to affirmative rather than negative procedure.

The issue of the use of negative or affirmative procedure for subordinate legislation does not usually excite the interest of many members of the Parliament, far less those outside it. However, the matter has been discussed at some length by the Welfare Reform Committee and debated at stage 2, and I have brought the amendments back at stage 3 because there is still substantial support among stakeholders for a greater degree of scrutiny of the regulations than that proposed by the Cabinet Secretary for Health, Wellbeing and Cities Strategy. As this is an enabling bill, the regulations that arise will form the main substance of the interaction between welfare reform and links to passported benefits.

As a former member of the Subordinate Legislation Committee, I understand that there are three types of procedure for dealing with such legislation: negative, affirmative and super-affirmative. Instead of seeking to lecture those

more experienced than myself, I will simply trust that members across the chamber understand the differences between each. Suffice it to say, however, that moving from negative to affirmative procedure would mean that the regulations would become subject to a vote in Parliament.

Stakeholders who have made representations to the Welfare Reform Committee and who have lobbied in support of amendments 1 and 2 are concerned that the regulations should be right as well as timely. The timescales for both negative and affirmative procedure are the same—40 days—and many of the charities and others who support the amendments initially preferred the use of super-affirmative procedure to guarantee maximum scrutiny and the widest possible consideration. However, they have come to accept the compromise of affirmative procedure because they are as concerned as the cabinet secretary is that the tight timescales to which the Scottish Government must work are adhered to. I agree with them for the same reason, and because I was concerned that the use of super-affirmative procedure would not provide Scottish ministers with all the flexibility that they may need.

15:00

The timetable is essential to ensure the continued provision of passported benefits when the United Kingdom welfare reform changes come into force. It is also necessary that consideration is concluded before the new financial year.

“The traditional approach to welfare reform—which focuses on a framework in primary legislation accompanied by multiple regulation-making powers—can undermine parliamentary scrutiny.”

Those are not my words, but those of the Joint Committee on Human Rights, which published a critical report on the United Kingdom Welfare Reform Bill, which should serve as a warning to the Scottish Parliament and the Scottish Government against their repeating the same mistakes.

The cabinet secretary indicated at stage 1 that over the summer she would seek views on the regulations. I, and others, welcomed that at that time, and do so again today. I note that she has published a consultation on the subject. I would be grateful if, when she responds to the points that I have made so far, she would indicate whether she has now ruled out consulting on draft regulations, in favour of asking open-ended questions.

If there is a will to work together on the issue of procedure, I am sure that a way can be found to make the affirmative procedure work, and the debate can then move on to matters of greater political principle.

I move amendment 1.

Margaret Burgess (Cunninghame South) (SNP): Drew Smith is right when he says that his suggestion has been discussed before: it was discussed at stage 1 and again at stage 2. On both occasions it was rejected, and with good reason.

I welcome the support of all stakeholders for the overarching aim of the bill, which is to ensure that vulnerable people continue to get access to passported benefits from April 2013, when the UK Government's welfare reforms will kick in.

We are operating to a timescale set by another Government that can make changes at any time without consulting the Scottish Government. It is therefore essential that Scottish ministers have the power to act quickly, if required, to ensure that people do not lose out on passported benefits, which are a lifeline to many.

As it stands, the bill will allow affirmative procedure to be used when doing so is merited, and negative procedure to be used otherwise. Amendments 1 and 2 would remove the use of negative procedure entirely, with the risk of the UK deadline being missed if changes were made late in the process. Although the 40-day time limit for scrutiny applies to both types of procedure, the negative procedure allows regulations to come into force sooner—I am sure that people who know more about that than me will explain it in more detail. The approach that the bill sets out is sensible, given that we are in a unique situation. We simply cannot put vulnerable people at risk.

The cabinet secretary has given a clear commitment to consult widely with stakeholders, and the consultation was launched this week—I encourage everyone to take part in it. She has also offered to discuss the outcome of the consultation in detail with the Welfare Reform Committee, so that we can hear the views of people on the front line.

The stakeholders share our primary aim of ensuring that we have the legislation in place by April 2013, which must be our main objective. The legislation needs procedural flexibility so that we can ensure that the required changes are made on time, given the lack of detail from the UK Government and any last-minute changes that it may make. I urge members not to support amendments 1 and 2.

Alex Johnstone (North East Scotland) (Con): I fully understand the issues that have caused many stakeholders to wish there to be as much scrutiny as possible of subordinate legislation, but, unfortunately, some of those stakeholders have misunderstood—or had misrepresented to them—the relative merits of negative and affirmative procedures. For that reason, I am not convinced by the argument that affirmative procedure should

be the appropriate route in all cases, which would be the effect of amendments 1 and 2.

My second concern was expressed a moment ago by Margaret Burgess. In this process, it is likely that in some cases ministers will have to react at short notice and with as much flexibility as possible. I believe that it will be necessary, on occasion, for the minister to have negative procedure at her disposal in order to carry out her responsibilities.

Therefore, amendments 1 and 2, which would have the effect of requiring that only affirmative procedure could ever be used, are unfortunately excessive and would tie the minister's hands unnecessarily, and perhaps dangerously in some cases.

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): At the outset of the Welfare Reform Committee's consideration of these matters, its number 1 priority—and the priority for all the stakeholders who have given evidence—was the necessity for any regulations under the bill that we hope to pass today to be put in place very quickly so that no individual loses out on their passported benefits.

Much has been made of the 40-day timeframe for both negative and affirmative procedures, which means that there should be no delay. However, that does not tell the entire story. As the process is led by the UK Government and is therefore not entirely in the Scottish Government's hands, there will be occasions—as Alex Johnstone and Margaret Burgess outlined—on which the Scottish Government must react swiftly and put in place a procedure that is contingent on what the UK Government has done. That can be done only through negative procedure, otherwise there is a danger that people might miss out on their passported benefits. On that basis, I oppose amendments 1 and 2.

On the issue of greater scrutiny, the Scottish Government has already written to the Welfare Reform Committee to set out its process for stakeholder involvement. Stakeholders certainly want to be involved in the process, but I do not get any sense that they have a burning desire for all instruments to be dealt with under affirmative procedure. On that basis, I hope that members will oppose amendments 1 and 2.

Michael McMahon (Uddingston and Bellshill) (Lab): When we returned from the Christmas recess, neither the bill nor the Welfare Reform Committee that scrutinised it existed. Today is the last day before the summer recess, and the committee has been established, a consultation has taken place and the bill has been introduced. We are now in unprecedented territory in progressing the bill as rapidly as we have done.

Jamie Hepburn is right to say that there is a desire among stakeholders for us to get the legislation in place so that we can move forward, and that has been delivered. With regard to amendments 1 and 2, we are discussing what happens with the subordinate legislation after we return from the summer recess to examine the detail of the consultation responses, so that we can ensure not only that we get the legislation in place in time for the changes that will come in next year, but that we get it right.

The only way that we can reassure and have the confidence of stakeholders, who—in spite of what Jamie Hepburn says—have a real desire for scrutiny, is to give the legislation the maximum amount of scrutiny, which can be done through the use of affirmative procedure. The timescale does not change: it is 40 days for both affirmative and negative procedures. The Government should not hide behind technicalities and should give people the confidence that the Parliament is listening to them and will adapt to their requirements by getting the legislation right.

The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon): I am very proud that the Parliament took the unprecedented step of refusing consent for the parts of the Welfare Reform Act 2012 that have given rise to the legislation that is before us today. I am glad that the Government has been able to respond to that decision in a timely way and that, six months later, we stand poised to enact legislation that will allow the Scottish Government to make the necessary changes to secure lifeline passported benefits. That is what the debate and the bill are all about.

However, I believe that the time has come to move on from this part of the process. We now need to go out and speak to stakeholders and to listen to more of what they have to say in order to ensure that we get the detail right. I am pleased that, as Drew Smith indicated, the Government has launched its consultation on passported benefits, and we will continue to consult stakeholders as closely and in as much detail as we can as we go further through the process.

The issue of scrutiny has been raised on a number of occasions, and members have said—at stage 2 and today—that stakeholders have a desire for a substantial degree of scrutiny. I think that that is right, and I have always recognised it to be the case.

However, what I believe that stakeholders and practitioners throughout the country want more than anything is to get down to the detail of what the bill will do. They want to ensure that people who currently rely on passported benefits will continue to have access to those benefits.

The Scottish Council for Voluntary Organisations, in its briefing to members for the debate, said:

“It is time to move beyond parliamentary process. It is time to prepare for the practical impact on people’s lives”.

Yes—there is a desire among stakeholders to be consulted and to be listened to. However that is not about an additional layer of parliamentary procedure; it is about an assurance that we will get it right.

The Scottish Government does not support amendments 1 and 2. We believe that the approach that is set out in the bill is the best one. I make it clear that we are opposed to the amendments not because we do not want scrutiny, nor because we think that they are unnecessary. I make it abundantly clear that I think that the amendments are potentially dangerous to the interests of vulnerable people. Frankly, I think that, in saying again and again that there is no difference between the timescales for affirmative and negative procedures, Drew Smith and Michael McMahon border on being misleading, because with affirmative procedure it is not possible to bring regulations into force until the 40 day-period has elapsed, whereas with negative procedure, although members have 40 days to annul the regulations, they can take effect earlier than that. Therefore, there is a substantial difference.

If we were to agree to amendments 1 and 2, we would remove completely the ability of the Scottish Government to use negative procedure for subordinate legislation that is made under the bill. Let me spell out what that could mean. It could mean that if the UK Government makes last-minute changes—Margaret Burgess was right to say that we are operating to a timescale that the UK Government has set—we could find ourselves in the position of being unable to bring regulations into effect to protect continued access to the passported benefits that so many people in Scotland rely on. I cannot speak for Labour members, but I think that I can speak for all Scottish National Party members: we will not play fast and loose with the lives of vulnerable people in Scotland.

Let us move on from the procedural debates and get into meaningful discussion about how the welfare changes will operate at the level of everyday experience. Our consultation and our continued discussions with stakeholders will support that approach; amendments 1 and 2 will not. I do not believe that they are appropriate, and I urge members not to support them. Indeed, I ask Drew Smith to withdraw amendment 1 and not to move amendment 2.

Drew Smith: The debate has reflected our previous discussion of the issue at stage 2, but I felt that it was important for the Parliament as a whole to be consulted about this key matter of contention. It would perhaps be excessive to advocate the use of super-affirmative procedure for all regulations that emanate from the bill, which is an approach that many stakeholders originally supported, but a less onerous procedure such as the one that I have suggested is, in my view, a reasonable proposition.

In their report to the committee on the differences between the legislative processes, the clerks made it clear that a 40-day period applies in relation to affirmative and negative instruments. The cabinet secretary explained the circumstances in which the coming into force of an instrument earlier than that is triggered.

I continue to believe that the use of affirmative procedure would encourage the Scottish Government and all stakeholders to ensure that we get the regulations right and that vulnerable people have continuity of benefit provision.

Jamie Hepburn: Will the member give way?

Drew Smith: I would rather not, if Mr Hepburn will excuse me.

Stakeholder groups that work with vulnerable clients who need continuity in the provision of their passported benefits are calling for affirmative procedure to be used to afford the greatest level of parliamentary scrutiny. The Parliament should follow an evidence-based approach to policy making and in the scrutiny of legislation.

In the debate on the matter at stage 2, Jackie Baillie suggested that we should listen to those who work on the front line. The vast majority of organisations that are involved in this area have called for the use of affirmative procedure, including Children 1st, Citizens Advice Scotland, Barnardo's, One Parent Families Scotland and Capability Scotland, which said this week in its briefing:

"we would have preferred the super-affirmative procedure".

Also this week, Inclusion Scotland said:

"We appreciate the urgency to draft the regulations in good time ... in part because of this urgency we urge the greatest scrutiny possible to mitigate against any unintended but damaging consequences. Any small error could cause far-reaching impacts for disabled people but also in the longer term for local authorities and others."

I remain more convinced by the arguments of those front-line organisations than I do by what we have heard today. Therefore, I intend to press amendment 1.

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

Members: No.

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

15:14

Meeting suspended.

15:19

On resuming—

The Deputy Presiding Officer: We move to the division on amendment 1.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South 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)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 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)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, 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)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Gavin (Lothian) (Con)
 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)

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)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 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)
 Hume, Jim (South Scotland) (LD)
 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)
 MacAskill, Kenny (Edinburgh Eastern) (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)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McInnes, Alison (North East Scotland) (LD)
 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)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (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 35, Against 79, Abstentions 0.

Amendment 1 disagreed to.

Section 2—Personal independence payment: further provision

Amendment 2 moved—[Drew Smith].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South 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)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 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)
 Martin, Paul (Glasgow Provan) (Lab)
 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)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (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, Gavin (Lothian) (Con)
 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)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
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 Doris, Bob (Glasgow) (SNP)
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 FitzPatrick, Joe (Dundee City West) (SNP)
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 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
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 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (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 35, Against 80, Abstentions 0.

Amendment 2 disagreed to.

Section 3—Regulations under this Act: ancillary provision

The Deputy Presiding Officer: Group 2 comprises minor technical amendments. Amendment 4, in the name of the cabinet secretary, is grouped with amendments 5 to 7. *[Interruption.]* I ask for Ms Sturgeon's microphone to be switched on, please.

Nicola Sturgeon: I can shout.

The Deputy Presiding Officer: I would prefer it if you did not shout.

Nicola Sturgeon: After all that, members will be delighted to hear that I will—possibly—be as brief as I have ever been in the chamber in speaking to these four amendments. I believe—although we never know in the Parliament—that the amendments are entirely uncontentious. They were lodged to ensure an overall consistency of narrative and they will improve the bill's readability. I urge members to support amendments 4 to 7.

I move amendment 4.

The Deputy Presiding Officer: I take it that you do not wish to wind up—that will do.

Amendment 4 agreed to.

Amendments 5 to 7 moved—[Nicola Sturgeon]—and agreed to.

After section 3

The Deputy Presiding Officer: Amendment 8 is in a group on its own.

Nicola Sturgeon: As members will be aware, amendment 8 is the result of a discussion that we had in the Welfare Reform Committee at stage 2. It replaces a similar amendment that Jackie Baillie lodged. The Government had a couple of issues with the drafting of that amendment, so we made changes that are in keeping with the original amendment's intent. I am happy to bring the issue back to the Parliament.

Amendment 8 will create a duty on the Scottish ministers to lay before the Parliament an annual report on the impact of the UK Government's welfare reforms. We have widened the scope of what can go in that report. Jackie Baillie's amendment focused on the

"social, economic and financial effects".

I understand her reasons for that, but we might want to look at other things, such as the health impacts.

Members will be aware of the Oxfam briefing paper that has been published this month, which refers to the negative health impacts that have been experienced by people whom it describes as

living at the bottom of UK society. NHS Highland gave evidence to the Finance Committee last week on similar issues. That is one example of things that we might want to look at, and it is right that amendment 8 gives us the scope to consider that.

We have put a time limit on the requirement to produce the reports, although I stress that that is more about reviewing the need than about necessarily ending it. The important thing is that, during the period specified by the amendment—2012 to 2017—the UK Government will roll out its welfare changes, giving rise to what Oxfam has described as a “perfect storm” for millions who are already struggling to make ends meet. It is right that we keep on top of those changes and provide Parliament with as much meaningful information as we can during that implementation period.

After that period, once the UK Government has migrated working-age benefit claimants across to the universal credit and once it has gone through what I expect will be a painful process of reassessing everyone who is currently claiming the disability living allowance, we will be in a different place. Indeed, some of us hope that Scotland will be in a very different place by that time. In any event, the universal credit will become the overall landscape rather than the event, and it is right that we give ourselves the option at that stage to reassess the reports in the light of the overall circumstances that we face at that time.

Returning to my earlier theme of moving on, I am pleased that, as far as amendment 8 is concerned, we have been able to make some progress from the debate at stage 2. We have had positive discussions and I hope that we have come up with something that members agree will serve a useful and meaningful purpose. I said at stage 2 that I did not think that it was strictly necessary to have the amendment written into legislation. Notwithstanding that, I will be happy to see the amendment agreed to today, and I am happy to provide Parliament with regular updates on the impact of the welfare reforms.

I move amendment 8.

Annabelle Ewing (Mid Scotland and Fife) (SNP): As a member of the Welfare Reform Committee, I speak in support of the amendment. It represents a good example of the consensual working that has taken place between the Scottish Government and the Labour member Jackie Baillie. The amendment that Jackie Baillie lodged at stage 2 has been significantly improved further to a commitment that the cabinet secretary made at stage 2 to work together to frame a workable amendment. That has been achieved through, in particular, the removal of the rather onerous requirement in the earlier amendment to report on something before it had happened. The

amendment has also been improved with respect to the issue of scope.

I and some of my colleagues on the committee expressed some doubts about the necessity for the amendment. However, I am happy to support it as it is reworded. I repeat the point that I made in committee at stage 2: welfare is reserved to Westminster, although the resources for welfare come from this country and are channelled through the London Government instead of being made available to the Scottish Parliament. I hope that that will change in the years to come, but it raises the key question in the debate: why would Labour prefer Tory rule on welfare rather than home rule?

Alex Johnstone: I did not like the amendment when it was lodged at stage 2, in the name of Jackie Baillie, and I like it even less now that it has the minister's name on it—for no other reason than what it says in the first few lines. The amendment states:

“The Scottish Ministers must prepare an initial report giving such information as they consider appropriate about the impact that the UK Act is likely to have on people in Scotland.”

It invites the Scottish Government to speculate on its own policy terms. It is, I believe, an agenda for grievance and has no place in the bill or, in my view, in any act of this or any other Parliament.

Drew Smith: I add my support for amendment 8 and thank the cabinet secretary for making her officials available to discuss the amendment with the Scottish Labour Party. As the cabinet secretary said, it moves on from a previous amendment that Labour members lodged and supported at stage 2. I congratulate the cabinet secretary on the consensual way in which she has handled the issue and faced down the opposition at stage 2 of the SNP back benchers on the Welfare Reform Committee, who were utterly opposed to the amendment.

15:30

Nicola Sturgeon: I am struck by the physical gulf that appears to have opened up between the Tory front and back benches. I am not sure whether the seats are being reserved for their new friends in the Labour Party.

Before I stood up this afternoon, I was convinced that the amendment was worthy of support, and hearing that the Tories oppose it has made me all the more convinced. I say in all seriousness to Alex Johnstone that the only speculation about the impact of the UK welfare reforms on the most vulnerable people in our society is how bad that impact will be. That is why it is right that this Government takes seriously its duty to do what it can to mitigate the impact and to

keep Parliament informed of the impact as it becomes ever clearer.

Amendment 8 is sensible; it is the result of good discussions at stage 2, and I ask all members to support it.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen Donside) (SNP)
 Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
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 Lamont, Johann (Glasgow Pollok) (Lab)
 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, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
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 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
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 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
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 Torrance, David (Kirkcaldy) (SNP)
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 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

Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGregor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 102, Against 13, Abstentions 0.

Amendment 8 agreed to.

The Deputy Presiding Officer: Amendment 3, in the name of Drew Smith, is in a group on its own.

Drew Smith: The purpose of amendment 3 is to require the Government to lay a policy statement before the Parliament to explain the intended effect of the regulations that will emanate from the bill. Capability Scotland said of my amendment that it is vital that the Scottish Government prepares a statement that spells out its overall intention on welfare reform and its approach to passported benefits, among other things.

Many of the groups that have been lobbying Parliament about the bill are deeply concerned about the potential for regulations to make matters worse for vulnerable people in Scotland, rather than better. Barnardo's Scotland, Children 1st, Citizens Advice Scotland, and One Parent Families Scotland signed up to a joint statement that was circulated to all members this week. It stated:

"It is unusual for any bill to be laid before the Parliament without the context provided by a policy statement, telling us the purpose and the objective of ministers' legislative intentions and where the bill sits within the ministers' overall policy context. Given that this legislation takes on responsibilities that flow from a UK Government law, understanding the policy context within which the bill sits is arguably even more important than usual."

Amendment 3 is a redrafted version of a previous amendment that was defeated by SNP members at stage 2. It has been redrafted to make it as palatable as possible to the cabinet secretary, and to take account of the few issues that she raised against its passage at stage 2. Like my previous amendments, amendment 3 has wide support among the people who are most concerned with the impact of the bill, and I have yet to hear any good argument against the proposal, which is modest and reasonable.

I move amendment 3.

Kevin Stewart (Aberdeen Central) (SNP): I will be as brief as I possibly can.

I draw members' attention to subsection (1) and subsection (3)(b) of the proposed new section in Mr Smith's amendment. I do not know whether he did this inadvertently, but if those two subsections are put together the effect is to require ministers to prepare a statement that explains the policy objectives of all the regulations that they will ever make under the act, and to lay that statement before the first regulations are laid. That seems to me to be rather illogical, to say the least. It also makes it very difficult because, as we are all aware, ministers are still unaware of Westminster's intentions on some of those issues. I ask Mr Smith to say when he sums up whether that was done inadvertently, or whether it was just lack of common sense.

Alex Johnstone: I will support the amendment, as I did at stage 2, because it asks Scottish ministers to do all the things that they should be doing, not simply to carp and complain as amendment 8 invited them to do. Scottish ministers should be delivering a written statement to explain their policy objectives, plans and approaches. It is such a disappointment that ministers have not taken the opportunity to do as they did with the other amendments and work with the proposer to ensure that the amendment comes together in such a way as to fit into the bill. The principles behind amendment 3 are correct. It is the antithesis of amendment 8 and it will have my support.

Jamie Hepburn: After the brief interlude of the previous amendment, it is good to see the Labour-Tory coalition once again. I oppose amendment 3. The issue was the focus of extensive discussion at the Welfare Reform Committee during consideration of its stage 1 report, and when a similar amendment was presented and rejected at stage 2. I recognise that there has been some movement in the drafting of amendment 3, but I am still concerned that including any such requirement for a policy statement on the face of the bill is overly prescriptive.

The Welfare Reform Committee, of which I am a member, is well capable of assessing the Scottish Government's policy intentions without any need for a policy statement, and that takes care of any concern that regulations might make matters worse, although I have heard no such concern expressed. If that were to happen, the Welfare Reform Committee would be well able to assess any such concern. That has been the majority position of the committee at stage 1 and stage 2.

Drew Smith said that he had not heard any coherent argument against the amendment; frankly, I have not heard a coherent argument for it, and so we should reject it.

Nicola Sturgeon: Others have made the point, but it is worth repeating that it is a bit ironic that the Labour and Tory better-together chums want to place a statutory responsibility on the Scottish Government to produce a policy statement on welfare, given that they want welfare policy to remain in the hands of a right-wing Tory Government in Westminster. That seems a rather odd position to take.

I will be relatively brief in speaking to amendment 3, because there is no need for the amendment. At stage 2, I said that I would be happy to give a commitment to produce a policy statement. I put that on the record at stage 2 and I put it on the record here in the chamber again today. At stage 2, I indicated that the right time to make such a statement would be after we had concluded the consultation exercise that we

started this afternoon. I accept that Drew Smith has changed the amendment to that effect; that is fine, but I also said at stage 2 that I fundamentally disagreed that a statement required to be included in the bill and nothing in amendment 3 makes me feel any differently about that.

Furthermore, Kevin Stewart has set out extremely well how amendment 3 is fundamentally technically flawed. It would create a duty on Scottish ministers to provide a single written statement explaining the policy objectives of any regulations that they are considering ever making under the act. The practical effect of that would be to require us to explain all the regulations that we will ever make before we lay the first set of regulations before Parliament. That would create obvious practical difficulties if, for example, changes in United Kingdom Government policy required us to, or we wanted to, alter or revoke any of the regulations that we make.

Jackie Baillie said during stage 2 that her desire in lodging the amendment was to introduce clarity of intention. The Government has always been perfectly clear that our intent in introducing the bill was to update legislation in devolved areas and, in particular, the provisions that support entitlement to devolved passported benefits, so that there are no unforeseen negative impacts as a result of the UK Government changes, where we have the ability to mitigate those impacts.

That is what we are trying to do, and that is what a general policy statement would say. I am happy to give that commitment here, but there is no need for amendment 3; indeed, because of the technical flaws in the amendment, agreeing to it would lead to an absurd situation. I urge members to vote against the amendment.

Drew Smith: The cabinet secretary refers to the attitude of parties in this chamber to the continued reservation of welfare matters. However, as the bill is geared around devolved benefits, that analysis does not stand up.

It is important that we have a clear statement of intent from the Scottish Government that sets out its vision for how the bill, and the regulations that will emanate from it, will mitigate the effects of welfare reform, if that is its intention. That applies to all regulations coming from the Government. I always have confidence in the cabinet secretary's intentions, but we must be clear that all ministers are bound to introduce regulations that seek to mitigate where possible.

At stage 2, the cabinet secretary had the opportunity to offer an olive branch on the issue, which she did not take, and no attempt was made to work with us on that. On that basis, I press the amendment.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South 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)
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 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
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 Macintosh, Ken (Eastwood) (Lab)
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 McMahon, Michael (Uddingston and Bellshill) (Lab)
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 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)
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 Pearson, Graeme (South Scotland) (Lab)
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 Scanlon, Mary (Highlands and Islands) (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)

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)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (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)
 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)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
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 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
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 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
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 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
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 McMillan, Stuart (West Scotland) (SNP)
 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)
 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 Deputy Presiding Officer: The result of the division is: For 51, Against 64, Abstentions 0.

Amendment 3 disagreed to.

Welfare Reform (Further Provision) (Scotland) Bill

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-03406, in the name of Nicola Sturgeon, on the Welfare Reform (Further Provision) (Scotland) Bill. I call the cabinet secretary to speak to and move the motion. You have a generous 10 minutes. I am sure that interventions will be welcome.

15:44

The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon): I welcome all interventions. I think that I welcome all interventions. [*Laughter.*] There may be one or two exceptions to that general rule.

Thank you, Presiding Officer, for your generosity in telling me that I have a flexible 10 minutes.

As we reach the final stage of the bill, it is worth reflecting that it has been an unusual bill. Although I did not agree with him about amendments 1 and 2, Michael McMahon was right to talk about the unique nature of the bill. It came about as a result of an unprecedented partial refusal of legislative consent by the Parliament, it has had to be progressed to a United Kingdom Government timetable that is not of our making, and of course it concerns welfare—a matter that, under the current constitutional arrangement, is almost entirely reserved to Westminster.

The bill has presented the Government and the Parliament with some unusual challenges. We have had to struggle to articulate the financial impacts of the bill because its effects are so dependent on the impact of a set of United Kingdom Government regulations, the details of which were not clear or fully known during the course of the bill process. I am grateful to the convener and members of the Finance Committee for their understanding and forbearance in deferring the more detailed consideration of the financial implications until the subordinate legislation stage.

It is also fair to say that this Parliament has traditionally and rightly been suspicious of legislation that is entirely enabling and hands sweeping powers to ministers without properly explaining how they will be used. I understand those concerns, which were well articulated by the Subordinate Legislation Committee. However, as I have said all along, I remain of the opinion that we have simply had to take account of the reality of the situation that we face. The approach that we

have adopted to the bill has been appropriate and proportionate in those unusual circumstances.

I want to offer my sincere thanks to the members of the Welfare Reform Committee and to the many individuals and stakeholder groups who have contributed to the progress of the bill. I am sure that nobody in the chamber would underestimate the task that the members of the Welfare Reform Committee took on when they agreed to join the committee. I hope that they do not think that I am being in any way condescending when I say that all of them would acknowledge that they had a steep learning curve, as did I, in coming to grips with the subject matter. That had to be done in a short time, and I think that the members of the Welfare Reform Committee are to be commended for their enthusiasm and the sense of commitment that they brought to the task.

I think that the work has been interesting, and I hope that the members of the Welfare Reform Committee will agree. The committee has shown a desire to get under the skin of the impacts of the UK Government's reforms, to the extent that we have the detail that would enable it to do so, and has been successful in that regard. It was particularly good that the committee brought together representatives of the banking sector and credit unions to talk about some of the difficulties that people might experience in managing income and household bills. That is particularly important in light of the UK Government's proposals to pay monthly in arrears and directly to tenants—something that, as I have said previously, I have considerable concerns about.

Kezia Dugdale (Lothian) (Lab): I agree with the cabinet secretary about the potential damage that that could do to families. It might also encourage people to go to payday lenders. She will know that the Scottish Parliament cannot regulate that area, but I have put forward a proposal for the Government to use its advertising budget better to warn against the dangers of payday loans—a sort of wealth warning rather than a health warning.

Nicola Sturgeon: I hope that there is widespread consensus in the Parliament on that issue. I am happy to consider Kezia Dugdale's proposals and ensure that she gets a Government response. We would all take the opportunity to condemn some of the worst practices of the payday loan operations.

The committee also heard from the British Medical Association about some of their concerns about the implications of the reforms for the mental and physical health of patients and the ability of the profession more generally to continue to maintain the high standard of care that its members expect to be able to provide.

I have mentioned those impacts because they are examples of some of the less obvious impacts and they demonstrate the intelligent approach that the committee took to its work to shine a light into some of the darker corners of what we are dealing with and get to the bottom of what the reforms will mean in practical terms.

I am sure that the members of the committee will agree with me when I say that, in making the headway that they have made, they have been entirely dependent on the experience and knowledge of the stakeholders who have spoken to them and submitted evidence, and I want to put on record our heartfelt thanks for the work that they have done and will continue to do on behalf of the people they represent.

The work and involvement of stakeholders is at the heart of the bill process. Going back to the earlier debate on one of the amendments, I want to put on record the fact that it is the intention of the Government to ensure that stakeholders continue to be involved and consulted and come with us every step of the way. That is a sincere commitment.

Drew Smith (Glasgow) (Lab): Does the cabinet secretary believe that there might still be a place for draft regulations as part of that consultation?

Nicola Sturgeon: We will look at every way in which we can consult, but we must be mindful of the timescales. It has been said before, and I say it again, that we have no control over the timescales on when we have to make regulations or over what information will or will not be available to us. It would be wrong of me to commit to things that cannot be delivered consistent with our commitment to ensuring continuity of payment of passported benefits. With that caveat, we will do everything in our power to consult stakeholders in an open and meaningful way in order that we get things right. That is in all our interests, and that is what we all want to achieve.

I will move on to some things that came out of the bill process. In the evidence that the committee took, we started to see some of the human stories that perhaps get lost when we talk in overall terms about cuts and reforms of such a scale. We are all aware, for example, that disabled people who live in Scotland will see the budget for their support cut by £250 million as a result of the United Kingdom Government's changes, but the Lothian Centre for Inclusive Living told us about a young lady who has been confined to a wheelchair for most of her adult life and stands to lose her entitlement to the higher rate mobility component of £51.40 per week if she fails the reassessment because she can self-propel her wheelchair for more than 50m. That is a possible impact of the reforms that really brings the human impact to bear.

We are all aware that it has been estimated that there will be a £100 million annual reduction in the level of housing benefit that is paid out. Thanks to Citizens Advice Scotland, we are also aware that the changes mean that a 30-year-old woman who claims local housing allowance for a one-bedroom private tenancy in Edinburgh might have to choose between moving into a shared tenancy or losing around £47 every week in local housing allowance payments. Again, that is a real example of the potential impact of the reforms.

Siobhan McMahon (Central Scotland) (Lab):

There was a commitment in the Scottish National Party's 2011 manifesto to try to devolve housing benefit to Scotland. What progress has been made on that? Is that still a commitment, given that a recent discussion paper that has been issued says that that is no longer one of the Government's six main priorities?

Nicola Sturgeon: I have a great deal of respect for Siobhan McMahon's genuine and heartfelt contributions to these debates. However, SNP and Labour members in particular should not look to divide on welfare reform issues. We have an obligation to stand up for the people of Scotland and ensure that we are doing everything in our power.

It may have escaped Siobhan McMahon's notice that the SNP wants all such powers to be devolved to the Scottish Parliament because we want Scotland to be independent. One of the real reasons why I will so enthusiastically and passionately campaign for independence over the next couple of years is that I do not want welfare and our welfare system to be in the hands of the right-wing Tory Government that is currently in office in London. I cannot understand why people such as Siobhan McMahon would prefer the Tories to run welfare rather than the Scottish Parliament. She will have to explain that.

We know that 170,000 households in Scotland could lose out as a result of the introduction of the universal credit. Save the Children shared the example of a single parent with two kids who currently works for 25 hours a week. It explained that she will be £52 a week worse off, which will push her and her children below the poverty line.

Those are just some of the stories behind the numbers. It is important that we remember the human stories behind the big numbers and the big arguments, as we represent those people and have a duty to protect them to the best of our ability. The Government will do everything that we can to protect people in Scotland from the worst impacts of the welfare reforms.

I make no apology for saying that the only way in which we can protect Scotland from not only the reforms that are going through Westminster but

those that David Cameron set out earlier this week, is to ensure that powers over welfare pass to the Scottish Parliament so that we can design a welfare system that reflects the values of this Parliament and the Scottish people.

It is with pleasure that I move,

That the Parliament agrees that the Welfare Reform (Further Provision) (Scotland) Bill be passed.

15:55

Drew Smith (Glasgow) (Lab): In its stage 1 report on the bill, the Welfare Reform Committee referred to the evidence that it had considered as "unrelentingly depressing". As we come to the conclusion of the Parliament's consideration of the bill, we start to look towards the future and, as the Scottish Council for Voluntary Organisations has said, we begin to think about moving from process to principle.

In the three debates that we have had on the subject of welfare reform in this session so far, beginning with the issue of the legislative consent motion and then consideration of the Scottish Government's legislative proposals, Labour and Scottish National Party members have been largely united in our opposition to many aspects of the reforms to our welfare state that the coalition Government has embarked on.

At each stage, however, we have been at pains to point out that elements of the changes could have been an opportunity to make the welfare system fairer rather than more draconian. People across the United Kingdom and here in Scotland want a system of benefits that ensures that support is provided to those who need it when they are unable to work or unable to find work. At the heart of our welfare state should be a contributory principle that makes clear our duties to pay in when and if we can in order that we receive assistance when it is needed. Too many of the changes seem to be based solely on a desire to bring down the benefits bill, rather than seek the right balance between support that is affordable and support that is there when anyone needs it.

In the stage 1 debate, I quoted Ian Galloway of the Church of Scotland church and society council, who said at the General Assembly of the Church of Scotland this year:

"If austerity means that we all have to tighten our belts, and perhaps especially those who can most afford it, then so be it. But what is really happening is that the most vulnerable are being punished out of all proportion."

That concern, which has been highlighted by groups representing disabled people, social landlords, children's charities and many others, was one of the major influences on Scottish Labour when we argued that the LCM on welfare reform should not be nodded through and that

distinct Scottish legislation should be brought forward if required. The resulting bill is, of course, as the cabinet secretary said, enabling legislation that is concerned with putting in place a framework for how regulations will be brought forward that connect both devolved and reserved benefits.

So-called passported benefits are rightly at the heart of the issue. Capability Scotland, for example, has pointed to the blue badge parking permits, bus passes, leisure cards and energy assistance programmes, because eligibility for each is assessed through receipt of a UK welfare benefit. However, the truth is that the impact of welfare reform could be so large that even at this point we still do not know the true extent of the problems or the opportunities that it may create for the Scottish Government, local councils and others. The Welfare Reform Committee suggested that some £2.5 billion could be taken out of the pockets of poorer people in Scotland. In Glasgow, which the cabinet secretary and I represent, as well as in many other areas, it will also mean that money will be taken from shop tills and from social housing providers.

Labour supported the general principles of the bill at stage 1. Throughout stage 2 and in our amendments today we sought to improve it by advocating the concerns of those most closely involved with the delivery of services and the representation of those groups most affected. It has been a good process and the Government has engaged with the issues. We did not seek to lodge amendments that did not have the support of people in the sector. For example, there were concerns about the wide-ranging nature of the regulatory powers that ministers were taking without there being any sunset clause. However, we decided not to lodge amendments on that or on other possibly contentious issues.

Sandra White (Glasgow Kelvin) (SNP): The member referred to powers for ministers. Does he agree with me and many others that, rather than just muck about, it would be best for the Scottish Parliament to have full powers over the benefits system in order to protect vulnerable people, particularly given that the Tories have said that they will bring in regional benefits, which in fact even Labour proposed?

Drew Smith: I am grateful to Sandra White for that intervention. Of course, the Prime Minister removed a reference to regional benefits from a speech this week. It seems that the SNP is the primary proponent of regional benefits and, indeed, regional pay across Britain.

Notwithstanding my disappointment that the cabinet secretary did not accept my amendments earlier, I am grateful to her for the work that we have done together to ensure that the choices that will be made are based on evidence, modelling

and reporting on the impact—despite the objections of SNP members of the committee at stage 2. For the avoidance of doubt I should make it clear that the Scottish Labour Party will support the bill at decision time.

In the earlier debate I said that we should remember that this will be a unique piece of legislation and the cabinet secretary has outlined that that is her view too. The legislation began life with a partial—but unprecedented—rejection of an LCM, which Labour pushed for. It resulted in the establishment of a special committee, which was pushed for by the voluntary sector. There has been a wide-ranging and vital engagement in the issues—despite the sense of urgency hanging over us to get the legislation right and to get it in place quickly.

The work of the Welfare Reform Committee will no doubt go on. In many respects the detail of what will happen next will have to be worked out over the summer and considered when the Parliament returns. Indeed the cabinet secretary indicated that there will be further consultation into the autumn.

For their part, many of the charities with a close interest in the bill have turned their attention towards implementation. There has already been some debate about what that might mean, including in the pages of *Third Force News*.

Labour considers that receipt of universal credit or personal independent—sorry, independence—payments should become a passport to devolved benefits. I have obviously been listening to the psychologist too much and I cannot say that word now either. We also believe that all those who are currently eligible for a devolved benefit should remain so.

In the stage 1 debate I asked the cabinet secretary to consider the position of advice services and to right the wrong that the Scottish Government has been involved in by pocketing the money for advice services that arises from the UK welfare reform changes. I pointed to the example of the Welsh Assembly Government, which has invested considerably in its citizens advice bureaux to help them to cope with the huge increase in demand that welfare reform will no doubt create.

There will be difficult choices ahead in this process and the test, in my view and in the view of Labour, will be whether those choices are made fairly and not arbitrarily.

The bill is not one that either the Government or the Opposition would wish to be necessary, but it is necessary. When passed, it will mark the beginning of a new phase of considerations when we should look for opportunities to improve what we do, rather than just shore up our own parts of

the system in the face of cuts coming from elsewhere.

16:03

Alex Johnstone (North East Scotland) (Con): I begin with a few words to my fellow committee members. Thank you for putting up with me. As the only member representing a party from the Westminster Government sitting on the committee, I suspect that I was chosen not for my background in welfare issues, but for being the person least likely to go native.

It has been my responsibility to ensure that an alternative view has been put. I thank my fellow committee members for their forbearance. It has been done with good humour and with a degree of understanding on both sides.

The Conservative Party will vote in favour of the bill. However, we do so feeling disappointed that it has become necessary. It has become necessary only because the Parliament decided partially to reject the legislative consent motion on the UK bill. As a result, we have no alternative but to plough our own furrow here in Scotland and find alternative ways to deal with a number of issues—particularly that of passported benefits, which has been discussed at some length already. For those reasons, we will support the bill, but we will continue to take the same position on welfare reform as we have taken for a number of years.

The welfare reform process is absolutely essential to the long-term welfare of many people in this country. When a bill was first mooted and we began to discuss the issue, everybody took the view that welfare reform was necessary yet, as the process has gone on, I have begun to doubt whether many members of the Parliament see reform as necessary. As we have discussed the issues, I have begun to believe that many members think that welfare reform should be resisted at all costs. That is unacceptable to me and it should be unacceptable to the huge number of people who currently depend on welfare in Scotland.

Welfare dependency should not be the preferred route to support young men and women in particular, but also disabled people and others. If there is an opportunity to promote employment, we should take it. Scotland's economy creates more jobs than many of us are willing to admit. When we consider the number of people who have come here from eastern Europe to do jobs that could have been done by our unemployed people, we realise that there is a problem with the dependency culture.

Mark McDonald (North East Scotland) (SNP): Will the member take an intervention?

Alex Johnstone: No. The member can press his request-to-speak button and speak later if he wants.

Mark McDonald: It is already pressed.

Alex Johnstone: We need to ensure that we get a few more people working and a few less people claiming in the next few years. The dependency culture is a life sentence to those who are left in it, but there is a balancing effect. There are those in Scotland, including many of those who came before the committee to give evidence, who are on the opposite or balancing side of the dependency culture in that they believe that it is necessary to shout about the need for welfare because that is their responsibility.

Annabelle Ewing (Mid Scotland and Fife) (SNP): Will the member take an intervention?

Alex Johnstone: No—I will continue.

The expectations for those who live on housing benefit are excessive compared with the expectations for those who make their way without that benefit.

Annabelle Ewing: Will the member take an intervention on that specific point?

Alex Johnstone: No. The member can push her button and come in later. I will be finished in a moment.

There are people who, through living on benefits, suffer the mental and physical health problems that are traditionally associated with being workless. Getting people back into work is not only an economic priority, but a priority for improving the health of people in Scotland. That is a major part of the welfare reform process that is being initiated in Westminster.

Various people, including the cabinet secretary in this debate, have talked about the dangers of cuts to welfare payments, yet the process has so far not delivered any cuts at all, so that is simply speculation. I believe that much of that speculation will be proved to be inaccurate.

If we are to succeed in the vital process of getting Scotland working again, reducing the cost of welfare and making our economy strong, the key element is that Scotland's two Governments must work together. We need co-operation and understanding on both sides. If we do not get that, we will have a contest that will be woven round the arguments for and against independence and that will fail to deliver for the victims, who are the people who are on welfare today and who need a better level of support in the long term. We need to get Scotland working again. The answer lies in the welfare reform process, but the Scottish Government is turning its back on that opportunity.

The Deputy Presiding Officer (Elaine Smith):

We come to the open debate. We are slightly tighter for time than we were at the beginning of the debate, so we will have speeches of four minutes, with a bit of leeway for interventions.

16:09

Jamie Hepburn (Cumbernauld and Kilsyth)

(SNP): As a member of the Welfare Reform Committee, I can say that it is no problem to put up with Alex Johnstone, because he is far more consensual when in the committee than he has been in the chamber today. I note that we are losing Drew Smith as a member of the committee, so I wish him well in pastures new.

The cabinet secretary suggested that there has been a steep learning curve for those of us on the committee, which is absolutely true. I thank the stakeholders who have engaged with the committee. I am sure that the steep learning curve will continue and that those stakeholders will assist us in the process.

This process has not been instigated by the Scottish Government or the Scottish Parliament—it was begun by the UK Government—but we can be proud that the Parliament has acted swiftly to put in place a mechanism to ensure that those receiving passported benefits contingent on entitlement criteria through the former welfare system can continue to receive the support to which they are entitled.

The bill is not large; it is enabling legislation. Given that, the debate so far has been technical and procedural in nature. However, I think that we need to move on from that. Yesterday, I met the SCVO and was interested to find that its main request was not that all secondary legislation be subject to affirmative procedure but that we move beyond debating the process to debating the substance of the issues. It is time that we do so.

To begin that process, I will quote from Anne Johnstone's column in today's *Herald*, in which she poses the question

"What is the welfare state for?"

and goes on to say:

"For William Beveridge, architect of the British welfare state, it was about eradicating 'want, disease, ignorance, squalor and idleness'."

That is indeed the founding principle of the modern welfare state and I agree with it, but it is no exaggeration to say that it is now under assault from the UK Government. In recent days, the Prime Minister has suggested the removal of housing support from the under-25s, a move that he called challenging

"the something-for-nothing culture".

In taking that view, he fundamentally fails to understand the number of people in employment who will be affected by such a policy and the message that is being sent out to them. That is not to mention the effect on housing policy which, although devolved, is already under pressure from some of the changes to the benefits system that have already been announced.

Annabelle Ewing: Will the member give way?

Jamie Hepburn: Very briefly.

Annabelle Ewing: Does the member share my concern that the removal of housing benefit as proposed by the UK Prime Minister could have a devastating impact on armed forces veterans who are under 25?

Jamie Hepburn: Absolutely. It will have a devastating effect on anyone who is entitled to the benefit and certainly on veterans who are under 25.

Although the UK Government uses deficit reduction as a mask, its welfare reforms, which have necessitated the action that has been taken in the bill, are ideologically driven. I do not have much time left, but I wish to point out that, although this Government and Parliament have acted to ensure that people continue to receive their devolved passported benefits, we should be able to act more comprehensively. The Parliament should have more comprehensive powers over welfare.

I will close by quoting again from Anne Johnstone, who says:

"nearly two-thirds of the poorest people in Britain are in work but can't earn enough to live on. Cutting their housing benefit and tax credits, when rents are rising and nursery costs are astronomical, is more likely to drive them out of work than into it."

That is the reality of welfare policy in the Tories' hands and gives the lie to any suggestion that we are better together. I commend the bill but look forward to the day we can act more comprehensively on this matter.

16:13

Michael McMahon (Uddingston and Bellshill)

(Lab): First of all, I thank Simon Watkins and the rest of the clerking team for their work in getting us to this point. I know that we will have to rely heavily on them as we begin to scrutinise the impact of the welfare changes.

It is worth remembering what scrutiny of this legislation is all about. We might well criticise the Westminster Welfare Reform Act 2012—and there are very good reasons for doing so—but, as we move forward, we must remember that the job of

the Welfare Reform Committee and the Parliament is to hold the Scottish Government to account.

I also thank the voluntary sector for the work that it has carried out and the abundance of information that it has provided. All of that and the other details that it has supplied have been greatly appreciated by everyone involved in the scrutiny process so far and the sector's continued involvement and assistance will be invaluable as we move forward.

If we are to be a truly representative Parliament, we must ensure that measures to safeguard entitlements do the job that civic Scotland wants them to do. As a result of contact with the stakeholders who represent the interests of those affected by this legislation, unanimity on the view that the bill was necessary and welcome was easy to reach. Moreover, in spite of arguments that we had over the piece—at stage 1, at stage 2 and today—we should not forget that those stakeholders held a uniform view on the need for scrutiny of the subsequent subordinate legislation. Unfortunately, that unanimity was not shared among committee members. However, we will move on, as others have said. I am confident that today we will rightly unite on the bill, but it remains to be seen whether we will be able to stay unified as we scrutinise the subordinate legislation that will follow. Alex Johnstone has made it clear that, even in good humour, we may not always be able to agree.

It was utterly apparent to me from the feedback received from stakeholders that the transparency of the legislative process is as much a matter for general concern as the detail. Numerous groups strongly advocated the view that the affirmative procedure should be used, among them the Child Poverty Action Group in Scotland, which urged MSPs to ensure that

“the first regulations made under the new powers in the Bill that amend existing regulations”

are

“subject to the affirmative procedure.”

Despite what was said during previous debates, including the earlier debate on amendments, CPAG and others are not naive. They knew exactly what they were asking for, and why. It may be the case that the affirmative procedure will not always be used, but it would be wrong for the cabinet secretary to dismiss the intent behind those requests. We should have the maximum possible scrutiny so that we can ensure that the legislation that we bring forward reflects the concerns that were expressed by stakeholders such as Inclusion Scotland, which said:

“Any small error in the regulations could incur unintended and further damaging consequences to people who will already be suffering cuts to their income. It is

crucial that the secondary legislation proceeds with the fullest scrutiny possible to guarantee that it provides positive outcomes for those affected.”

That has been the Labour Party's motivation in the discussions that we have taken forward.

I am pleased that the cabinet secretary did not follow the lead of her party colleagues on the committee on the subject of reporting and instead lodged a very good amendment today to address that issue. Groups such as Citizen's Advice Scotland recognised the importance of that issue, as did Children 1st. I agree whole-heartedly that we should ensure that

“everyone with an interest in welfare reform and in particular, the impact of particular measures on individuals, families and households, has access to the fullest possible information about the Scottish Government's work in this area”.

The Welfare Reform Committee has to ensure that the concerns raised by various organisations are taken forward. Passing the buck and trying to apportion blame will cut no ice with those in Scotland who are damaged by the Westminster coalition legislation. Where this Government has responsibility, it can and will be held to account for any failings that materialise. Let us work together constructively to ensure that there are no such failings, so that the bill helps the people of Scotland whom we wish to serve.

16:18

Margaret Burgess (Cunninghame South)

(SNP): I, too, am a member of the Welfare Reform Committee and I thank all the stakeholders who contributed to and informed our discussions. I have been in a stakeholder voluntary organisation, and I know exactly where they are coming from. I also know that we must get the legislation through in time, because the impact on those stakeholders' work will be worse if we do not get it through. Michael McMahon said that the affirmative procedure would not always have to be used. However, the amendments that Labour lodged would have made the affirmative procedure the only one that could be used, which is where the problem would have lain. The debate on that is over—those amendments have been rejected, so we should move on.

I take issue with some of the things that Alex Johnstone said. I do not think that it was ever said in the Welfare Reform Committee or the chamber that we do not want to have a better welfare state, reformed in a better way. What we do not want is for it to go the way that it is going under the Tory Government. At the moment, we are getting to grips with the current changes in welfare reform, which have not even bedded in yet, but we heard about further changes this week that will be much worse. Those changes are not about getting

people into work; they are about saving money. My concern is that, as we take people off the unemployment books, more will go on them because of the Tories' policy.

Jamie Hepburn pointed out that the Tories seem to think that everyone who is on welfare is not working or has never worked. A huge proportion of people who get help from the state are in work. They are in low-paid work, and their working tax credits and child support have been cut. Everything has been cut for people in work. People on housing benefit work; they just do not earn enough to be able to pay the full rent, yet we are taking that benefit from them. It is shocking that the Tories have not got to grips with that.

As I have said in the chamber before, I believe that the Tories want to wreck the welfare state. I am concerned that Labour members think that that is better than this Parliament being in charge of its own welfare system—I just do not get that. The Future of Scotland survey that was published this week shows that 67 per cent of people in Scotland want welfare benefits to be devolved, because they know what is happening to them. Labour should reflect on that.

The reforms are driven by the wish to save money, and that is all. A report from Sheffield Hallam University on incapacity benefit reform that might interest Alex Johnstone came out in November last year. It tells us that there are more people on incapacity benefit than there are claiming unemployment benefit. Alex Johnstone might say, "Well, they should be off it and working," but the reforms mean that all those people—in Scotland, it will be 36,000—will, at the stroke of a pen, be put on to the unemployment register. Those people are in the industrial areas where unemployment is already high.

We should not forget that many of the people on long-term incapacity and invalidity benefit were encouraged on to those benefits by a Tory Government and successive Labour Governments that were trying to hide the true level of unemployment in the industrial areas. That is why so many people in those areas are on sickness benefit and have been left there.

Our problem now is that we cannot take all those people off benefit at once and put them on to jobseekers allowance—that just will not work. I welcome the steps that the Scottish Government has taken to mitigate the reforms as far as it can. Those include the provision of funding—along with local authorities—to cover the 10 per cent cut in council tax benefit; the proposals that are before us today to protect passported benefits; and the social fund successor arrangements that the Government has made. Those measures, along with the council tax freeze, free prescriptions, free eye tests, free childcare and promoting the living

wage will help our vulnerable citizens within the existing powers of the Parliament.

The mark of a civilised society and a civilised country is how it cares for its vulnerable citizens. I believe passionately in a welfare system that is fair and compassionate: a system that makes work pay, which supports and encourages people into work, which helps the low paid and which provides a reasonable standard of living for those who are unable to work because of illness, disability or caring responsibilities.

The Deputy Presiding Officer: I am afraid that the member must close.

Margaret Burgess: Like many members in the chamber, I believe that that can be achieved only when we are in charge of our own destiny and Scotland is an independent country.

16:22

Willie Rennie (Mid Scotland and Fife) (LD): We welcome the bill. The Parliament is taking a sensible approach in seeking to adapt the welfare reforms to Scottish circumstances so that they can be made more appropriate to local situations.

This debate is not easy for the Liberal Democrats. The welfare reform changes are substantial, and there is no doubt that some people will lose out. I disagree with Alex Johnstone's view that there will not be people who will lose out from the changes, because there will.

Our job in government at a UK level is to ensure that the changes are introduced in a sensitive way and that we can adapt them to circumstances as those become clearer over time—

Roderick Campbell (North East Fife) (SNP): Will the member give way?

Willie Rennie: Not just now.

In that way, we can ensure that the vulnerable do not suffer. However, reform is an overriding necessity. If the welfare budget continues to grow as it is doing, it will be £192 billion by 2015. No society, even one as wealthy as the United Kingdom, can afford such a welfare bill.

In recent years, even with the growth in the economy, the welfare budget has gone up by 40 per cent. We now have 5 million people who are trapped on out-of-work benefits. I say "trapped", as I have met many of those people in my advice surgeries—

Mark McDonald: Will the member take an intervention?

Willie Rennie: Not just now.

Those people tell me that they are not going to take certain jobs because they do not know

whether they will be able to keep them, and they are not confident that they would get their benefits back in time. In many cases, they would face a five-week wait before they could get their benefits back on stream. They tell me that they will not take those jobs. I am not saying that the same is true of everyone, but there are some people who are trapped by the benefits system. We need to make the necessary changes so that those people have an escape from benefits. People who deny that that is the case have not studied the issue.

Mark McDonald: Will the member give way?

Willie Rennie: Not just now.

I have a huge amount of respect for Margaret Burgess, because she has seen many of these issues close at hand through her work with citizens advice bureaux. I fully respect what she says, but it is an exaggeration to claim that we are wrecking the welfare state. We will continue to spend billions of pounds on the welfare state. It will be a genuine safety net, and it will make work pay.

Fiona McLeod (Strathkelvin and Bearsden) (SNP): Will the member take an intervention?

Willie Rennie: Not just now.

The new system will make things simpler. The universal credit is a sensible way to proceed. It will involve one source of payment and receipt, and a tapering system that will ensure that people do not lose all their benefits at the same time. As people go into work, a taper will apply. Those are sensible changes that everyone should welcome. We should not try to scare people into believing that everyone will lose out, because that is not the case. Some people will benefit. About 230,000 people will be about £30 a week up. Those who do not believe me need to check out the facts. More childcare support—£300 million-worth of it—will be available. Those are good changes.

It is uncomfortable for us to make changes to a budget of such a size. That will be difficult, but the Liberal Democrats in the coalition ensure that the changes that are made are as fair as we can make them.

Members: Oh!

Willie Rennie: Those members who groan have not looked at the facts. Substantial changes have been made to the work capability test.

Fiona McLeod: Will the member give way?

Willie Rennie: I do not have much time left.

Changes have been made on the waiting time for the personal independence payment and the mobility element of disability living allowance for those in residential care. The new system is not about punishing people who are on benefits—that

is not our motivation. It is about enabling them to get back into work. Those who say that there is an alternative to reform are letting people down. We need to create a welfare system that enables rather than one that punishes.

16:27

Siobhan McMahon (Central Scotland) (Lab): When I spoke in the stage 1 debate, I described the Welfare Reform Act 2012 as

“a missile that is aimed at the heart of the welfare state”.—[*Official Report*, 23 May 2012; c 9240.]

Judging by this week’s announcement, I think that that was putting it mildly. It seems that, when it comes to the poor, the disenfranchised and the voiceless in our society, the malign intent of Messrs Cameron and Osborne knows no bounds.

While the Tories refuse to pass legislation that would close tax avoidance loopholes and are happy to reduce the top rate of tax, the disabled, the unemployed and those on low incomes are viewed as fair game. We should forget about compassionate conservatism; the Tories are the typical playground bullies, who pick on those who cannot defend themselves while cosyng up to the big boys who run the tuck shop and scoff all the sweets.

In recent weeks, the Equal Opportunities Committee has been conducting an inquiry into homelessness among young people. During the evidence sessions, the devastating consequences of the Welfare Reform Act 2012 for the prospects of homeless young people have been a recurring theme. A witness from one local authority stated:

“Welfare reform is terrifying because of the impact that it will have on young people’s lives.”

She said that, because of the cuts,

“we will no longer be able to deliver some of the projects that have been really successful.”—[*Official Report, Equal Opportunities Committee*, 19 June 2012; c 557.]

The really pernicious aspect of this legislation, apart from the impact that it will have on people’s lives, is that it caters to people’s worst instincts: it pits the badly off against the really badly off and the vulnerable against the desperate.

Mr Cameron says that there is nothing compassionate about allowing people to live their lives on benefits. What he fails to mention is that, according to research by the Smith Institute, 95 per cent of those who accounted for the recent £1 billion rise in housing benefit are in work.

What can we do in Scotland to offset the worst excesses of the Tory Government? I have already mentioned the inquiry that the Equal Opportunities Committee is conducting. I would like to say a little more about that, with specific reference to the

community care grant, which is being devolved to Holyrood. One witness described the devolution of the grant as one of the rare positive measures in the Welfare Reform Act 2012. Therefore, it is imperative that we take advantage of the opportunity to make the grant more efficient and effective than it currently is.

I have stated previously that crisis loans and care grants should be amalgamated, that the grant should be available to applicants when they receive the keys to their property and not seven weeks later, and that the application process should be clear and transparent.

I have been contacted by a number of organisations with regard to the interim arrangements for the grant, which are being developed by the Scottish Government and the Department for Work and Pensions. Although there is support in principle for the creation of a national grant fund that specifically recognises the needs of young people who leave care, concerns have been raised that the proposed allocation of £25 million is completely insufficient to service demand, especially given the adverse economic climate. That could lead to the fund running dry before the end of the year and applicants being left in crisis. There are fears that, in order to avoid that scenario, the eligibility criteria will be tailored to the budget as opposed to vice versa, thus tightening the criteria rather than making them more flexible. The most important concern is that we ensure that the new scheme prioritises need and does not exclude those in receipt of other benefits.

I would appreciate the cabinet secretary's reassurance on those points, as would local authorities, charities and potential applicants. It would be immensely sad if we threw away the opportunity to reform the grant and ensure that it is fair, transparent and available to those who most need it.

I close with a brief comment on the debate about subordinate legislation. Given the necessity of ensuring that people retain access to passported benefits, I understand the need to move swiftly. However, I am disappointed that SNP members chose to reject Labour's stage 2 amendments that favoured the use of the affirmative procedure to allow the appropriate level of parliamentary scrutiny.

Jamie Hepburn: Will the member give way?

Siobhan McMahon: I am just closing. Sorry.

As my colleague Jackie Bailie pointed out in the Welfare Reform Committee, there was an overwhelming desire for that among charities and other external organisations. The amendments were not party political. They were intended to ensure that the opinion of those on the front line

was heeded and that the subordinate legislation was presented before Parliament and not slipped in by the back door. It is therefore a pity that the SNP members voted with the sole Tory on the committee to ensure that the amendments were blocked, and that the SNP continued to vote with the Tories today.

Jamie Hepburn: Will the member give way?

The Deputy Presiding Officer: The member is just finishing.

Siobhan McMahon: I hope for their sakes that those whom they represent do not suffer as a result.

16:31

Kevin Stewart (Aberdeen Central) (SNP): I, too, start by thanking all the stakeholders who gave evidence to the Welfare Reform Committee. Beyond them, I thank all the organisations and individuals in Aberdeen who have contacted me on the issue. I have had many meetings to discuss aspects of the impact of the bill.

Today, again, we seem to be concentrating on process rather than on people. Siobhan McMahon's speech showed clearly that some folk are more interested in that process than in the people. I say to her that, if we had gone with the affirmative procedure, as was suggested, it might have led to unnecessary delays. We should be clear that there is a huge difference between the use of the negative procedure and the use of the affirmative procedure in being able to implement things at an early date. I do not believe that any organisation thought about the process to any huge degree until they were asked leading questions by certain members of the committee. I see Mr Johnstone nodding in agreement, and I am about to turn to him and the reforms that are being put in place by the Conservative and Liberal coalition.

We are about to see £2.5 billion ripped out of Scotland, and George Osborne has said that there will be another £10 billion of welfare cuts before 2016. We might hope that the Liberal Democrats will do something to try to stop that, but I sincerely doubt that they will achieve it. However, it is good to see Mr Rennie in his place here today. He failed to appear at the stage 1 debate, instead choosing to appear on television. I am pleased to see that he is in the chamber to listen to the debate this afternoon.

I turn to the subject of housing. With the housing benefit changes, some 95,000 social tenants in Scotland will be affected by the legislation. As my colleague Margaret Burgess rightly pointed out, many of those people are in work but require that

benefit because they are not paid enough by their employers.

It is far too easy for Tories to say that an attack is being made on workshy folk. Unfortunately, folk who are in work are also being affected, as are folk who cannot work. Let us be honest and tell people out there that the reality is that many folk who are affected by the changes have jobs.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Will the member take a brief intervention?

Kevin Stewart: I do not have time; I need to plough on.

On the day when the better together campaign was launched, Cameron made a speech that has gone largely unnoticed. I was really scared by the attack on housing benefit for young people and by the fact that under-25s might not qualify for that benefit in the future. That would undermine the Scottish Government's ability to reduce homelessness, on which we have done well of late.

What can I say? How does Mr Cameron know the circumstances of each person who is under 25? Does he expect an abused child to stay at home with the parents who abused them until they are over 25? Does he expect kids who have been in care homes to get no housing support whatever? Is that right? Does that really show that we are better together?

Maybe we should be completely and utterly honest. The reality is that there is not much disagreement between Labour and SNP members. However, what we could do with the powers of an independent Parliament is so much greater that we would be talking about not mitigation but having a fair welfare state.

16:36

Mark McDonald (North East Scotland) (SNP): Alex Johnstone talks about getting people into work. Most of my colleagues have covered the notion that the changes will affect not just people who are not in work, but even in relation to people who are not in work, perhaps he should consider talking to his Conservative colleagues in London and getting them to put capital investment into the shovel-ready projects that would help to stimulate the economy and create the jobs that are not available. To be frank, strangling our nation's economic growth while widening the holes in the safety net into which people are expected to fall is nothing short of abhorrent.

I direct Mr Johnstone to the comments of 17-year-old Dylan Munro in tonight's *Evening Express* about the impact that the Cameron proposals on housing benefit for the under-25s would have on him. He has been through an employment

programme at Station House Media Unit. He states clearly that if he lost his housing subsidy, which helps him as a minimum-wage earner, he would become homeless. That is not the kind of future to which we should aspire for young Scots such as Dylan Munro.

The housing benefit changes in relation to occupancy will have a massive impact on local authorities and housing associations. As a Finance Committee member, I have heard evidence to that effect from local authorities and the Scottish Federation of Housing Associations. The changes fly in the face of housing policy, because they anticipate that we will somehow start throwing up one-bedroom properties again, when the drive must be to provide more family-sized accommodation. They also take no consideration of individuals who might be separated and who might require additional bedrooms for children who visit them at weekends or for other periods, for example. A ridiculous approach is being taken.

We hear about the notion of £2.2 billion a year; would that we were not spending £3.5 billion a year on a Trident replacement—I am sure that the people of Scotland would be more than happy to see the back of that in order to help the most vulnerable.

We in the Parliament are dealing with mitigation; that is all that we can do. At the Finance Committee's meeting on Tuesday, John Swinney said that he could not say that he could protect everyone from the impacts of welfare reform. Given the Parliament's fixed budget, it would be wrong of us to claim that we can protect everyone. Protecting everybody from the impacts of the welfare reform changes at Westminster simply will not be possible.

If the route that David Cameron has described is followed, while the UK Government continues to attack this Parliament's budgets, the situation will become even more difficult for us to deal with. It is not credible for anyone to look at the wrecking ball that is being taken to the welfare state and claim with any sincerity that a progressive, open and socially just future for Scotland is better served by remaining part of the UK. I heard talk about Scotland as an independent country being an uncertain future for our people. Frankly, I agree with Ian Bell of *The Herald*, who said clearly that the future is an uncertain place, but it is far more uncertain for our people as part of the United Kingdom than it is as an independent Scotland.

Presiding Officer, the mace that sits in front of you is inscribed with the values that this Parliament and this nation hold true. One of those is compassion, and I see precious little compassion in the Con-Dem welfare reforms that are currently taking place or in those that are being mooted by David Cameron for the future.

Scotland could and will do better for our most vulnerable.

16:40

Mary Scanlon (Highlands and Islands) (Con):

When the coalition Government was formed in 2010, it recognised—as did the previous Government—that for many people on benefits the work incentives were poor and the system was too complex. The aims of welfare reform are to help people to move into and progress in work while protecting and supporting the most vulnerable. As Willie Rennie said, the UK's welfare bill is currently more than £165 billion a year, so scrutiny and reform should be on-going.

We have heard a great deal from the SNP and Labour about opposition to the plans. Not being a member of the Welfare Reform Committee, I have listened carefully to hear of any firm alternatives, but I am struggling to remember any. As Alex Johnstone said in the stage 1 debate last month:

“everyone believes that welfare reform is needed, but no one is willing to say how it might be achieved other than to look at the UK Welfare Reform Bill and say, ‘Not that way.’”—[*Official Report*, 23 May 2012; c 9235-6.]

I am also disappointed that not a single member has mentioned the fact that 44 per cent of people on benefits in Scotland have a mental health problem. Instead, they have all railed at David Cameron and the UK Government. I would have liked a bit more talk about people being supported to access mental health services instead of being consigned to a lifetime on benefits. Many people with a mental health problem are on benefits not because they want to be and not because they do not want to work, but because they did not receive an early diagnosis or the treatment or drugs that they wanted.

Mark McDonald: Will the member take an intervention?

Mary Scanlon: Mark McDonald had four minutes and no one has mentioned mental health. I am the only one who has mentioned it. I would have thought that if anyone cares about people on benefits, we should start with the 44 per cent who have a mental health issue.

The benefit cap that is proposed in the Welfare Reform Bill is an important aspect. The cap will impose an upper limit of £26,000 a year, which equates to a salary of £35,000 a year. That is 75 per cent higher than the average salary in the Highlands and an even greater percentage higher than the average salary in the Western Isles. However, as I mentioned in the stage 1 debate—it is worth repeating today—many benefits such as war widows allowance, attendance allowance and DLA will remain exempt from the cap.

Another area to highlight is reassessment, which has been portrayed by all SNP and Labour members today as a way of reducing benefit and support. What if someone's benefit has stayed the same for years while their condition has seriously deteriorated? It cannot be right that people on DLA are left for years or decades—as they are—without reassessment although their condition may have worsened and they may be in need of a far higher level of support and financial assistance? It is immoral not to help those who are most in need.

The cabinet secretary mentioned human stories. In my previous employment as a lecturer in further and higher education, I saw many lives transformed through training and education, some after years in prison, some after drug or alcohol addiction and many after years on benefits—women and men at a crossroads in their lives. Those students were not incapable, but many had lost confidence, had low self-esteem or had been put down by teachers at school. The welfare reform measures will bring better support to many people in work for up to two years. This is absolutely essential and I regret that it has had so little support today.

16:44

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Clearly, we are faced with a difficult set of circumstances and massive change to the welfare system. It is a challenge that the Parliament has risen to and, apart from the amendments about scrutiny and the policy context, the debate was largely consensual, at least between the SNP and Labour. Indeed, as Drew Smith said, we welcome the joint working with the cabinet secretary and her officials in at least one area.

Many members have acknowledged the challenge and the steep learning curve in dealing with welfare reform, and—as was also acknowledged—we have been helped by many stakeholders and the input that they have made. Welfare reform was required—that was agreed—and universal credit might be a valuable simplification.

A UK Government that repeatedly states, “We are all in it together,” has, as Siobhan McMahon made clear, meant tax cuts for the wealthiest, increased VAT, and cuts in benefits for the least well-off. It caters for many of the worst instincts in our society. A Government that is determined to cut the deficit is going off course when it is failing to produce the growth that is necessary to create the work that Alex Johnstone said is vital to allow people to move into jobs.

Making work attractive is important, but much of the growth that has been achieved in the private sector is part-time work. That has to be matched

by benefits; as Jamie Hepburn, Siobhan McMahon and others have said, the people who are in work with an income that does not provide a living wage without benefit support must also be supported. The Tory Government's curtailment of the rise in the minimum wage—under Labour, it always rose above the rate of inflation—is also not welcome, because it contrasts with exactly the situation that Alex Johnstone was talking about.

We are agreed that people who do not need support should not get benefits but, as we have heard, the cuts will affect many vulnerable people. As Margaret Burgess outlined in a detailed and passionate speech, the effects of, for example, moving people off DLA into PIP or UC—which in fact is designed to create a saving of 20 per cent—is not being handled at all sensitively. I do not doubt Mary Scanlon's commitment to people with mental health problems, but I say to her gently that, notwithstanding the reviews of the process that her UK Government colleagues have undertaken, many with mental health problems are being devastated by the current application of the benefits reassessment process that they must go through.

Jamie Hepburn: I support what Dr Simpson is saying, which is exactly what the Scottish Association for Mental Health has told the Welfare Reform Committee.

Dr Simpson: I have been a member of SAMH since 1976, and I am making the point for exactly that reason.

One of my main concerns arises from conversations with a housing association in my constituency. It has already begun to advise tenants of the effects of the rule changes that are about to come in—an issue that Mark McDonald referred to—and it will be particularly difficult to manage the changes in any sensitive way.

The Welfare Reform Act 2012 provides for a wide range of measures that are being introduced at great speed not to modernise the system but to cut the welfare bill. As Kevin Stewart reminded us, £2.5 billion will be, as he put it, “ripped out of Scotland”. I add to and redefine that by saying that that money has been ripped out of our most vulnerable communities, whose economies will become even more fragile as a result.

The only areas of real dispute between us are on the questions of transparency, accountability and affirmative procedures. It is regrettable that, although our amendments were supported by so many different organisations, the cabinet secretary's one piece of intemperate language was to suggest that we were in some way playing “fast and loose” with the most vulnerable in our society. I say to her that that is not the case. Our duty is to make representations on behalf of

groups such as Children 1st and Families First, which are among the six or seven significant front-line players—to be honest, they are far more engaged at the front line than the cabinet secretary is—and therefore required representation.

Jamie Hepburn: Without wishing to question the intent of the Labour Party, I wonder what Dr Simpson would say to the mother who wants to know whether her child will get a free school meal or the pensioner who wants to know whether they will get a bus pass if they had to wait until a Scottish Parliament committee had considered such matters. That is the danger that opens up if every instrument is required to be affirmative.

Dr Simpson: I served on the Subordinate Legislation Committee as well and both procedures would require 40 days. If a move is made to annul a negative instrument, that would delay the whole process. The right to scrutinise is crucial, and all that those organisations were looking for was the time to enter into debate.

We have had some welcome reassurances from the cabinet secretary on the policy context, although another amendment of ours was defeated. We look forward to her fulfilling those promises and giving us as much time for debate and scrutiny as she said she would. We will hold her to that.

The challenge of the bill has been met and it has been supported by all parties, so it will be voted for by all parties later today. The challenge now is to improve on what we can do within the powers that we have. The SNP members have repeatedly said that an independent Scotland will provide us with a glorious situation but, before the referendum, the SNP must be absolutely clear about the benefits system that we will have in an independent Scotland and how it will be funded. That is critical.

16:51

Nicola Sturgeon: In response to Richard Simpson, I say that we are perfectly clear about the kind of welfare that Labour wants—one that is run by the Tories. That is abundantly clear.

In my opening speech, I thanked a number of people. In my closing speech, I take the opportunity to give heartfelt thanks to my officials and the bill team. They, more than anyone, have borne the burden of the tight timescale that we have had to get the bill through. They have done a fantastic job and I thank them for that.

This has been a reasonably good debate. Like Kevin Stewart, I am slightly disappointed that so many members chose to focus on process rather than people. Michael McMahon asked me to give

a commitment that there would be maximum scrutiny. I have given that commitment at every stage of the process and I have no hesitation in doing so again today. However, what I have never been prepared to do at any stage is expose vulnerable people to the risk of not getting their passported benefits, and I am glad that Parliament agrees with that position today.

The obligation on all of us now is to get on with the substance, to work together within the heavy constraints that we face of a policy direction that we do not agree with, and a timetable that has been set by the UK Government. Nevertheless, we need to get on with the work of getting the regulations right. Jamie Hepburn encapsulated the desires of organisations such as the SCVO extremely well. They want to be part of the process from the point of view of protecting the people they care about. Let us get on with working together.

Drew Smith made some legitimate points about what the substance should focus on, as did Jackie Baillie at stage 1 when she talked about addressing the challenge that will arise with new claimants in the future, ensuring that we do not end up with a postcode lottery, and developing a system that works well. That is what we should focus on.

The joint briefing from Children 1st, Barnardo's, Citizens Advice Scotland and One Parent Families Scotland that was issued ahead of today's debate sums it up well when it says that it is vital that, as we head into the almost uncharted waters of the impact of welfare reform, we continue to work together in the interests of some of Scotland's most vulnerable citizens. That should be our absolute priority as we leave the chamber tonight.

My second point is about the substance of the debate. Because it suits their purposes, the Tories continually—and Alex Johnstone and Mary Scanlon were at it again today—present the debate as being all about incentivising work and getting at the feckless workshy. I am sure that we can all agree about the importance of incentivising work but, as Margaret Burgess said when she nailed the point, the fact is that many people who interact with the benefits system are already in work. I mentioned the evidence that Save the Children gave about the single mother who is in work but believes that she will be worse off after the introduction of universal credit.

One Parent Families Scotland has suggested that many single parents who are working more than 16 hours a week could be worse off under the new system. These are people who are working hard, trying to scrape out a living to support their kids and make a better life for their families. The reforms threaten to take the feet from under them. To Willie Rennie, I would say that that is not trying

to scare people; it is simply pointing out the reality of the Tory welfare reforms that he and his Liberal Democrat colleagues, to their shame, are prepared to support.

My third substantive point is about the future. We did not ask to have to take a bill through Parliament on this issue, but it was right that we did so. As we pass the bill today, it is important that we look to the future. In the immediate future for the legislation, we will embark on the consultation exercise that launched today and we will hold a series of stakeholder meetings and policy events during the summer.

Over the same period, we will look at the UK Government's regulations, as those are published and made available to us. A lot is said about what detail is available and what is not. However, until the UK Government sets out the rate at which universal credit will be paid, we will have only part of the picture. Once we have the full picture, we will come back to Parliament and lay our own regulations. I expect that all of that work will be carried out in good time to meet the deadlines that we face.

The other sense in which I want to look to the future is about the longer-term future for vulnerable people in Scotland. As Margaret Burgess said, we had a rather frightening insight into that earlier this week in David Cameron's speech. According to him, the Conservative future for anyone under the age of 25, unless they can afford to pay their own rent, could be to live with their parents, because they will no longer receive a penny in housing benefit. In future, families with three kids, on income support, could lose their child-related benefit entitlements for their third child. The future for anyone found guilty—for whatever reason—of being out of work for longer than a fixed period could be full-time community service.

The most staggering thing of all is that that frightening speech about what might lie ahead was given on the same day that Labour linked arms with the Tories and said, "We are better together." Let me say this: on welfare, we are most certainly not better together. I will never understand why Labour members—many of whom, such as Siobhan McMahon, I believe care about vulnerable people—are prepared to argue for a position that leaves the Tories with carte blanche to do their worst to the most vulnerable people in our society.

These changes do not reflect Scottish values. I want to be in a Parliament that has the power to do so much more than to mitigate the worst impact of bad Tory policies. I want to be in a Parliament that has the ability and the powers to design a welfare system that reflects the values that we hold dear in Scotland—a welfare system that lets

us hold our heads high and say that it incentivises people into work but protects the vulnerable. I want to be in a Parliament that has the powers to create the jobs that are needed to get people into work. That is the kind of Scotland that I want to live in. It is the kind of welfare system that I want to have and it is the kind of Scotland that does not come from Labour and the Tories saying that we are better together. It comes from this Parliament and this country being independent and equal, like countries abroad in this world.

The Presiding Officer: That concludes the debate on the Welfare Reform (Further Provisions) (Scotland) Bill.

Points of Order

16:59

Neil Findlay (Lothian) (Lab): On a point of order, Presiding Officer. At 9.45 this morning, the Cabinet Secretary for Education and Lifelong Learning made a statement on the reform of post-16 education. During his statement, he twice stated that members of the Education and Culture Committee had been sent a letter advising them of the appointments of individuals who would lead the college regionalisation process. That was not the case.

On returning to my office, I checked my inbox to see that the letter had in fact been e-mailed to committee members at 9.47, after the cabinet secretary had begun his statement. The letter itself was embargoed until 28 July—yes, July. I do not blame the clerks for this. They were given the letter late by the cabinet secretary's office. They then noticed the error and were unable to correct it in time; they were forced to issue the letter containing the incorrect information, because no time was left to amend it before the statement was made.

I know that you place great importance on the rights of members and their ability to do their job properly, Presiding Officer. Can you assist members of the Education and Culture Committee in this matter, and in future ensure that correspondence that is referred to by ministers is released at the same time as statements?

The Presiding Officer (Tricia Marwick): I thank the member for the point of order. I have made inquiries.

The original letter was received by the committee clerk at 9.17. The committee clerk was in a meeting until 9.30. It was spotted that the original letter contained an error, in that it said that the embargo was until 28 July, not 28 June. The cabinet secretary's office was aware of that. It set about sending a corrected letter to the committee clerk. The corrected letter was received in the committee mailbox at 9.51. The assistant clerk to the committee requested that the original letter be sent out to the committee, and that letter—containing the error—was sent to members at 9.47. I understand that Mr Findlay was notified of that timeline at 11.39 this morning.

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Every attempt was made—as it should be made and will always be made—to communicate with the clerks of the committee. That is, of course, the intention of every cabinet secretary. In education, we continue to do so, despite the fact that, on a previous and recent occasion, communication to

members was leaked, ahead of the end of the embargo, by the Labour Party.

Neil Bibby (West Scotland) (Lab): On a point of order, Presiding Officer. I know that you take seriously the issue of ministers advertently or inadvertently misleading Parliament. This morning, the Cabinet Secretary for Education and Lifelong Learning said, in response to a question that was asked by my colleague Hanzala Malik:

“There is no reduction in funding for colleges in financial year 2012-13.”

The cabinet secretary said that twice. However, yesterday, during a members’ business debate on college cuts in Glasgow, his ministerial colleague Alasdair Allan, said:

“The motion highlights—and this has never been a secret—that North Glasgow College, like every other college, has had to withstand budget reductions”.—[*Official Report*, 27 June 2012; c 10704-5.]

Clearly, those two comments—made in the chamber in the past 24 hours—are incompatible. Before the education ministers go on their summer holidays, will you ask whichever minister has misled Parliament to make an apology?

The Presiding Officer: As I have said to a number of members today, I am in no way responsible, as Presiding Officer, for the accuracy of what is said by members in the chamber. That, Mr Bibby, is not a point of order.

Hugh Henry (Renfrewshire South) (Lab): On a point of order, Presiding Officer. I recognise what you say on that specific point, but we have a serious situation. We have two ministers in the same department saying two different things on two different days. If, as you say, it is not for you to ensure that this Parliament is given accurate information—and, clearly, the ministers concerned do not give a damn about whether what they say is accurate—[*Interruption*.]

The Presiding Officer: Order. Mr Henry, I would appreciate it if you withdrew the word “damn”.

Hugh Henry: Damn? Interestingly, then, Presiding Officer, I will withdraw it—

The Presiding Officer: Just withdraw it, please.

Hugh Henry: I will withdraw it, and in the future when we talk about people being damned, I will make sure that that word is not used—

The Presiding Officer: I think that you should sit down now, Mr Henry. You have made your point, and the point that you are making does not change the original point of fact—

Hugh Henry: No, Presiding Officer—

The Presiding Officer: Mr Henry, please resume your seat.

Members: Hooray!

The Presiding Officer: I do not need cheers.

When I am speaking, I expect members to resume their seat. I consider that you have made your point, Mr Henry. I do not consider that it is a point of order. It is a follow-up to the point that was made by Neil Bibby. As I have said repeatedly and will continue to say, matters of accuracy are not matters for me as the Presiding Officer. That has been the position of every Presiding Officer until now, and I uphold that position.

Neil Findlay rose—

The Presiding Officer: Is it a further point of order, Mr Findlay?

Neil Findlay: Will you confirm how long members have to make a point of order? I would have thought that a member is allowed to make their full point and then you will make a judgment, rather than your making a judgment in the middle of their point.

The Presiding Officer: Mr Findlay, I am quite sure that you are aware that members have up to three minutes to make a point of order. I did not consider that Mr Henry was making a point of order.

Congress of Local and Regional Authorities of the Council of Europe (Regional Chamber Membership)

17:05

The Presiding Officer (Tricia Marwick): The next item of business is consideration of motion S4M-03491, in the name of Brian Adam, on the membership of the regional chamber of the Congress of Local and Regional Authorities of the Council of Europe.

Motion moved,

That the Parliament endorses the Scottish Government's proposal to nominate, as representatives of the Parliament, Christina McKelvie MSP as a full member and Helen Eadie MSP as an alternate member on the UK delegation to the regional chamber of the Congress of Local and Regional Authorities of the Council of Europe for the remainder of the current parliamentary session to 2016.—[*Brian Adam.*]

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

Crime and Courts Bill: Legislative Consent Memorandum

17:05

The Presiding Officer (Tricia Marwick): The next item of business is consideration of motion S4M-03514, in the name of Kenny MacAskill, on the Crime and Courts Bill, which is United Kingdom legislation.

Motion moved,

That the Parliament agrees that the relevant provisions of the Crime and Courts Bill, introduced in the House of Lords on 10 May 2012, relating to the establishment of the National Crime Agency, for a new drug-driving offence and to allow those detained in Scotland by immigration officers to be able to access legal advice on the same terms as those detained by police officers, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.—[*Kenny MacAskill.*]

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

Parliamentary Bureau Motions

17:06

The Presiding Officer (Tricia Marwick): The next item of business is consideration of three Parliamentary Bureau motions. I ask Bruce Crawford to move motions S4M-03523 and S4M-03524, on approval of Scottish statutory instruments, and motion S4M-03525, on approval of guidance.

Motions moved,

That the Parliament agrees that the Fundable Bodies (Scotland) Order 2012 [draft] be approved.

That the Parliament agrees that the Wildlife and Natural Environment (Scotland) Act 2011 (Consequential Modifications) Order 2012 [draft] be approved.

That the Parliament agrees that the Code of Practice on Non-Native Species (SG2012/87) be approved.—[Bruce Crawford.]

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

Decision Time

17:06

The Presiding Officer (Tricia Marwick): There are seven questions to be put as a result of today's business. The first question is, that motion S4M-03408, in the name of Stewart Stevenson, on the Long Leases (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees that the Long Leases (Scotland) Bill be passed.

The Presiding Officer: The next question is, that motion S4M-03406, in the name of Nicola Sturgeon, on the Welfare Reform (Further Provision) (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees that the Welfare Reform (Further Provision) (Scotland) Bill be passed.

The Presiding Officer: The next question is, that motion S4M-03491, in the name of Brian Adam, on membership of the regional chamber of the Congress of Local and Regional Authorities of the Council of Europe, be agreed to.

Motion agreed to,

That the Parliament endorses the Scottish Government's proposal to nominate, as representatives of the Parliament, Christina McKelvie MSP as a full member and Helen Eadie MSP as an alternate member on the UK delegation to the regional chamber of the Congress of Local and Regional Authorities of the Council of Europe for the remainder of the current parliamentary session to 2016.

The Presiding Officer: The next question is, that motion S4M-03514, in the name of Kenny MacAskill, on the Crime and Courts Bill, which is United Kingdom legislation, be agreed to.

Motion agreed to,

That the Parliament agrees that the relevant provisions of the Crime and Courts Bill, introduced in the House of Lords on 10 May 2012, relating to the establishment of the National Crime Agency, for a new drug-driving offence and to allow those detained in Scotland by immigration officers to be able to access legal advice on the same terms as those detained by police officers, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

The Presiding Officer: The next question is, that motion S4M-03523, in the name of Bruce Crawford, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the Fundable Bodies (Scotland) Order 2012 [draft] be approved.

The Presiding Officer: The next question is, that motion S4M-03524, in the name of Bruce Crawford, on approval of an SSI, be agreed to.

Motion agreed to,

That the Parliament agrees that the Wildlife and Natural Environment (Scotland) Act 2011 (Consequential Modifications) Order 2012 [draft] be approved.

The Presiding Officer: The next question is, that motion S4M-03525, in the name of Bruce Crawford, on approval of guidance, be agreed to.

Motion agreed to,

That the Parliament agrees that the Code of Practice on Non-Native Species (SG2012/87) be approved.

The Presiding Officer: That concludes decision time. I hope that you all have a happy and peaceful recess.

Meeting closed at 17:08.

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