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Official Report

MEETING OF THE PARLIAMENT

Wednesday 15 May 2013

Session 4

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Scottish Parliament

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[The Presiding Officer *opened the meeting at 14:00*]

Affirmation

The Presiding Officer (Tricia Marwick): Good afternoon. The first item of business is a member's affirmation. I invite our new member, Christian Allard, to make a solemn affirmation.

The following member made a solemn affirmation and repeated it in French:

Christian Allard (North East Scotland) (SNP)

Business Motion

14:02

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-06583, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Aquaculture and Fisheries (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Aquaculture and Fisheries (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 and 2: 45 minutes

Groups 3 to 6: 1 hour 20 minutes

Groups 7 to 10: 1 hour 45 minutes.—[*Joe FitzPatrick.*]

Motion agreed to.

Portfolio Question Time

Culture and External Affairs

14:02

Cultural Issues (Aberdeen City Council)

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

To ask the Scottish Government what recent discussions it has had with Aberdeen City Council about cultural issues. (S4O-02105)

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 had recent discussions with Aberdeen City Council about cultural issues, although my officials met council officials in November when their United Kingdom city of culture bid was raised.

Kevin Stewart: Our libraries are great cultural assets. Aberdeen faces the threat of library closures emanating from the Labour-led council, even though in *The Press and Journal* on 8 January 2010, the current Labour candidate for Aberdeen Donside said:

"We welcome the move not to close any libraries as knowledge is key to any city's success."

Does the cabinet secretary agree that libraries are a key to success? Will she join me in calling on Aberdeen City Council to lift the threat of closure as soon as possible?

Fiona Hyslop: The threat of library closures in Aberdeen is deeply disappointing, as it might be in other areas such as Moray. I remind those in the chamber that local councils' only statutory duty in culture is in relation to libraries: they have to make sure that there is adequate provision for all.

On the role of libraries, libraries are great success stories across Scotland. They are modernising and finding ways to get new readers and to engage with the local community. I would encourage Aberdeen City Council to rethink its policy, if there is the opportunity, and to do what other local authorities are doing to embrace libraries as a great asset for our communities.

Lewis Macdonald (North East Scotland) (Lab): I am very pleased that the cabinet secretary supports Willie Young in his view of the importance of libraries in Aberdeen and elsewhere. Given that she agrees with him, will she agree also to work with Aberdeen City Council to take forward the modernisation and further

improvement of a fantastic public library service in the city?

Fiona Hyslop: I have never met Willie Young and it is difficult to agree with somebody you have never met.

It is important that we respect local authorities' decision making on libraries for a local authority area. However, it is quite clear that libraries are the only statutory responsibility that local authorities have in this area and I take a keen interest in that.

We are developing book week Scotland—we launched the second year of that recently. It is important that people stand by their libraries, whether in Aberdeen, Moray or anywhere else.

Alex Johnstone (North East Scotland) (Con):

The cabinet secretary mentioned that she discussed the city of culture bid. Will she give me and the people of Aberdeen an undertaking that she will take no action prior to 2017 that will deny us the opportunity to have the United Kingdom city of culture in the north-east of Scotland?

Fiona Hyslop: I am delighted that the quality and range of and enthusiasm and opportunities for culture in Aberdeen and in Dundee have been recognised by both cities in putting forward bids to be city of culture. I am delighted that they will be able to progress that and we look forward to seeing whether they make the shortlist in June this year and the announcement that will be made in November.

I am absolutely convinced that should either of them be nominated as a city of culture, we will all join in the celebrations and will build on that to make sure that we have a great year in 2017.

Poland (Social, Cultural and Business Links)

2. Anne McTaggart (Glasgow) (Lab): To ask the Scottish Government what projects it is funding to promote social, cultural and business links with Poland. (S4O-02106)

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): The links between Scotland and Poland are varied and long-standing. The Scottish Government promotes social, cultural and business links with Poland in a number of ways.

Last year, I met the Polish Minister of Culture and Natural Heritage at the Edinburgh culture summit for discussions and joined the minister in attending a performance of "Macbeth" at the Edinburgh international festival by a Polish theatre company that was supported by the Polish cultural institute.

The race, religion and refugee integration equality fund provides funding to projects that

support Polish nationals who have come to work and live in Scotland, including funding specifically for a Polish volunteer recruitment project at Motherwell and Wishaw citizens advice bureau.

Scottish Development International actively supports businesses to explore trade opportunities in the Polish market, including supporting a visit to Warsaw last year when the delegation met industry representatives from the food and drink and information and communication technology sectors.

Anne McTaggart: Recent research by the University of the West of Scotland illustrates that ethnic minority entrepreneurs often fail to seek support from readily available Government sources and that immigrants in Scotland are less likely to make use of key public services. An estimated 80,000 Polish nationals are resident in Scotland. Does the minister agree that such research suggests that the Scottish Government could be doing a huge amount more to engage with those from an eastern European background who are living in Scotland?

Fiona Hyslop: The research is very interesting indeed and I agree with the member on the opportunities for entrepreneurs from different communities. Clearly, if opportunities are not being taken up, we must look at the services that are provided to those in communities such as the Polish community who are setting up new businesses. That would be a useful area to explore with the business gateway and local authorities to see how local communities can best be supported.

The Presiding Officer (Tricia Marwick): Question 3, in the name of Drew Smith, has been withdrawn. The member has provided an explanation.

Cultural Achievers

4. Jackie Baillie (Dumbarton) (Lab): To ask the Scottish Government what its plans are to recognise and promote Scotland's cultural achievers locally. (S4O-02108)

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): The Scottish Government supports work to recognise and promote achievements by individuals, projects, communities and places locally through grant funding to Creative Scotland—Scotland's national agency for the arts, screen and creative industries. Creative Scotland recognises and promotes Scotland's cultural activity through its investment programme, which supports artists and organisations across Scotland.

For example, in Dumbarton, Ross Birrell was awarded £10,000 through Creative Scotland's professional development programme for the

development of a music and poetry-based film installation, and Scott McWatt was awarded £4,500 through Creative Scotland's quality production programme to produce his second indie-folk album. Both, of course, are constituents in the member's area.

Jackie Baillie: We are delighted to have that recognised locally.

The cabinet secretary has also in the past visited the Helensburgh heroes project and she knows at first hand of its impressive work to recognise the great Scots from my area, including John Logie Baird. Does she believe that it might be useful to roll out a scheme to coincide with Glasgow's Commonwealth games that would encourage tourists to visit surrounding areas, such as Helensburgh, and learn about our local heroes?

Fiona Hyslop: I visited the heroes centre, in which the proposal is meant to be developed, in July last year and was very impressed by it. It showed a great deal of energy and was a way of putting a spotlight on our local heroes. It is important that we also look at the cultural programme around the Commonwealth games, when we will be supporting our sporting heroes. My colleague Humza Yousaf will take forward the Commonwealth games aspects of the cultural area, which will involve ensuring that all of Scotland, including Helensburgh, can benefit. I think that the idea that was mentioned is very good.

Richard Lyle (Central Scotland) (SNP): The cabinet secretary may be aware of the celebrating Lanarkshire 2013 initiative, which recognises and celebrates the region's achievements over the past 200 years and coincides with the bicentenary of the birth of Dr David Livingstone. Will she join me in commending that excellent initiative, which showcases the contribution that Lanarkshire has made not just to Scotland but to the world over the past two centuries?

Fiona Hyslop: I am very pleased to support that passionate endorsement of Lanarkshire. The celebrating Lanarkshire 2013 initiative, which allows communities to celebrate past achievements and cultural endeavours, sounds like a great one.

On marking and celebrating the bicentenary of the birth of Dr David Livingstone, the member is quite right to say that his impact has been not just local or in Scotland. Tomorrow evening, I will be in Brussels, where I will host an event that will include a lecture on Dr David Livingstone. That is also an opportunity to spread the word about achievements not just here but in Europe and elsewhere abroad.

North America (Ministerial Visits)

5. Stewart Maxwell (West Scotland) (SNP): To ask the Scottish Government what the results were of the recent ministerial visits to North America. (S4O-02109)

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): The First Minister carried out an extensive programme of targeted business engagements with top companies in the United States and developed both new and existing relationships. Those meetings covered 220 new jobs, 34 safeguarded jobs and more than £12 million of new investment. The First Minister addressed an audience of more than 300 top US-based business leaders at the New York St Andrew's Society's business networking dinner, delivered a speech at the Carnegie Council for Ethics in International Affairs, and gave a public lecture at Princeton University. In Washington DC, he delivered an address at the Brookings Institution.

Keith Brown's programme in Canada provided for significant engagement with business in both Halifax and Toronto, and he spoke at a number of networking events, including the Scottish Development International-led trade mission event in Toronto, to support Scottish companies that are seeking to expand their activities in Canada. Mr Brown's programme also focused on air route development and included a meeting with Air Canada to recognise its forthcoming direct flights from Toronto to Edinburgh. It will commence a thrice-weekly service on Canada day this July.

A full report on Scotland week 2013 will be available shortly.

Stewart Maxwell: I thank the cabinet secretary for that detailed answer.

During Scotland week, it was announced that the National Conference of State Legislatures will meet in the Parliament in July for its conference. That will be the first time that the NCSL has met outside the USA. The event will bring together house speakers, senate presidents and leaders from legislatures across the 50 states. Does the cabinet secretary agree that that represents a unique opportunity to showcase Scotland to an international audience and strengthen the ties between the US and Scotland? It might also give us the opportunity to celebrate with those people their independence day and, hopefully, invite them back so that they can celebrate ours.

Fiona Hyslop: Scotland week 2013 was not only supported by ministers, of course; it was well supported by the Scottish Parliament. I congratulate the Presiding Officer on announcing that the US National Conference of State Legislatures conference will take place here between 10 and 12 July. It is quite correct to

identify the huge opportunity that the Scottish Parliament has afforded us to ensure that we can connect as a country with legislatures around the world, and I look forward to the very interesting programme that I know the Parliament is putting forward. I am sure that the Presiding Officer can speak for herself in promoting that great opportunity. Stewart Maxwell is right to draw members' attention to the very important announcement that the Presiding Officer made during Scotland week 2013.

Celebrating Creative Places

6. Dennis Robertson (Aberdeenshire West) (SNP): To ask the Scottish Government what the benefits are of celebrating creative places across the country. (S4O-02110)

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): As well as attracting visitors and inward investment, creative and cultural activity helps to support and shape our communities and places, and fosters and reinforces people's sense of identity and community cohesion. Creative Scotland's creative place awards, which are now in their second year, provide inspiration for people throughout Scotland as well as our visitors by encouraging and celebrating the exceptional creative programmes in towns, villages and communities across the country and supporting the development of projects that might not otherwise get recognition.

Dennis Robertson: The cabinet secretary is probably aware that Huntly in my constituency of Aberdeenshire West was one of the small towns that won a creative place award. Will she join me in congratulating the community in Huntly, and especially Deveron Arts, on the hard work that they do in encouraging creative arts in Huntly? Will she agree to visit Huntly in the summer recess?

Fiona Hyslop: I am delighted to congratulate Huntly on that award, which it was successful in winning in January of this year. The member might not be aware that I have already accepted an invitation to visit Deveron Arts during the summer recess to see its work at first hand. I look forward to the member joining me on that visit so that we can find out more about the exciting work that it is doing in promoting Huntly in his constituency.

Annabel Goldie (West Scotland) (Con): Does the minister agree that a marvellous creative place to celebrate in Scotland would be a dedicated film studio with related facilities? When does she expect Scotland to get its own Hollywood or Pinewood?

Fiona Hyslop: The member will know that I have repeatedly called for an effective business plan to be presented that would allow Scotland to take the opportunities that are available. I am

highly enthusiastic about the film industry in Scotland and the opportunities that a film studio would afford. I understand and share the frustration that exists at the lack of movement. For that to be addressed, the industry will require to put forward some firm proposals, but I and the Government's agencies stand ready to help to support a film studio, should a proposal be made that can be supported by public money and for which there is an effective business plan.

Commonwealth

7. Jean Urquhart (Highlands and Islands) (Ind): To ask the Scottish Government what regular contact it has with member states of the Commonwealth of Nations. (S4O-02111)

The Minister for External Affairs and International Development (Humza Yousaf): The Scottish Government has had contact with a range of member states of the Commonwealth of Nations. That contact includes recent ministerial visits to India, Malawi and Canada, which are three of our priority countries. We look forward to welcoming the nations of the Commonwealth to Scotland for the 2014 Commonwealth games.

Jean Urquhart: The minister may have seen *The Guardian's* report of 5 May that detailed the brutal treatment by British forces of Kenyans who were involved in the Mau Mau rebellion. Does the minister agree that it is important for historical wrongs, either at home or abroad, to be addressed in a manner that will build mutual respect?

Humza Yousaf: I did see the report in *The Guardian*. My mother and her family had to leave Kenya shortly after the emergency period because of the hostilities that arose as a result of the suppression of the Mau Mau people. It would be inappropriate for me to comment directly on the case in question, which is still going through the legal process.

As a general principle, it is vital that we learn lessons from the past and that, in the present, we are guided by international human rights standards. The Scottish Government is committed to that approach. It is important that we learn lessons from the past, because the brutal detention conditions of the Mau Mau are a key aspect of the claims that Kenyan clients are making. We must wonder whether the United Kingdom Government has truly learned those lessons when we think of the case of British resident Shaker Aamer, who has been detained in Guantanamo bay for 11 years. Despite the fact that for six of those years he has been cleared, there has been barely a peep from successive UK Governments. Frankly, that is a national disgrace.

I agree that we must abide by international law and learn our lessons from the past. As well as

doing that, Scotland must be guided by international human rights standards.

Kurdistan

8. Bob Doris (Glasgow) (SNP): To ask the Scottish Government how it is working with the Kurdistan Regional Government to strengthen links between Scotland and Kurdistan. (S4O-02112)

The Minister for External Affairs and International Development (Humza Yousaf): I put on record the member's dedication and hard work in working with the Kurdistan community here in Scotland.

The Scottish Government and Scottish Development International are working with the Kurdistan Regional Government to explore possible business, cultural and educational links. Scotland has a range of existing links with Kurdistan and a wealth of expertise in oil and gas, banking and finance, and education and trade, all of which are of interest to Kurdistan.

For example, Scottish ministers have met representatives of the Kurdistan Regional Government, and the Scottish Government has hosted members of staff from the KRG on an internship programme. SDI is working with the KRG to explore the potential that exists for trade and investment between our two nations, and the National Youth Orchestra of Iraq, which included many Kurdish performers, participated in last year's Edinburgh fringe.

The Scottish Government welcomes the contribution that the Kurdish community makes to Scottish society socially, culturally and economically.

Bob Doris: I thank the minister for that detailed answer. As he will know, my region of Glasgow has a large Kurdish community, many of whom were present in the chamber during my members' business debate to pay tribute to Scotland's Kurdish diaspora and to recognise the horrific genocide of Halabja and Saddam Hussein's horrific al-Anfal campaign. Will the Scottish Government work with the Kurdistan Regional Government to ensure that the Halabja and al-Anfal genocides are recognised by the international community? My constituents in Glasgow and Kurds around the world feel that recognition of the horrors that befell them during a dreadful period in their history is a vital step.

Humza Yousaf: The Scottish Government will do that. When Bob Doris brought his members' business debate to the Scottish Parliament, I congratulated him on raising an internationally significant issue and said that it is correct that the Parliament and the Government should respond. Scotland values its relationships with

Governments around the world. As a good global citizen, we are happy to discuss issues of fundamental human rights.

As was explained in that previous debate, the recognition of genocide is a complex legal issue and the issue of definition is far from straightforward. However, I am absolutely committed to working with the representatives of the Kurdistan Regional Government, members of the Kurdish community in Scotland and elected members to see how we can work, alongside the United Kingdom Government, in particular the Foreign and Commonwealth Office, to push for that definition if it is appropriate.

Infrastructure, Investment and Cities

Roads

1. John Scott (Ayr) (Con): To ask the Scottish Government what recent discussions ministers have had with local authorities regarding the condition of the road network. (S4O-02115)

The Minister for Transport and Veterans (Keith Brown): The condition of Scotland's roads has been raised in general discussions between ministers and local authorities. In addition, a strategic action group has been set up to oversee the implementation of 30 initiatives flowing from the national roads maintenance review. Those initiatives are aimed at ensuring that all road authorities in Scotland efficiently manage and maintain our roads. I jointly chair the group with Councillor Stephen Hagan, the Convention of Scottish Local Authorities spokesperson for regeneration and sustainable development. The next meeting is scheduled for Wednesday 26 June 2013.

John Scott: The minister will be aware that a survey that was published by the Automobile Association earlier this year found that Scotland's roads are in the worst condition of any in the United Kingdom and that more than half of Scottish drivers believe that the condition of council-maintained roads has deteriorated since last year. In view of those concerns, as well as the huge backlog of road maintenance work that is faced and the funding constraints on Scottish councils, what further practical steps will the Scottish Government take to help to deal with the poor state of our non-trunk roads?

Keith Brown: I take John Scott's point about the financial constraints on our councils, but he really must ponder why they have those financial constraints. We have had one quarter—about 26 per cent—of our capital budget constrained, and we have to pass that on to local authorities. Our revenue budget is also being constrained. We are giving a larger proportion of our budget to local

authorities than previous Administrations have done. The member really must accept some responsibility for the fact that we are living in these constrained times because we have to rely on money from the UK Government.

Despite that, I believe that the national roads maintenance review produced a number of positive actions that allow much more effective joint working between local authorities, and between local authorities and the Scottish Government. It is a huge job and there has been a backlog for a number of years. A great deal of work is going into ensuring that the money that we spend on roads goes even further. Perhaps John Scott can talk to his colleagues down south to get them to try to improve the budget situation that he says councils are in.

The Presiding Officer: Question 2, in the name of Patricia Ferguson, has been withdrawn. The member has provided an explanation.

Small Businesses

3. Sandra White (Glasgow Kelvin) (SNP): To ask the Scottish Government what help is available for local traders to ensure that local communities thrive. (S4O-02117)

The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon): We are working hard to maintain Scotland's position as the best place to do business. Despite United Kingdom Government funding cuts, our business rates relief package will reduce business rates taxation by £560 million this year. As part of that, two in every five business properties across Scotland benefit from zero or reduced rates through the small business bonus scheme.

Sandra White: The Scottish Government's action is most welcome, and traders in my area tell me so. However, the cabinet secretary will be aware of the situation in Byres Road and High Street in my constituency, where many small businesses have closed, leading to concerns among traders and communities. Does the cabinet secretary agree that, if those areas are to survive and flourish, urgent action is needed, in particular by Glasgow City Council and its arm's-length external organisation City Property, which we know is under investigation? Will the cabinet secretary agree to meet me and interested parties to discuss the situation and perhaps address the issue?

Nicola Sturgeon: I very much recognise that town centres and high streets can be—and are—a central component of successful local economies, as they offer a base for small businesses and jobs. That is why we have under way a town centre

review, which is under the leadership of Malcolm Fraser.

From my own constituency experience as well as from that of the areas that Sandra White identified, I know how many challenges town centres and high streets currently face. That is why the Government introduced the new fresh start business rates relief on 1 April this year. That builds on a suggestion that was made by Mark McDonald, whose successor was sworn into Parliament today. That relief, which is unique to Scotland, allows businesses that are looking to expand some vital breathing space if they locate in previously empty properties. At the same time, that gives a boost to our high streets.

My officials and I would be happy to meet Sandra White to discuss the fresh start scheme further and to discuss what other action could be taken to further boost our town centres.

“Scotland’s Digital Future—Infrastructure Action Plan”

4. Joan McAlpine (South Scotland) (SNP): To ask the Scottish Government what progress it has made on implementing “Scotland’s Digital Future—Infrastructure Action Plan”. (S4O-02118)

The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon): The Government has made significant progress towards our aim of having world-class digital infrastructure across Scotland by 2020. We have committed more than £240 million to our step change programme, which will deliver access to next-generation broadband for 85 to 90 per cent of premises in Scotland. The contract for the Highlands and Islands project was awarded to BT in March, and we remain on schedule to award the contract for the rest of Scotland by the end of June.

We have also successfully launched community broadband Scotland, which is a £5 million initiative that is delivering targeted support to rural and remote communities to help them to deliver their own broadband solutions. We are continuing to build consensus and support among industry and the public sector around our vision and our more detailed plans for 2020.

Joan McAlpine: Is the cabinet secretary aware of recent reports of difficulties facing the broadband pilot project in Annan in the South Scotland region? Can she update us on any discussions that she has had on that matter?

Nicola Sturgeon: I am aware of the Annan pilot, which I can confirm is going ahead. As a cutting-edge project that is being led by Dumfries and Galloway Council, the pilot aims to open up the existing public sector pathfinder network to deliver broadband services to the community while

trialling white space technology. I know that, following the emergence of some teething issues with the technology, Dumfries and Galloway Council has taken the decision to limit the trial, but the pilot will still bring an enhanced next-generation broadband service to 25 small and medium-sized enterprises, community facilities and residents in the town. The pilot has already confirmed that the existing public sector pathfinder network can be used to deliver broadband services to the wider community, which was the key objective of the trial.

With 25 participants, the Annan pilot is still one of the largest trials of white space broadband in the world, which is something that the town can be justifiably proud of. Of course, I would be more than happy to meet the member if she wants to discuss the issue in more detail.

Richard Baker (North East Scotland) (Lab):

When will there be further details of the individual local schemes across Scotland, including in the north-east, where schemes have been proposed by local councils? Is the Scottish Government on target with its aim to have above-average uptake of broadband in Scotland by this year?

Nicola Sturgeon: On Richard Baker’s first question, as I said in my original answer, the Highlands and Islands contract has now been signed and the details of the roll-out will be announced very soon. Obviously, we cannot get to that stage with the rest of Scotland until the contract has been signed but, as I said in my initial answer, we are on track to achieve that by June this year.

On Richard Baker’s second question, I think that uptake is as important as the infrastructure. The infrastructure is very important and the step change programme is designed to address that, but equally important is ensuring that we encourage people to take up the opportunities that the infrastructure presents. That is why we are currently consulting, as part of our digital dialogue, on how we can encourage businesses, individuals and the public sector to make use of that infrastructure, because we want Scotland to be world leading.

I would be very happy to meet any members to discuss that in more detail, as I think that individual members have a role to play in their own communities in taking forward that work.

Edinburgh to Glasgow Improvement Programme (Croy)

5. Mark Griffin (Central Scotland) (Lab): To ask the Scottish Government how the works associated with the Edinburgh to Glasgow improvement programme will impact on services from Croy railway station. (S4O-02119)

The Minister for Transport and Veterans (Keith Brown): A number of station platforms along the Edinburgh to Glasgow route, including those at Croy, will be extended to accommodate longer trains, which will deliver significant improvements in capacity and journey times for Croy passengers. There will be no diminution in the frequency of services to Croy station.

Mark Griffin: I have been advised that, during the engineering works, Edinburgh to Glasgow trains will be diverted via Cumbernauld. When it was opened by the minister, Croy station's park-and-ride car park was Scotland's largest, with 915 spaces. What arrangement will be put in place to accommodate the high volume of commuters who use Croy station car park and to mitigate the potential impact on communities around the alternative Cumbernauld stations?

Keith Brown: It is probably best to deal with that with the member. I can go through the exact programme that has been agreed as part of the project. There is no question but that the project involves elements of disruption, which is inevitable with a project of this scale. I am happy to meet the member to go through exactly how that will be dealt with.

The various elements of the project are on schedule or ahead of schedule. The commitment that we have given is that there must be electrification on the Cumbernauld side in time for the Commonwealth games. That remains the intention, and that remains on track.

There have already been a number of other improvements as part of the Edinburgh to Glasgow project. Things are moving along. There will be some disruption, as we have always acknowledged, but provisions have been put in place to deal with Croy, and I am happy to go through them with the member if he wishes to meet me to discuss them.

The Presiding Officer: Question 6, in the name of David Stewart, has not been lodged. The member has provided an explanation.

Bus Regulation

7. Iain Gray (East Lothian) (Lab): To ask the Scottish Government what its position is on the measures outlined in the proposed bus regulation (Scotland) bill. (S4O-02121)

The Minister for Transport and Veterans (Keith Brown): The Scottish Government is committed to improving bus services and the workings of the current regulatory framework. We will study the detail of the proposed bill from that perspective.

Iain Gray: I am pleased that the minister is prepared to study suggestions that are designed

to provide a framework for better bus services. Would the minister be willing to meet me to discuss the proposed bill and how we can work together to improve the framework for bus services?

Keith Brown: I am of course happy to meet the member. There are a number of different views about what the regulatory framework for bus services should be. We are involved in a discussion with a number of bus stakeholders through the bus stakeholder group, the basis for which is the series of proposals that were made by Strathclyde partnership for transport around some elements of regulation and other improvements.

I would treat seriously any proposal that comes forward, but any proposal should be serious. If it is to involve substantial extra costs, those should be identified, as far as it is possible to do so, as part of the process. If it is possible to identify where those resources come from, that would make it a more serious proposal.

I repeat that I have no problem at all with meeting the member to discuss his proposed bill.

Airports

8. Chic Brodie (South Scotland) (SNP): To ask the Scottish Government what approach it anticipates taking to the Airport Commission's inquiry into airport capacity in the United Kingdom. (S4O-02122)

The Minister for Transport and Veterans (Keith Brown): When the First Minister met Sir Howard Davies, the chair of the Airports Commission, in October 2012, he noted the reduction in Scotland's access to London airports, in particular Heathrow, in recent years, and the constraints that that places on the Scottish economy. The Scottish Government will continue to make that point as the work of the commission progresses, including at the Scottish stakeholder event that we are facilitating for the commission on 5 June.

Chic Brodie: Because of the dilatory and insular approach of successive Westminster Governments, the UK airports strategy is in tatters. Will the Scottish Government produce a Scottish air transport strategy that looks beyond the narrow focus of Westminster on south-east England airports and recognises the significant, positive impact that the removal of the air passenger duty and more direct flights would have for the Scottish economy?

Keith Brown: I acknowledge the work that Chic Brodie and Colin Keir have done on aviation. Our strategy on air passenger duty and the improvement of Scotland's international air connectivity is well documented, as is our advocacy of the need to secure Scotland's access

to the airports in the south-east of England. We want to have policies that are geared for the reality of the needs of aviation in Scotland, rather than in the congested south-east of England. Until we have control of all the policy and regulatory levers relating to aviation, we will have to continue to advocate changes reflecting our ambitions to the UK Government strategy.

John Scott (Ayr) (Con): The minister will be aware that the cross-party group on aviation met last night. He will wish to know that concerns were expressed that, as yet, there is no successor programme to route development funding. The industry and MSPs have been told since January that an announcement is expected soon. When will the industry be consulted, when will the work be completed and when will the new programme be put in place?

Keith Brown: Substantial work has been done and continues to be done on this area. It is not straightforward. Some of the fundamentals on which the strategy will have to rely, such as air passenger duty and European regulations, change over time, and that will have to be taken into account. However, I give the undertaking that, as the work progresses—substantial progress has been made already—we will keep John Scott and other members informed.

Affordable Housing

9. Graeme Dey (Angus South) (SNP): To ask the Scottish Government what assistance it is giving local authorities to improve access to affordable housing. (S4O-02123)

The Minister for Housing and Welfare (Margaret Burgess): We are investing £860 million in housing supply in the current three-year period. Last year, we introduced a resource planning approach for the three years to March 2015, bringing council and registered social landlord funding streams into one budget for the first time. Our approach will enable each council to exercise its strategic role more flexibly, and to bring to Government a programme of social and affordable housing developments, based on its local housing strategy.

Graeme Dey: Angus Council, working in partnership with the Scottish Government, is in the midst of delivering a programme of additional affordable housing across the county that, once completed in 2015, will result in the provision of around 200 properties. The council will provide just over £18 million towards the cost and the Government will provide approaching £5.5 million. Will the minister confirm that the Government will continue to engage with Angus Council and the RSLs to enhance affordable housing in Angus?

Margaret Burgess: We will, of course, engage with Angus Council and all other local authorities across Scotland to improve access to affordable housing. Angus Council has been allocated resource planning assumptions of just under £9 million for the three years to March 2015. For the longer term, all councils have been asked to draw up strategic housing investment plans for affordable housing completions over the next five years. We have also been able to provide minimum planning assumptions for the three years to March 2018 to permit the necessary advance planning.

I gave Angus Council that assurance recently at the opening of a new development in Inveraldie in Angus at which the member was present. The development is of the first new council houses in rural Angus for more than 30 years. The message is clear: the Scottish Government is committed to working in partnership with local authorities to continue to develop the same kind of much-needed high-quality, affordable housing that has been delivered at Inveraldie.

Elaine Murray (Dumfriesshire) (Lab): The Cabinet Secretary for Finance, Employment and Sustainable Growth recently made an announcement in the form of an answer to a written question on the Barnett consequential arising from the United Kingdom budget. Does the minister anticipate that local authorities and housing associations will benefit from those funds?

Margaret Burgess: The recent announcement is correct, and that is still under discussion but, yes, we hope that there will be some consequential to housing associations.

Unregulated Letting Agents

10. Paul Martin (Glasgow Provan) (Lab): To ask the Scottish Government what steps it is taking to prevent tenants and landlords from being exploited by unregulated letting agents. (S4O-02124)

The Minister for Housing and Welfare (Margaret Burgess): Recent action by the Scottish Government has improved protection for tenants and landlords. In 2012, we clarified the law on premium payments, making it clear that tenants should be charged only rent and a refundable deposit when a tenancy is granted, renewed, or continued. Last year also saw the introduction of three national tenancy deposit schemes to safeguard tenants' money and provide a free dispute resolution service.

At the end of this month, the Scottish Government will launch a new strategy for the private rented sector. The strategy has been influenced by dialogue with landlord and tenant

interests, and will outline the action that the Scottish Government plans to take to improve standards in the letting agent industry.

Paul Martin: I am sure that the minister will be aware of the increase in the number of constituents throughout Scotland who have experienced significant difficulties through being exploited by unregulated letting agents. Has the Government considered the possibility of putting a more effective regime in place to regulate the industry and ensure that the exploitation of tenants and landlords is addressed?

Margaret Burgess: I share the member's concern. It has certainly been brought to our attention that some letting agents are flouting the law. We have recently consulted on our strategy for the private rented sector, including options for further regulation of the letting agent industry to raise standards of practice. We are now actively considering that matter.

Aquaculture and Fisheries (Scotland) Bill: Stage 3

14:40

The Deputy Presiding Officer (John Scott): The next item of business is stage 3 proceedings on the Aquaculture and Fisheries (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2; the marshalled list and the groupings. As usual, 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. Members who wish to speak in the debate on any group of amendments should press their request-to-speak buttons as soon as possible after I call the group.

Members should now refer to the marshalled list of amendments.

Section 1—Fish farm management agreements and statements

The Deputy Presiding Officer: Group 1 is on fish farm management agreements and statements. Amendment 8, in the name of Tavish Scott, is grouped with amendments 9 to 13, 3 and 15.

Tavish Scott (Shetland Islands) (LD): In speaking to my amendments in this group, I want to ensure that the Scottish salmon industry, which has been a notable economic success for some years now, continues to be so. My concern about this bill and the Government's proposed measures is that they add costs and bureaucracy and create the real danger that our industry will be micromanaged. I cannot believe that that can be in the minister's or indeed the Government's interests. Even if it were the Government's intention to micromanage the industry in this way, which I genuinely do not believe to be the case, there is also always the danger of what a future Government might wish to do with the very sweeping powers that this Government will take when, as it assuredly will, it passes the bill with its own amendments.

The industry, which has grown considerably in recent years—indeed, the Government has a target of growing production by 50 per cent by 2020—employs 1,100 jobs directly on farms and 4,000 in processing and, over the past five years, has invested £205 million of capital expenditure. It cannot be in any Government's never mind the Parliament's interests to introduce a bill that in my view fails the Government's own better regulation task force tests. Just the other day, I had it

explained to me just what the task force has done under successive Governments to reduce unnecessary bureaucracy, cut red tape and ensure that industries across Scotland are more able to compete in very competitive marketplaces—in this case, the food marketplace—against international competitors that have no such regulation.

As I am sure the minister accepts, the industry is very heavily regulated. Many Government bodies, local authorities and others already regulate salmon farming to a considerable extent. With this bill and these particular measures, the Government will through its own department, Marine Scotland, potentially become involved in every aspect of fish farm management. The simple purpose of my amendments in this group is to avoid that very real difficulty.

Those of us who represent communities, islands and the areas of Scotland where this industry has succeeded economically know that these kinds of powers are already being used and agencies are already becoming involved on a day-to-day basis; however, this Government apparently wishes to take more powers in this area. Very real concerns about that aspect of the bill have been expressed to me and other members of all political parties in the chamber. I appreciate that the minister has written to the industry to state that it is not his intention to micromanage the industry and, for what it is worth, I entirely believe him. However, my concern about the bill that will be passed today relates not to an individual minister but to the fact that Government legislation will be on the statute book long after he and I have left this place.

14:45

In considering the various aspects of fish farm management agreements, I would argue that there already are very strong and good working relationships between Government and its agencies and the industry. There has been a progressive approach to how the industry can develop. I do not understand the Government's justification for the range of additional powers and responsibilities that it wishes to take in respect of the industry and its future operation.

Sampling has been a big issue. As the minister knows, there is potentially a challenge to that under the European convention on human rights. I appreciate that the Government's line—and that of the Parliament—will be that the bill is legally competent. However, the industry has very real questions about that issue and is taking legal advice.

In considering this group of amendments, I would ask that Parliament considers the balance between an industry achieving the Government's

targets on increasing production in order to export around the world and be a great Scottish success story and the sweeping powers that are being taken here in respect of the day-to-day management of that industry.

I move amendment 8.

Claudia Beamish (South Scotland) (Lab):

During stage 1 evidence, the UK Environmental Law Association made a number of comments relating to the effectiveness of farm management agreements and said that it is important to state the intended purpose of farm management agreements and statements

“so that operators are aware of the scope of this obligation.”

Amendment 10 would insert a provision in new section 4A of the Aquaculture and Fisheries (Scotland) Act 2007 to say:

“for certain purposes including the improved prevention, control and reduction of parasites, pathogens and diseases”.

That reflects the words used in sections 3(2)(a) and 6(2)(a) of the 2007 act.

Without stating the purpose of FMAs, it would be possible for an FMA to set out arrangements for sea-lice management that did not satisfy the policy intention of the bill and yet comply with the provision as drafted. The purpose of my amendment is to state the purpose and scope of farm management agreements and statements in the new section.

Why do we need amendments 11, 12 and 13? In its stage 1 evidence, the UK Environmental Law Association stated that the

“improved control of sea-lice etc. will best be achieved by the cooperation of all the operators in a farm management area, so the Bill should establish a hierarchy”—

between farm management agreements and farm management statements—

“making FMAs the default”.

That was the basis of amendment 49 at stage 2.

As the bill stands, rather than seeking to ensure that current good practice is promoted throughout the sector, it does no more than to maintain the status quo. According to the Scottish Salmon Producers' Organisation, the basis for area management is that sites operating within defined farm management areas should

“adopt similar and joined up farming practices, for example stocking the same year class of fish and synchronised fallowing of sites at the end of the production cycle.”

My amendments are therefore designed to ensure that FMAs and FMSs contain provisions about the co-ordination of parasite management, harvesting of fish and fallowing of farms after harvest. The intention is to ensure that new

section 4A includes specific reference to the co-ordination of activities.

I believe that Alex Ferguson's amendment 3 on the publication of FMAs and FMSs would provide transparency in the development of strategies with interested parties, particularly local community interests.

Alex Fergusson (Galloway and West Dumfries) (Con): I listened very carefully to Tavish Scott's comments because I appreciate that he has a great knowledge of the sector. I agree with him about many things, and many of his amendments to the bill, but I cannot entirely agree that there is no need for greater openness and accessibility for the industry. That is really what my amendment refers to.

I draw the chamber's attention to an article that was published in the *Sunday Herald* on 5 May, headed "Pesticides from salmon farms poison Scotland's lochs". I accept that we have to cut through the journalistic licence within that headline. What the story highlights, however, is a report by the Scottish Environment Protection Agency on the analysis of samples taken from about 24 fish farms in 2010, 2011 and 2012. SEPA detected residues of pesticides at 19 of the sites tested, with 12 of them—that is, 50 per cent—showing levels in breach of SEPA's environmental standards. One of those sites, at Loch Shiel in the east of Lewis, showed residues of the pesticide Teflubenzuron, a delousing agent for salmon, that were up to 455 times higher than SEPA's environmental quality standards for 2012.

In anybody's language, that situation suggests a problem. I absolutely accept that there is an ongoing debate about the extent to which these pesticides harm other species and, indeed, the wider marine environment. Although today is not the time to enter that debate, I believe that reports such as SEPA's highlight the need for the fish farming industry to be as open and transparent as it can possibly be in this day and age.

My amendment 3 would ensure that farm management agreements and statements are publicly accessible. If they were, scientists in academia, together with non-governmental organisations, particularly those in the wild fish sector, would be far more able to evaluate and consider incidents and reports such as the one that I have highlighted, in the full knowledge of the agreements and statements that exist in relation to the area in question, which would provide them with a contextual background to those incidents. I believe that amendment 3 would greatly improve the relations and understanding between, in particular, the farmed fish and the wild fish sector, which is a key aim of the committee's deliberations, without carrying any commercial risk

or significant cost implications for the producers. I commend my amendment to the chamber.

On the other amendments in the group, we support amendments 8 to 13 on the grounds of simplification and clarification. Although I am very attracted to the simplicity that amendment 15 brings, I need to be convinced of the need to delete the details of inspections that the bill currently contains.

Graeme Dey (Angus South) (SNP): The introduction of the word "coordinated" to this section of the bill would potentially complicate matters, rather than simplify them. By definition, a farm management agreement requires co-operation and the adoption of a degree of practical, sensible, joined-up working practices that also take into account the requirements of retail contracts. We must remember that fish farms are there to meet a consumer demand. The word "coordinated" introduces a degree of confusion, for me, particularly in relation to new subsections (4)(b)(iii) and (4)(b)(iv). The amendments have the potential to be problematic in practice, given that they do not specify what "coordinated" would actually mean.

What would it mean, for example, in relation to the movement of live fish on and off farms and harvesting? Would the bill prescribe that such actions should be carried out simultaneously across all farms in an FMA—regardless, perhaps, of the temporary circumstances on a farm or, indeed, the contractual obligations to be met—or sequentially? If it is the latter, would that mean actions being delivered at individual farms a week apart or a month apart?

I urge members to reject amendments 11, 12 and 13.

The Minister for Environment and Climate Change (Paul Wheelhouse): I welcome the discussion on this part of the bill, as all the provisions relating to fish farm management are fundamental to the wider purpose of the bill and to ensuring that our regulatory regime is appropriate and proportionate and that it complements the principles of sustainable growth. The bill is not, as some might suggest, evidence that the Scottish Government wishes to micromanage the industry, although I take on board Tavish Scott's kind words that he does not suspect that I am intending to micromanage the industry. Our approach remains that we legislate only where it is necessary to do so.

As at stage 2, Tavish Scott has suggested that there are weaknesses in our intention to work within the framework of the code of good practice in relation to designated geographical areas. I maintain the position that farm management

agreements and statements are best considered within the context of that code.

In amendments 11, 12 and 13, Claudia Beamish has suggested that as part of the development of FMAs and FMSs we should make it a requirement to co-ordinate aspects of fish health management. That seems unnecessary; indeed, Graeme Dey has alluded to some of the concerns that that would raise. By their very nature, agreements are co-ordinated, and co-ordination within a statement is not possible given that only one company is involved.

With amendment 10, Claudia Beamish has suggested that those party to a farm management agreement or statement must have in place measures to improve the

“prevention, control and reduction of parasites, pathogens and diseases”.

Although I share Claudia Beamish’s goal, I believe that her amendment is unnecessary because existing powers in the Aquaculture and Fisheries (Scotland) Act 2007 ensure that measures are in place to prevent, control and reduce parasites. In addition, farmed sites are required to follow good biosecurity practice as part of their authorisation conditions granted under the Aquatic Animal Health (Scotland) Regulations 2009, which implement European directive 2006/88/EC, and that requirement is implemented through farms having biosecurity measure plans in place.

As at stage 2, I consider the statutory publication of FMAs and FMSs, as suggested by Alex Fergusson, to be disproportionate in approach and to carry a significant commercial risk if the information is taken out of context or misinterpreted. It would not only impose an unjustified burden but create a distinct disincentive for operators to include substantial detail in their agreement as they might become concerned that a positive approach could be presented out of context.

Alex Fergusson: If the current arrangements and the ones that the minister has described are working so well, why is SEPA finding pesticide deposits that are 455 times its agreed limits?

Paul Wheelhouse: I share the member’s concern about SEPA’s findings but that in itself demonstrates that SEPA is identifying and reporting on a problem and that the regulatory system is in place to tackle it. What we are talking about is publishing in a public format information that is privy to operators in an FMA area, and I suggest that that might provide a disincentive for them to give additional detail over and above the minimum. The concern is that if we force them to publish this information, they will cut back the information that they put in the public domain.

Finally, I admit defeat in my attempts to persuade Tavish Scott that the requirements of FMAs and FMSs will be linked and of the need to make an informed assessment of compliance. Nevertheless, I maintain my position that that is in fact the case.

I invite members to resist amendments 3, 8 to 13 and 15.

Tavish Scott: The minister might admit defeat but he knows that he is going to win anyway. It must be a great position to be in.

I confess that I share the minister’s concerns about Alex Fergusson’s amendment 3 but I think that the minister could have made another point about it. As he and Alex Fergusson have pointed out, SEPA has researched the issue and produced its findings but I think that there are certain fundamental questions that the agency needs to answer. It seems to me that one question that should be posed is this: given that SEPA provides discharge consents for fish farms the length and breadth of Scotland, what happened to the agency’s normal day-to-day monitoring processes that this information came to light only in this way?

The minister talked about taking this information “out of context”, which was a very diplomatic way of describing what might actually happen in practice, and I am sure that Mr Fergusson will accept that someone less charitable than he is might use the information in a very—shall we say—public manner. For that reason, I do not find favour with amendment 3.

I take the minister’s point about my amendments, but I would have been much more minded to withdraw or not to move them had the Government set out—

Alex Fergusson: Does Mr Scott not agree that it is better to access some data rather than none at all?

Tavish Scott: That is a reasonable point but the judgment is about the word “some”—and I appreciate that there will be a difficult judgment call in any of these decisions. Mr Fergusson will remember that in the early 2000s the industry came under enormous pressure from certain lobbies without any justification, and what happened then reminds me of what can go wrong when the word “some” is interpreted by those who take issue with the industry. I am afraid that I will be a bit cautious on that issue.

Although I take the minister’s point with regard to micromanagement, I just wish that the Government would set out clearly how it will avoid it. I repeat that it is not my contention that this minister or his officials—

Paul Wheelhouse: If the suggestion is that there will be a degree of micromanagement by a

future Government, Administration or minister I must point out that there is an onus on all of us in this chamber to hold ministers to account. Indeed, I would expect to be held to account if I overstepped the mark and micromanaged the industry. That is the final sanction that this place has with regard to ministers.

Tavish Scott: That is a very fair response but I repeat that I am concerned not with this minister but with what could happen in the future. Given that those of us charged with passing legislation in this place must express that responsibility with an eye on what is happening not just now but in the future, I will press amendment 8.

The Deputy Presiding Officer: The question is, that amendment 8 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. As this is the first division of the afternoon, I suspend the meeting for five minutes.

15:00

Meeting suspended.

15:05

On resuming—

The Deputy Presiding Officer: We move to the division on amendment 8.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)

McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 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)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 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) (Ind)
 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 43, Against 63, Abstentions 0.

Amendment 8 disagreed to.

Amendment 9 moved—[Tavish Scott].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
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 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
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 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 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)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 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) (Ind)
 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 46, Against 63, Abstentions 0.

Amendment 9 disagreed to.

Amendment 10 moved—[Claudia Beamish].

The Deputy Presiding Officer: The question is, that amendment 10 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 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)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 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) (Ind)
 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 46, Against 63, Abstentions 0.

Amendment 10 disagreed to.

Amendment 11 moved—[Claudia Beamish].

The Deputy Presiding Officer: The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)

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)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 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) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 46, Against 62, Abstentions 0.

Amendment 11 disagreed to.

Amendment 12 moved—[Claudia Beamish].

The Deputy Presiding Officer: The question is, that amendment 12 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)

Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 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)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (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)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 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) (Ind)
 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 46, Against 62, Abstentions 0.

Amendment 12 disagreed to.

Amendment 13 moved—[Claudia Beamish].

The Deputy Presiding Officer: The question is, that amendment 13 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)

Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 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)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 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) (Ind)
 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 46, Against 62, Abstentions 0.

Amendment 13 disagreed to.

Amendment 3 moved—[Alex Fergusson].

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

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)

Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 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)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 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)
 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)
 Scott, Tavish (Shetland Islands) (LD)
 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) (Ind)
 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 42, Against 67, Abstentions 0.

Amendment 3 disagreed to.

The Deputy Presiding Officer: Group 2 is on the duty to publish information on parasites. *[Interruption.]* Amendment 14, in the name of Claudia Beamish, is the only amendment in the group.

Claudia Beamish: That seemed to cause a bit of a stir, Presiding Officer, but I will just continue.

During stage 1, there was a great deal of discussion about the appropriate resolution of the publication of sea lice data. In the stage 1 report, the committee stated that publication of sea lice data should be at a farm management area level, which is a step further than what is proposed by the SSPO. Publication of such data would allow the industry to demonstrate its management response and performance in relation to sea lice at a resolution that is relevant to the management unit of co-ordinated sea lice treatment: the farm management area.

Under the Fish Farming Businesses (Record Keeping) (Scotland) Order 2008, fish farms are already required to maintain a record of the number of parasites that are counted in the course of the weekly parasite counts. However, there is no current requirement to publish such data. The Aquaculture and Fisheries (Scotland) Act 2007 should therefore be amended to require the publication of parasite counts on a week-to-week basis, averaged over the farm management area. The data should be consistent with the requirements of paragraph (2) of schedule 1 to the record keeping order. The publication should occur within a month, as is the case in Ireland, and the data should remain for inspection and should not be removed at the next reporting period.

That latter point relates to a major failing, in my view, in the current system that the SSPO operates, under which data is available for only three months and then cannot be accessed, even on request.

The text of amendment 14 is slightly different from that of the amendment that was lodged at stage 2. The original wording included the word "compiling" but did not set out how long it should take to compile the data. The fact that the data had not been compiled could have been used to delay publication. I ask the minister to consider amendment 14, even at this late stage, in the interest of the development of good relations among the relevant sectors.

15:15

It is quite clear to me that transparency must be the overriding principle. Nothing that I have heard in evidence over the months has come any way to convincing me that there are counterarguments to invalidate that strong and important principle. There should be a requirement on the face of the bill for openness and transparency. It is not acceptable to play a game of wait and see. My amendment proposes a compromise. I am asking for publication to be at farm management area level, not farm level, and I am not asking for immediate publication. The proposed delay in publication recognises the industry concern that there should be time to put right any difficulties before publication. Surely that should enhance rather than threaten consumer confidence.

In my view, publication is in the public interest. Any arguments about commercial confidentiality simply do not make sense, if the fact that my amendment acknowledges the need for a time delay is taken into account.

Paul Wheelhouse: The member says that the commercial confidentiality arguments do not make sense, but does she accept that, with a farm management area that had a single operator operating in it, divulgence of the data would breach commercial confidentiality and could present a risk to the business?

Claudia Beamish: I understand what the minister says, but there are very few places where there is only a single farm. It is extremely important that I have incorporated a month's delay. That will enable a farm or a firm to sort out any problems and present its recommendations for management of the fishery, and to give people confidence, when the data is published, that something is being done about the issue.

What other industry is allowed to hide successfully behind commercial confidentiality when the transparent development of scientific research and the public interest are on the other side of the scales? Neither farming nor waste management nor other industries that involve processes that cause air pollution are allowed to do so. Perhaps the minister can name such an industry, even at this late stage.

Of course there is good practice in sea lice management in the aquaculture industry, and it should be possible for that to be publicly shared. Science should be shared, too—not just within Marine Scotland but across academia—as that would enable good practice to be made even better. How can that happen if secrecy is at the heart of the sea lice data challenge?

In my view, amendment 14 will help to build trust in relationships between the relevant sectors,

which is essential if we are to have sustainable jobs and sustainable seas here in Scotland.

I move amendment 14.

Graeme Dey: As a member of the Rural Affairs, Climate Change and Environment Committee, I very much agreed with the view that it expressed in its stage 1 report on the bill that it wanted

“data to be collated for each Farm Management Agreement, and each Farm Management Statement where an Agreement is not in place”,

and with its concern that the current lack of accessible data left an important gap in scientific research. At the time, I was also in accord with the view that what was required was access to farm-by-farm data for scientific purposes and that, at the very least, consideration should be given to publishing that data.

However, that unanimously agreed position was, to some extent, informed by the lack of a credible argument by the Scottish Salmon Producers Organisation against publication of data at a more granular level than the level at which it had offered to publish data, although I recall that, at stage 1, the minister articulated concerns about the possible negative commercial impact of doing that. Since then, we have moved on. Subsequently, the SSPO has engaged more positively, at least by explaining its worries about mischievous and perhaps malicious use of farm-by-farm data. More important, it has demonstrated a willingness to compromise.

Norway is held up as an example of somewhere where sea lice data is published without ill effect on the industry, but we should take account of what happened in Ireland when that course was followed. From a position in which it aspired to grow the fish farming sector from an annual production level of 15,000 tonnes to 50,000 tonnes, Ireland found itself in a position in which 14,000 tonnes a year was produced. It was accepted that the use to which sea lice data was put was a contributory factor, although by no means the only one.

Initially, the SSPO undertook to voluntarily provide sea lice data for 30 areas rather than the six areas for which it had been providing data, but it is now providing Marine Scotland with data for 76 FMAs. Although that data will not be published, it will be available for research purposes. I contend that that represents progress. I support that position, because it represents a balanced, proportionate step forward. Given where we are now, it is a sensible compromise. Data are to be published at a 30-area level, providing a degree of transparency that offers reassurance to the public and access to information that can be utilised to better direct the science.

As I understand it, the situation can be kept under review through the ministerial group on aquaculture. The Scottish Government has the power under the 2007 act to legislate if the voluntary approach is not working. That is a fair and balanced approach, which sends the message that we are treating the sea lice issue seriously while being supportive of an industry that employs around 6,000 people, directly and indirectly. I encourage the Parliament to endorse that approach.

Alex Fergusson: At stage 2, I lodged an amendment that would have ensured the regular publication of sea lice data on a farm-by-farm basis. It was ably spoken to and moved by my colleague Jamie McGrigor while I was on hard-working parliamentary duty in Malawi. Despite Jamie's almost irresistible arguments, somehow the minister found a way of resisting them, and the amendment was rejected. The same fate befell an amendment from Claudia Beamish to reach a compromise by seeking—as does amendment 14 today—the publication of data on a farm management area basis.

Every scientist in the field wants farm-by-farm data for analytical purposes. However, if that is not to be—the Scottish Government has made it very clear that it will not countenance that—amendment 14 surely provides the most sensible compromise that has come forward so far.

Farm management areas are already the agreed management units for the industry. They are accepted as such, to the extent that, as Graeme Dey has just indicated, the industry itself has voluntarily agreed to make the data available at farm management area level to Marine Scotland science for the purpose of scientific research. I think that the minister verified that at stage 2.

If that is to be the case, surely the data that are held by Marine Scotland science must be publicly available through freedom of information legislation. Why not just go the whole hog and, as somebody once said, publish and be damned? The information is going to be available anyway, as far as I can see.

If the industry does not take that final step, the unfortunate question of what there is to hide will continue to hang over it. I say that in the genuine belief that it is an industry of which we all want to be proud. I do not wish to denigrate the industry in any way, as it has a huge role to play in rural employment and in the whole economy of the country, but the subject will keep coming back until the industry is completely open and accessible. I believe that amendment 14 goes a long way towards helping that, and we strongly support it.

The Deputy Presiding Officer: We are nearing the agreed time limit. Under rule 9.8.4A, I consider

it necessary to allow the debate on this group to continue beyond the limit to avoid its being unreasonably curtailed.

Tavish Scott: I am concerned that amendment 14 is farm by farm by the back door, for the reason that the minister outlined in his intervention on Claudia Beamish earlier. I know of farms in my constituency that would be identified without a shadow of a doubt. That is the reality. The commercial consequences of that would be considerable. Some people may not believe that commercial arguments are relevant to the debate, and that is one point of view, but I do not share it.

Graeme Dey made some observations about the industry moving forward, which I think was in response to a helpful push from the Rural Affairs, Climate Change and Environment Committee. That has been the right approach. The industry has announced a fish health management report just in the past couple of days, and I think that it has been submitted to the minister. That is a sensible and constructive way forward.

In addition, the science project that the industry, the SSPO and the Government are undertaking must be the basis for what is done, even for Claudia Beamish and Alex Fergusson, with their observations about how the industry has to be as transparent as possible. That science project means that there should be an independent assessment of the impact of the industry on other species. I suspect that that is what Claudia Beamish and Alex Fergusson are driving at. That seems to be a reason to allow the process to continue in the way in which Graeme Dey has suggested. That would provide a balanced and proportionate approach to the challenge, while ensuring that we do not get embroiled in what I think are pretty significant issues of commercial confidentiality, which any industry would have very strong views about were the Parliament to impose the provisions of what is, no doubt, a well-meaning but misjudged amendment.

Jayne Baxter (Mid Scotland and Fife) (Lab): I wish to speak briefly to amendment 14, which is in the name of my colleague Claudia Beamish. As members will recall from earlier stages of the bill, there has been much debate about the publication of sea lice data. At stage 2, the minister indicated that the ministerial group on aquaculture will keep the matter under review. I would like to hear from the minister how he will judge whether the arrangements for the reporting of data are fit for purpose.

By calling for publication of such data by farm management area and by specifying publication dates, amendment 14 strikes the necessary balance between making the data available and acknowledging the concerns of the industry. More important, the proposed requirement would mean

that we would not need to wait for an element of failure or non-compliance from the industry before the data were published.

I am pleased to support amendment 14.

Paul Wheelhouse: As members will be aware, this subject has been debated several times as the bill has progressed through Parliament. As Claudia Beamish acknowledged, in response to a very similar amendment that she lodged at stage 2 I noted that we now have a commitment from the SSPO for enhanced voluntary reporting of sea lice data for 30 areas based on recognised wild fish catchments. The data will be published every quarter, with the first publication—covering January to March—being issued at the end of May. In addition, the SSPO will provide Marine Scotland science with access to sea lice information at farm management area level to support defined research projects. Those commitments are very welcome.

Alex Fergusson *rose—*

Paul Wheelhouse: If I may make some progress, I will come back to Mr Fergusson.

However, that voluntary sea lice public reporting approach must be seen as part of an overall package that allows us to ensure the environmental sustainability of fish farms. That is not the means by which compliance is judged. That is for a robust regulatory system—which the bill enhances—that is overseen by the fish health inspectorate, SEPA and others. Of course, fish health inspectors may also access farm-level data and, indeed, inspect fish cages during their inspections.

Alex Fergusson: The minister has confirmed that the data will be made available to Marine Scotland science on request. Can he also confirm that, once the information is in the hands of Marine Scotland science, it will be accessible under freedom of information legislation?

Paul Wheelhouse: I certainly acknowledge the issue that Mr Fergusson raises. I think that the key test is whether the data is retained by Marine Scotland staff. Obviously, we can discuss this issue at length in the Rural Affairs, Climate Change and Environment Committee, but my understanding is that the information would not necessarily be subject to FOI if the data is not retained by Marine Scotland.

On the issue of commercial confidentiality, I was reminded just last week of the commercial risk to companies where data is published and then used selectively and out of context to suit other agendas. I appreciate that amendment 14 is well intentioned, but it would pose a significant risk—as Tavish Scott acknowledged—for particular companies, especially where a single company

operates in a farm management area, as I said to Claudia Beamish earlier.

We need to balance the need for public reassurance with the commercial challenges under which the salmon farming industry operates while taking into consideration the broader regulatory regime that exists. In that context, I believe that the enhanced SSPO proposals offer a balanced and proportionate step forward, as Graeme Dey indicated. For the first time, the data will allow comparison with wild fish catch and effort statistics, which will allow us to develop a better understanding of the potential impacts from fish farming.

At stage 2, I noted our commitment to reviewing the success of the voluntary arrangement within this session of Parliament, and I reiterate that commitment today. We will keep the issue under review through the ministerial group on sustainable aquaculture. On Jayne Baxter's point, the ministerial group includes wild fisheries interests and environmental non-governmental organisations, so the group has the opportunity to go beyond the industry's view on the issue to take on board points from others.

If it appears that the voluntary arrangement is not operating as expected and cannot be improved by voluntary means, we will use the existing powers in the 2007 act to legislate. I believe that the voluntary arrangements that I have outlined will address the concerns that Claudia Beamish has expressed both today and during previous stages of the bill. On that basis, I urge Parliament to resist amendment 14.

Claudia Beamish: I have listened with care to the comments that have been made by members from across the chamber.

In response to Graeme Dey's concern that such a granular level of transparency has contributed to the contraction of the industry in Ireland, I note that that was not stated as the reason in any of the written or oral evidence that the committee received or during any of the visits that we undertook. Graeme Dey says that it might have been a contributory factor, but I am not convinced, having seen no evidence on that.

In relation to the science, it still perplexes me how research, in its broadest sense, can be shared across academia if the information is not made public. Marine Scotland might have the information, but the discussions that we have heard in the chamber today between Alex Fergusson and the minister about whether that information would be accessible through a freedom of information request seem to have highlighted some concerns. It is extraordinary that such information will not be available openly, especially in view of the delay. I acknowledge that

the SSPO offer is a step in the right direction and I am in no way seeking to knock an industry in which there is very good practice. However, the SSPO offer does not go far enough.

15:30

Paul Wheelhouse: Does the member accept that we have the powers under the 2007 act to legislate and make proposals through secondary legislation if necessary to provide an alternative to the voluntary arrangement if that is proving ineffective? Does that not reassure the member that we are taking the issue seriously? I assure her that we would do that if necessary.

Claudia Beamish: I appreciate the minister's commitment and I have listened carefully to what he has said. However, I still do not believe that it goes far enough and I would like to see amendment 14 made to the bill.

The delay will also help with the argument that information that is published could be used selectively and out of context. I cannot think of any other industry in which—as I understand it, and perhaps the minister will correct me if I am mistaken—the suggestion is that the information could be used inappropriately in any campaigns that might come up. I do not believe that that is a reason not to be open and transparent. An industry that uses good practice has nothing to hide, and I think that the amendment should be passed.

I have two final points. The planning permission issue is important and we need to be aware that the publication of data on sea lice might inform future planning permission in particular estuaries. Also, the issue of the consumer's right to know came up during the recent horsemeat scandal. We need to pursue as much transparency as possible around our food, albeit that the industry mainly has an excellent record.

I press amendment 14.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)

Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 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)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)

Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 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)
 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)
 Scott, Tavish (Shetland Islands) (LD)
 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)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 40, Against 65, Abstentions 0.

Amendment 14 disagreed to.

Amendment 15 moved—[Tavish Scott].

The Deputy Presiding Officer: The question is, that amendment 15 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Hume, Jim (South Scotland) (LD)
 McArthur, Liam (Orkney Islands) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Scott, Tavish (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)

Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fee, Mary (West Scotland) (Lab)
 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)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (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)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 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)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (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)
 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)

Abstentions

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)
 McGrigor, 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 4, Against 90, Abstentions 13.

Amendment 15 disagreed to.

Section 3—Technical requirements for equipment used in fish farming

The Deputy Presiding Officer: Group 3 is on training in relation to equipment that is used in fish farming. I point out that we are several minutes behind, so brevity is of the essence. Amendment 16, in the name of Jim Hume, is grouped with amendments 17 to 20.

Jim Hume (South Scotland) (LD): I will try to be as brief as possible, Presiding Officer.

The Deputy Presiding Officer: I am grateful.

Jim Hume: I will knock my remarks down to perhaps a couple of thousand words, rather than the 20,000 words that I had prepared.

I lodged amendments 16 to 20 at stage 3 with alterations that I am assured will make them more workable in law than the similar amendments that I lodged at stage 2. The minister was happy with the principle behind and the need for my amendments at stage 2, so I hope that he and his fellow members will recognise that and will accept amendments 16 to 20, as he has already signalled to me that he will.

The containment working group recognised that 29.5 per cent of escapes of farmed fish are due to human error rather than equipment failure. My amendments will mean that training to use equipment is part of the developing technical standard. The Scottish Aquaculture Research Forum recommended

“That protocols for operational control, supervision, management and training from a containment perspective are developed”

and that those protocols

“should ... become a legal requirement.”

I thank the minister and the Government for working constructively with me on amendments 16 to 20. I hope that fellow members recognise their importance. They will address concerns regarding

human error in fish escapes and will lessen the chance of escapes in the future.

I move amendment 16.

Nigel Don (Angus North and Mearns) (SNP): I support Mr Hume, not only because of the need to contain fish—although that is the primary reason—but because training is essential in any industrial process. Otherwise, we invariably run into health and safety issues. Out on cold water—the committee has been there—one can readily see that the issues might be considerable. Therefore, it is extremely important that people should be trained on specific bits of equipment in those circumstances. I also recognise that retaining a record of the training is an important part of ensuring that it has taken place. I commend amendments 16 to 20 to members.

Claudia Beamish: I highlight that there is much good practice in the aquaculture industry, not least that which the committee saw on its visits to fish farms. I support Jim Hume’s amendments, which relate not only to human error but to the health and safety of employees on fish farms in what are often dangerous situations, as Nigel Don highlighted.

Paul Wheelhouse: I will try to keep my comments briefer than I otherwise would have done, Presiding Officer.

I thank Jim Hume for lodging amendments 16 to 20 and I am pleased to support them. As I said at stage 2, I recognise the reasoning behind the amendments. He is right that such training would seek to reduce escapes as a result of human error and is therefore welcome protection for the marine environment. The amendments are a good response to the points that the committee raised in its stage 1 report and we are pleased to support them.

Training is as important an aspect of the work to develop technical standards as the requirement for equipment to meet technical specifications. That work will also cover operational procedures, codes of practice, operators manuals and the training of operatives to ensure that equipment is used appropriately and that procedures are followed correctly. That work is being done through the ministerial group on sustainable aquaculture and will, I hope, support the implementation of Jim Hume’s amendments.

We are already working with the industry to ensure that staff are appropriately trained, which builds on the industry’s best-practice workshops and in-house schemes, and I have asked the newly established ministerial group on sustainable aquaculture’s containment working group to consider training to prevent escapes as a result of human error. Finally, I understand that work on a recognised training qualification is well advanced.

I hope that everyone in the chamber will join me in supporting Jim Hume's amendments 16 to 20.

Jim Hume: I welcome the support that my amendments have received and Nigel Don's kind words about health and safety. Claudia Beamish is right to say that there is a lot of good practice in aquaculture. It is not as if everyone is indulging in bad practice or has not been trained but, given that 29.5 per cent of escapes are down to human error, there is an issue to address.

I welcome the support of the minister and his Government team and the moves that he has announced, and I will press amendment 16.

Amendment 16 agreed to.

Amendments 17 to 20 moved—[Jim Hume]—and agreed to.

Section 6—Enforcement notices

The Deputy Presiding Officer: Group 4 is on wellboats: time limit for appeals against enforcement notices. Amendment 21, in the name of Tavish Scott, is the only amendment in the group.

Tavish Scott: Amendment 21 seeks clarity from the Government about a difference between sections 16 and 6. I raised this issue at stage 2 and again seek an explanation from the minister, because I have spent some time looking at the issue and for the life of me have not been able to find the other legislation that he mentioned in his response at stage 2.

Section 16, which concerns emergency action notices, allows a 14-day period for appeal, while in section 6 the appeal period is only seven days. If the minister can clarify the reason for that difference, I will be more than happy to withdraw the amendment.

I move amendment 21.

Paul Wheelhouse: I will take up Mr Scott's challenge. At stage 2, he said that, if I could illustrate that the bill is consistent in respect of section 6, which specifies a seven-day appeal period, and section 16, which specifies a 14-day appeal period, he would be more than happy to withdraw his amendment. He has reiterated that this afternoon, so I hope that I can persuade him of the case this time around.

I reassure Mr Scott that the bill is consistent. The crucial point is that the number of days allowed for an appeal in section 6 is deliberately different from that allowed in section 16 because the appeals relate to quite different situations. I will try to explain why. Section 6 replicates the provisions in section 6(7) of the 2007 act and provides for seven days to appeal against an enforcement notice. An enforcement notice will be

issued only if the Scottish ministers are satisfied that the person in question has failed or is failing to comply with any requirement that has been imposed by regulations. A seven-day appeal period is reasonable and indeed was accepted for the 2007 act.

However, section 16 of the bill deals with a situation outwith the control of the person being issued with the notice. No failure to comply with regulations is implied and there is no assumption that it is the person's fault that a commercially damaging species has been found on his or her fish or shellfish farm. That is why an emergency action notice is issued and why we consider it reasonable to give the person 14 days to appeal against the decision to serve the notice and the notice's terms. As a result, I see no need for the two sections to be consistent with each other. For those reasons, which I hope make clear the rationale behind and the need for differing provisions, I ask Mr Scott not to press amendment 21.

Tavish Scott: I am grateful to the minister for putting that full explanation on the record. As I am content with it, I will withdraw amendment 21.

Amendment 21, by agreement, withdrawn.

Section 7—Marine enforcement officers' functions

15:45

The Deputy Presiding Officer: Group 5 is on powers to detain wellboats in connection with court proceedings. Amendment 22, in the name of the minister, is grouped with amendments 23 to 27.

Paul Wheelhouse: The amendments make similar provision for the detention of wellboats in connection with court proceedings as appears in sections 31 to 33 for the detention of fishing vessels. Wellboats that operate in Scotland tend to be foreign owned and flagged. Marine enforcement officers have the power to direct or take a wellboat to port to facilitate their investigations. The rationale for the power to detain a wellboat in relation to court proceedings is to avoid the vessel sailing and accused persons attempting to evade justice.

There is ambiguity about the scope of existing statutory provisions to detain vessels beyond the point at which a report has been submitted to the procurator fiscal. Amendment 22 is designed to put the matter beyond doubt.

With that in mind, I move amendment 22.

Tavish Scott: The minister might correct me on this, but I am concerned that the amendments have not been subject to parliamentary scrutiny.

They will, I think, insert new measures in the bill and they will create significant new powers, as will some of the minister's later amendments. As I recollect, we discussed wellboats at stage 2, but the discussion was about the definition of a wellboat and not about the powers of enforcement or the powers of the fiscal in relation to charges, although I am happy to be corrected on that, too.

The Parliament has no mechanism whatsoever for reviewing legislation if an amendment that is new to the Parliament is lodged at stage 3. As far as I can tell, the committee has not looked at the subject of the amendments in the past. I am therefore concerned that what the amendments will introduce is a new measure that has not gone through consultation. The bill was consulted on last year, which is some time ago. The issue must cause concern about how we adequately scrutinise legislation in the Parliament.

Claudia Beamish: I align myself with Tavish Scott's remarks. We support the policy intention, but it is very serious that Parliament has not been able to scrutinise the amendments previously. The committee and stakeholders have not seen any evidence; there might have been questions about funding implications in relation to marine enforcement officers.

The issue did not come up during the pre-consultation and consultation stages. I appreciate that it is likely that the minister is trying to ensure that the bill is as robust as possible, but I am seriously concerned about the scrutiny issue.

The Deputy Presiding Officer: Alex Fergusson, briefly please.

Alex Fergusson: I can be very brief because I simply want to associate myself with the remarks that Claudia Beamish and Tavish Scott made. It is regrettable that three groupings of amendments are introducing into the bill three completely different sets of provisions that we have not had a chance to scrutinise and on which stakeholders have not had a chance to make their opinions known. There might be other consequences of which we are not yet aware.

The position is difficult because I do not disagree with the intention of any of the three groupings of amendments, but I very much regret the fact that the committee has not had a chance to scrutinise them in the way that committees of the Parliament are uniquely supposed to. It is the committees that hold the Government to account. I very much regret that we have not had an opportunity to do so.

Paul Wheelhouse: I have listened to the points that members have made and I take on board the issue about the lateness of the proposals' introduction. The amendments represent a serious effort to reduce the potential for our enforcement

of a legal matter to be prevented by our inability to detain a vessel. Amendment 22 is a sincerely meant effort to balance the provisions on fishing vessels, which have been consulted on, with those that cover wellboats. Having said that, I press the amendment.

The Deputy Presiding Officer: The question is, that amendment 22 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 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)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)

Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

Scanlon, Mary (Highlands and Islands) (Con)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 59, Against 1, Abstentions 45.

Amendment 22 agreed to.

Amendment 23 moved—[Paul Wheelhouse].

The Deputy Presiding Officer: The question is, that amendment 23 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 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)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (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)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 59, Against 0, Abstentions 46.

Amendment 23 agreed to.

Amendment 24 moved—[Paul Wheelhouse].

The Deputy Presiding Officer: The question is, that amendment 24 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)

Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 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)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (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)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

Campbell, Roderick (North East Fife) (SNP)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)

Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 57, Against 1, Abstentions 46.

Amendment 24 agreed to.

After section 7

Amendment 25 moved—[Paul Wheelhouse].

The Deputy Presiding Officer: The question is, that amendment 25 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 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)

Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (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)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)

McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 59, Against 0, Abstentions 46.

Amendment 25 agreed to.

Amendment 26 moved—[Paul Wheelhouse].

The Deputy Presiding Officer: The next question is, that amendment 26 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 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)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (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)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
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 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
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 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGregor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 59, Against 0, Abstentions 46.

Amendment 26 agreed to.

Amendment 27 moved—[Paul Wheelhouse].

The Deputy Presiding Officer: The final question for now is, that amendment 27 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
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 Ewing, Fergus (Inverness and Nairn) (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)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (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)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
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 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
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 McArthur, Liam (Orkney Islands) (LD)
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 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 59, Against 0, Abstentions 46.

Amendment 27 agreed to.

Section 22—Carcass tagging

The Deputy Presiding Officer: Group 6 is on carcass tagging regulations and offences. Amendment 4, in the name of Alex Fergusson, is grouped with amendment 5.

Alex Fergusson: The Rural Affairs, Climate Change and Environment Committee's stage 1 report on the bill strongly supported the individual numbering of tags, which it believed

"would be an essential part of making the tagging scheme effective",

as would the recording of those tags for the sake of complete traceability. Such schemes are in place in every other part of the United Kingdom and in the Republic of Ireland. For once, sadly, Scotland is lagging behind the rest.

Despite the robust recommendations in the committee's report, the minister actually said very little about a tagging scheme during the stage 1 debate, so I was a little taken aback that it was not until my amendment on this subject was being debated at stage 2 that the minister came up with the theory that, if that amendment were accepted, the bill would need to be referred to Europe under the technical standards directive, with a consequential delay to the timetable. I am not entirely persuaded by that argument, because I am also advised that notification would need to be made only when the regulations themselves were made.

Therefore, it seems to me that the issue is that any scheme under section 22 that was not accepted by the EU would be rendered unworkable and ultra vires. Can the minister say on what possible grounds he thinks the EU might reject such a scheme, given that schemes involving individually numbered and recorded tags are already in operation in England, Wales and Northern Ireland and, indeed, in the Republic of Ireland?

Furthermore, if in some extraordinary way the scheme was indeed rejected by the EU, I cannot see how that would matter, because a scheme that does not use numbered and recorded tags is of no use to anybody at all. Therefore, ministers would no longer require the power to create a scheme that is given to them in section 22. I find it very hard to believe that accepting my amendment would constitute any real threat to the bill.

I am grateful to the minister for the time that he gave to discuss the issue with me last week, and I will listen carefully to what he has to say. I very much hope that he will at the very least commit to making an individually numbered and recorded tagging scheme the central or principal proposal in the consultation that is to take place later this year. If he can do so, I will happily consider withdrawing amendment 4.

On amendment 5, I am afraid that the minister and his advisers have somehow been overtaken by conspiracy theories. For instance, I have been asked whether the amendment is for the policy purposes of controlling trade in the interests of salmon conservation as a whole as opposed to being something fundamentally designed for the carcass tagging scheme in particular. I can say only that I am innocent of all such charges. The amendment is purely and simply about consistency of language. In no section of the 2003 act is there reference to the word "selling" without

the addition of the word "buying". If the amendment is not accepted, section 22 will be the only part of the resultant act that refers to selling without an equal reference to buying. This is no conspiracy; it is simply a request for consistency.

I move amendment 4.

16:00

The Deputy Presiding Officer: Once again, as we are nearing the agreed time limit, under rule 9.8.4A I consider it necessary to allow the debate on this group to continue beyond the limit in order to avoid the debate being unreasonably curtailed.

Claudia Beamish: In relation to amendment 4, I find it quite odd to contemplate such a scheme without numbers. Although I respect the need for stakeholder consultation—which has not happened here—I would still be looking for a commitment from the minister today to consideration of numbered tags.

As I understand it, by inserting the word "buys" amendment 5 simply brings consistency with previous legislation. If someone cannot sell, why should they be allowed to buy?

The Deputy Presiding Officer: Minister, as briefly as you can, please.

Paul Wheelhouse: I apologise, Presiding Officer. I may have to take longer than I would have hoped.

As members have acknowledged, there has been considerable interest in the issue of carcass tagging during the passage of the bill. The bill creates enabling powers to make a scheme, the detail of which is to be set out in secondary legislation. I have maintained that point all along. That is the appropriate and routine approach for provisions of a technical nature.

Amendment 4 presents difficulties in terms of compliance with the technical standards directive and prejudices the outcome of a consultation process to which I have already committed. Crucially, if any submission to the European Commission were rejected, as the member has acknowledged, the entire section of the bill could be rendered ultra vires and thereby invalidated. I take the point that the member has made in relation to whether the section would have any validity. I accept that he has a position on that, but the Government has taken the view that we would rather not have that section and the bill fall. The risk of rejection may be low but we should not take that risk; we should instead follow due process.

I recognise that many people have views about what the carcass tagging scheme should look like and how it should operate. A key issue will be whether it should make use of individual

numbered tags and create recording requirements. I am aware of the views of the members of the Rural Affairs, Climate Change and Environment Committee, including members from my own benches, on the issue. I have also listened to Mr Fergusson's points today.

I have already committed to a full consultation scheme and can confirm that numbered tags and recording will be an option set out in the consultation. Other issues to be considered are how the scheme will be administered, how it will be funded and how it will be enforced. I look forward to engaging with stakeholders, including the Scottish Parliament, on this issue. There are differing opinions about the scheme and we must engage across the sector to deliver a scheme that is fit for purpose and proportionate. Consultation will commence this calendar year and I will bring regulations to Parliament before next year's summer recess.

Alex Fergusson: I think that the minister said that he would bring the timetable for consultation forward. If that is the case, I appreciate that. He also said that a scheme with individually numbered tags would be an option in the consultation. Will that be the principal option that will be consulted on?

Paul Wheelhouse: I believe that there is a logic to having numbered tags. I mentioned at stage 2 that I felt that there was no technical reason why numbered tags would not be possible. However, we must consult stakeholders and take their views on whether that is the appropriate way of dealing with the problem. I certainly see it as being a key measure in the consultation exercise. There will potentially be others. We cannot close off the options at this stage. However, in recognising the views of the committee and Parliament, I would see that being a key part of the consultation.

I hope that I have offered sufficient reassurance to Mr Fergusson and other members on that point. The issue of numbered tags and recording will be considered fully as part of the process of developing secondary legislation. On that basis, and for the technical reasons that I mentioned earlier, I ask Mr Fergusson to recognise the commitment that I have given today and not to press amendment 4.

In the interests of conservation, I support strict regulation on the trade of wild salmon. Amendment 5 seeks to add the word "buys" to the offence associated with carcass tagging. That would make no material difference to the offence as the term "possession", already included in the provision, covers possession as a result of purchase.

If Mr Fergusson wishes to see greater consistency and comprehensive offence

provisions in the trade of wild salmon, I consider that there are more suitable vehicles in this amendment. For example, a conservation regulation could be made to prohibit the sale of all rod-caught salmon. I am happy to consider the option further and to engage with him and the committee on our proposal should we progress it.

I therefore ask Mr Fergusson not to press amendment 5.

Alex Fergusson: I said that I would listen very carefully to what the minister said, and I did. I am grateful to the minister for taking an intervention. He has said enough to satisfy me that a scheme involving individually numbered and recorded tags will be a central part of the consultation that is to come. Therefore I do not intend to press amendment 4. However, I intend to press amendment 5, when it is the right time to do so, because I think that it is important to have consistency in any legislation.

Amendment 4, by agreement, withdrawn.

Amendment 5 moved—[Alex Fergusson].

The Deputy Presiding Officer: The question is, that amendment 5 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)

McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 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)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 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)
 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)
 Scott, Tavish (Shetland Islands) (LD)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (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 42, Against 64, Abstentions 0.

Amendment 5 disagreed to.

Section 25—Monitoring and evaluation of the effects of orders, etc

The Deputy Presiding Officer: Group 7 is on monitoring and evaluating the effects of orders, et cetera, and penalty for offences. Amendment 6, in the name of Alex Fergusson, is grouped with amendment 7.

Alex Fergusson: Section 25 allows district salmon fishery boards to be criminalised for failing to monitor the effects of an order. One of the points that I made at stage 2 was that the level of penalty that the Scottish Government is proposing could have a deterrent effect, especially for some individuals who might wish to be involved in one of the smaller boards across the country. The minister was at pains then to point out that the impact could only be on boards as a whole, rather than on any individual. I draw the minister's attention to section 25, page 28, line 27, which states that

"A board which or proprietor who commits an offence"

will be impacted—so I beg to differ on that point.

My purpose in lodging the amendments is not to protect either a board or an individual. It is simply to seek a degree of proportionality in the level of penalty that is to be applied. A level 4 penalty, as is suggested in the bill, is the lowest that can be applied as an alternative to a custodial sentence; in other words, the alternative would be prison. It is normally applied to offences that pose

"more appreciable and culpable risks to health and safety, such as careless driving",

using a mobile phone while driving a heavy goods vehicle or speeding on a motorway. The equivalent custodial sentence is about three months' imprisonment. With the best will in the world, I do not think that we can equate the failure to monitor the effects of an order with serious misdemeanours such as careless driving and using a mobile phone while driving an HGV. Therefore I appeal to the minister, this last time on an amendment in my name, to let his sensitive side come out and to bring a more realistic degree of proportionality to the crime that we are about to establish.

I move amendment 6.

The Deputy Presiding Officer: Minister, sensitively, please.

Paul Wheelhouse: I feel Mr Fergusson's pain and will show great sensitivity.

Monitoring and evaluation management measures are a fundamental element of fisheries management. I want to make clear my expectation that monitoring will be built into any case for statutory measures. How else can efficacy be judged and practice shared? It is right that there is a sanction for failure to comply with monitoring requirements, and that sanction must act as a deterrent to committing an offence. However, I have listened to Mr Fergusson's arguments about the appropriate level of fine and have reflected on where the offence sits in relation to Scottish Government guidance. On balance, and given the power of Mr Fergusson's arguments, I accept his view and recommend that amendments 6 and 7 be agreed to.

The Deputy Presiding Officer: I call Alex Fergusson to wind up.

Alex Fergusson: I am so overcome by the minister's sensitivity that I have nothing further to say, other than to express my gratitude.

Amendment 6 agreed to.

Amendment 7 moved—[Alex Fergusson]—and agreed to.

After section 29

The Deputy Presiding Officer: Group 8 is on application to the Crown of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 and the bill. Amendment 28, in the name of the minister, is grouped with amendments 42 to 44.

Paul Wheelhouse: After almost an hour and a half of debate, members will be on the edge of their seats, but I must apologise in advance, because group 8 covers a number of technical amendments that deal with the application of the legislation to the Crown, which, by its nature, is a particularly dry subject. Her Majesty's private office is aware of the amendments.

I signalled in my letter of 8 May to the convener of the Rural Affairs, Climate Change and Environment Committee my intention to lodge amendments to clarify the application of salmon and freshwater fisheries legislation to the Crown. Crown application is determined on a case-by-case basis in the context of policy needs. The Crown in all its forms owns and manages a number of salmon fisheries in Scotland. It is therefore important in the interests of national consistency that salmon and fisheries legislation applies to the Crown and Crown land. The 2003 act makes some provision for Crown application,

but it is desirable that the provision be reworked to aid understanding and enforcement of the law.

Amendment 28 will apply the 2003 act to the Crown and to Crown land. That means that offences will apply in relation to Crown land and that those in the public service of the Crown can be held liable. Statutory provision is also made in relation to exercising access rights to Her Majesty's private estate. Those who are appointed by the Scottish ministers to carry out sampling or investigation activity under section 64 of the 2003 act will be required to obtain written permission where access is required to the private estates. Those provisions give statutory effect to administrative arrangements. The requirement to obtain written permission will also apply to bailiffs' powers of entry, which will provide clarity on local enforcement of the legislation.

At this point in particular, I ask my colleagues across the chamber for their forbearance, as I put the following on the record. I might even say, "Listen carefully, I shall say this only once, for all our sakes."

Alex Johnstone (North East Scotland) (Con): Was that in tribute to the member's new French colleague?

Paul Wheelhouse: Indeed—Mr Johnstone picked that up well. I spared Mr Allard the accent, though.

Section 55(1) of the bill provides immunity from prosecution for the Crown. Amendment 42 will provide that the immunity does not extend to public servants of the Crown. That applies to the standalone offences that are created by or under the bill, which relate mainly to aquaculture issues. The provision brings consistency of approach in the bill in relation to Crown liability.

Amendment 43 will remove section 55(3) of the bill, which would have amended section 67 of the 2003 act. As section 67 is rewritten and inserted into the 2003 act by amendment 28, section 55(3) is no longer necessary. Amendment 44, which removes a cross-reference to section 55(3), is consequential on amendment 43.

After all that, it might be a blessed relief to colleagues when I say that I move amendment 28.

Alex Fergusson: I will be brief. Again, I have no issue with the outcome or intention of amendment 28 or the other amendments in the group. My concern is that the normal scrutiny processes of the committee have been bypassed. I will not rehearse the arguments, as they have already been rehearsed but, for that reason alone, I cannot allow the measures to simply be nodded through.

Paul Wheelhouse: I accept Mr Fergusson's view on consultation and the need to ensure that

Parliament has its say on the issue, and I am happy to let the matter take its course.

The Deputy Presiding Officer: The question is, that amendment 28 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 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)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (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)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

16:15

The Deputy Presiding Officer: The result of the division is: For 60, Against 0, Abstentions 45.

Amendment 28 agreed to.

Section 50—Power to charge in connection with fisheries functions

The Deputy Presiding Officer: Group 9 is on the power to charge in connection with fisheries functions. Amendment 29, in the name of Tavish Scott, is grouped with amendments 30 to 38.

Tavish Scott: The debate on this group is simply about the minister and the Government taking the power to charge for services that will

now be provided by various Government agencies, notably Marine Scotland. As we know—some of us have dealt with this matter over some years—Marine Scotland has three distinct functions: enforcement of regulation, policy and research. The contention and the concern of many people across the industry are that, in instigating the charging regime, there is an inherent conflict of interest in respect of the Government and its agencies, and that there is therefore a need for transparency. That is what my amendments seek to provide.

There are two other practical points. First, the industry can procure some services from other sources—it does not need to buy in those services only from Government. There is considerable concern that the way in which the bill is now drafted means that there will effectively be no choice, and that the Government will state what services and functions have to be undertaken and how it will charge for them, and that is that. I seek, particularly in amendment 37, to ensure that there is some transparency in that process.

Secondly, the fish health inspectorate of course plays an important role, but it fulfils one of the three functions within Marine Scotland, which I think creates a pretty clear conflict of interest. The inspectorate is able to charge for services that are not underpinned by statute or secondary legislation such as a ministerial order. The Government is taking a very considerable power under the bill, which will come through via secondary legislation—the minister was gracious enough to admit that—and I rather suspect that the Parliament will scrutinise those provisions a lot less than it would if they were in the form of proposed primary legislation.

There seem to be some basic points around transparency that are important in the context of the Government taking a power to charge an industry for services that the Government provides. My amendments seek to ensure that that transparency is there, and that there is some clarity in the process.

I move amendment 29.

Paul Wheelhouse: I must confess to some surprise that we have been asked again to consider these amendments in the name of Tavish Scott, although I hear what he says about concerns over scrutiny.

I explained our position at stage 2, and I have provided several reassurances about our commitment to consultation on any proposals. Through a Government-lodged amendment, we endorsed the recommendation of the Rural Affairs, Climate Change and Environment Committee and the Subordinate Legislation Committee that any regulations emerging from our exercising the

power would be subject to the affirmative procedure.

During stage 2, Mr Scott helpfully outlined the purpose behind his amendments, namely that he considered that Marine Scotland's

"three functions"

of

"enforcement of regulation, scientific research and policy"

are

"distinct and need to be dealt with separately in any proposed charging regime. Otherwise, there will be a self-evident conflict of interest."—[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 27 March 2013; c 2023.]

I do not necessarily agree with that view but, as I have said before, it is clear that the basis for any charging regime will be informed by the consultation that is provided for in section 50(5).

As I have outlined previously, the primary purpose of the provisions is to promote the effective use of resources. Any charges that are payable under regulations that are made using the power

"may have the effect of requiring a person to pay a charge only if, and so far as, the person is someone in relation to whom a specified fisheries function"—

that is, functions under any legislation relating to fish farming, shellfish farming, salmon or freshwater fisheries or sea fishing—

"has been ... carried out".

The provisions also encompass enforcement and compliance.

Fundamentally, the charge may not

"exceed the reasonable costs incurred in the carrying out of"

the function. The charge therefore must relate to the function in respect of which it is charged, and it may not generate a surplus.

Tavish Scott: I am grateful for that clarity. Will the minister reflect on the point about the industry procuring services from a different source?

Paul Wheelhouse: I noted Mr Scott's comments in that respect. The consultation received only one substantive response about the issue, which in fact covers a wider area than was addressed by that respondent. However, even though only one response expressed concern, I certainly assure Mr Scott that we will have clarity on the matter.

Amendment 37 is another amendment that is familiar to me from stage 2. Mr Scott seeks to place in the bill a requirement for ministers to conduct a review and then prepare and publish a report on the operation of any regulation within a

specific time period. Although I fully agree that any new regulations should be reviewed, I do not think that the parameters of that process should be determined or restricted before any wider policy development or public consultation takes place.

I urge members to resist amendments 29 to 38.

Tavish Scott: There is a fundamental point about the Government's taking the power, which is why there is an onus on us in Parliament to seek to instigate in primary legislation a reporting mechanism that allows for the transparency and clarity that I am trying to achieve in my amendments. Indeed, we have no alternative but to do so. The minister has only reflected on the point about the industry procuring services from a different source, but there are potentially a considerable number of ways of doing that, and I would have hoped for a stronger answer to my point.

I will press amendment 29 because I believe that it sets out an important principle that we should adopt.

The Deputy Presiding Officer: The question is, that amendment 29 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a 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)
 Goldie, Annabel (West Scotland) (Con)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 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)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 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)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (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 88, Abstentions 0.

Amendment 29 disagreed to.

The Deputy Presiding Officer: I call amendment 30, which has already been debated with amendment 29.

Tavish Scott: If it will help, Presiding Officer, I say now that I will not move the rest of the amendments in the group.

The Deputy Presiding Officer: Thank you very much, Mr Scott, but I am afraid that I will still have to call each amendment and you will have to tell me whether you wish to move it.

Amendments 30 to 38 not moved.

Section 51—Fixed penalty notices

The Deputy Presiding Officer: As we are once again nearing the agreed time limit, I consider it necessary under rule 9.8.4A of the standing orders to allow the debate on the next group to continue beyond the limit to avoid the debate being unreasonably curtailed.

Group 10 is on fixed-penalty notices. Amendment 39, in the name of the minister, is grouped with amendments 40 and 41.

Paul Wheelhouse: Amendments 39 and 41 bring offences that are associated with the control of wellboat activities in section 5(5) of the bill within the scope of the fixed-penalty notice regime under the Aquaculture and Fisheries (Scotland) Act 2007, as amended by the bill.

Wellboats used in aquaculture treatments are one of a number of marine activities that are routinely licensed under part 4 of the Marine (Scotland) Act 2010. To complete the enforcement regime, therefore, the amendments also bring marine licensing offences within the scope of the fixed-penalty notice regime.

Fixed-penalty notices provide the option of a non-court disposal in advance of prosecution. If a fixed-penalty notice is not paid within the deadline set, a report is submitted to the procurator fiscal. The 2010 act, which also provides for civil sanctions for the infringement of the marine licensing regime, is amended to add in safeguards that prevent civil penalties from being imposed in circumstances where a fixed-penalty notice has been offered.

The amendments complement and complete other measures taken in the bill and help to ensure robust wellboat controls and wider marine management measures. At the same time, they

provide options for operators to deal with business regulatory non-compliance outwith the criminal justice system.

Amendment 40 is a minor drafting amendment to correct a reference to the 2007 act.

I move amendment 39.

The Deputy Presiding Officer: I call Alex Fergusson—briefly, please.

Alex Fergusson: Sadly, this is the third group of amendments that the Government has chosen to lodge without proper committee scrutiny. I do not need to go over all the arguments. I get the impression that the minister rather regrets the fact that he has had to introduce the measures in that way. Again, we do not disagree with the outcome but, on a point of principle, I simply cannot let the amendments go unopposed.

Paul Wheelhouse: The amendments are consistent with the basis on which we consulted on other fixed-penalty notices. I appreciate Mr Fergusson's point, but the general principle of how such measures are applied has been consulted on.

The Deputy Presiding Officer: The question is, that amendment 39 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 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)
 Keir, Colin (Edinburgh Western) (SNP)
 Lochhead, Richard (Moray) (SNP)

Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

Johnstone, Alex (North East Scotland) (Con)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)

McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 59, Against 1, Abstentions 45.

Amendment 39 agreed to.

Amendment 40 moved—[Paul Wheelhouse].

The Deputy Presiding Officer: The question is, that amendment 40 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 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)
 Keir, Colin (Edinburgh Western) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)

Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

McGrigor, Jamie (Highlands and Islands) (Con)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 59, Against 1, Abstentions 45.

Amendment 40 agreed to.

After section 51

Amendment 41 moved—[Paul Wheelhouse].

The Deputy Presiding Officer: The question is, that amendment 41 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 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)
 Keir, Colin (Edinburgh Western) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (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)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 59, Against 0, Abstentions 46.

Amendment 41 agreed to.

Section 55—Crown application

Amendment 42 moved—[Paul Wheelhouse].

16:30

The Deputy Presiding Officer: The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 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)
 Keir, Colin (Edinburgh Western) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (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)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 59, Against 0, Abstentions 46.

Amendment 42 agreed to.

Amendment 43 moved—[Paul Wheelhouse].

The Deputy Presiding Officer: The question is, that amendment 43 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)

Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 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)
 Keir, Colin (Edinburgh Western) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (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)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)

Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 59, Against 0, Abstentions 45.

Amendment 43 agreed to.

Section 56—Commencement

Amendment 44 moved—[Paul Wheelhouse].

The Deputy Presiding Officer: The final question is, that amendment 44 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 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)
 Keir, Colin (Edinburgh Western) (SNP)

Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (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)

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 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
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 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)

Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 57, Against 0, Abstentions 46.

Amendment 44 agreed to.

The Deputy Presiding Officer: That ends consideration of amendments. Thank you all very much.

Aquaculture and Fisheries (Scotland) Bill

The Presiding Officer (Tricia Marwick): The next item of business is a debate on motion S4M-06544, in the name of Paul Wheelhouse, on the Aquaculture and Fisheries (Scotland) Bill. Before I invite Paul Wheelhouse 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): I had thought that more members would have hung about for the highlights.

For the purposes of rule 9.11 of the standing orders, I advise Parliament that Her Majesty, having been informed of the purport of the Aquaculture and Fisheries (Scotland) Bill, has consented to place her prerogative and interest, in so far as they are affected by the bill, at the disposal of Parliament for the purposes of the bill.

The Presiding Officer: I advise members that we are quite tight for time. I call Paul Wheelhouse to speak to and move the motion. Minister, you have nine minutes.

16:34

The Minister for Environment and Climate Change (Paul Wheelhouse): I am pleased to open this stage 3 debate on the Aquaculture and Fisheries (Scotland) Bill. At the outset, my thanks go to the Rural Affairs, Climate Change and Environment Committee for its thorough consideration of the bill; to all those who provided written and oral evidence to the committee, as well as those who responded to the Government consultations; and to everyone who has worked with us throughout the legislative process, including our stakeholder reference group. My thanks are also due to the Subordinate Legislation Committee for its scrutiny of and reports on the bill.

I also record my thanks to Scottish Government officials—in particular, those in the bill team—who have worked extremely hard to bring the bill to this point today. I must say that I have thoroughly enjoyed taking my first bill through Parliament. Things may have got a bit ropey at points when Mr Fergusson was questioning me, but I am glad that I got there.

Alex Fergusson (Galloway and West Dumfries) (Con): Surely not.

Paul Wheelhouse: That is very kind of you, Mr Fergusson.

I am sure that every member in the chamber will agree that Scotland is fortunate in having a

thriving aquaculture industry, world-renowned salmon fishing rivers and a diverse marine and coastal environment. That places a responsibility on all of us to ensure that our marine ecosystems continue to provide economic, social and wider benefits for people, industry and society.

That responsibility underpins the primary purpose of the bill, which is to ensure that farmed and wild fisheries—and their interactions with each other—continue to be managed effectively as both sectors thrive. Critically, we wish to maximise their combined contribution to supporting sustainable economic growth in rural areas, but with due regard to the wider marine environment. Many and varied interests use and enjoy Scotland's marine environment, and the quality of the environment is a key element of the market appeal of farmed salmon, trout and shellfish. Maintaining that shared pristine marine environment requires good neighbourliness.

Last week, I chaired the first meeting of the refreshed ministerial group on sustainable aquaculture. I hope and believe that the group will continue to be a forum where such consensus on shared issues can be reached. I have formed an interactions working group as part of the MGSA, and I believe that the group represents a new opportunity to move forward the shared agenda and to put aside some of the friction of the past. I expect the group to establish closer productive working relationships between wild fish interests and farmed fish interests, both locally and Scotland-wide, and to consider more broadly the significant benefits that both sectors can bring to rural and remote communities.

To what do those benefits equate? Well, we are dealing with a £600 million aquaculture sector that employs some 1,800 people in aquaculture production and almost 3,000 people in salmon processing. Similarly, game and coarse angling supports 2,800 full-time equivalent jobs and is worth £134 million in expenditure to the Scottish economy.

Much has been said—not least by the RACCE Committee—about the individual interests and positions that have been taken by stakeholders. I believe that that highlights the need to ensure that we get things right. I want to underline our intention to balance the many interests in the public interest, rather than responding in isolation to single-issue campaigns.

The Rural Affairs, Climate Change and Environment Committee and others have asked for reassurance that the Scottish Government has actively engaged with stakeholders on the provisions in the bill. I confirm that stakeholder engagement has been an important part of our work since the consultation began and will

continue to be so long after the provisions of the bill have been implemented.

For example, the wellboats working group has recently been established. Members of the group include wellboat operators, representatives of the fish farming companies, academics, the Royal Society for the Prevention of Cruelty to Animals—in respect of its Freedom Food Ltd assurance scheme—and the code of good practice management committee. The wellboats working group will work to establish the technical requirements for filters to control sea lice on all wellboats operating in Scotland, and for the facilities that will be needed for the new bigger wellboats that will be used in the future.

Colleagues have on occasion thrown—I am sure with good intent—what might usefully be described as a lifeline to save me from what they considered would be unintended consequences of the bill. Although I am always grateful for any such well-intentioned efforts to save me from danger, I consider that in this context the efforts have not been required. The bill has been developed over considerable time with substantial input from others and has rightly been subject to considerable scrutiny by Parliament. I assure members that, in formulating our amendments, we have given serious consideration to, and acted on, the issues that were raised. In my opinion, the bill is fit for purpose.

Part 1 of the bill will strengthen the regulatory framework for the fin-fish sector. Our aim is to support that industry as it continues to deliver its sustainable growth—using a 2011 baseline—of 50 per cent in volume to 2020 and beyond. That means a further 32 per cent growth from now.

During the passage of the bill, it was suggested—unfortunately, Tavish Scott is not in the chamber—that the provisions on farm management agreements are tantamount to micromanaging salmon farms. Although I share the desire to avoid micromanaging the sector, which Tavish Scott suggested might happen, I have not been convinced by that argument. I believe that the bill will not result in micromanagement; I stand by my conviction that the bill is balanced and proportionate.

The provisions will require that all fish farms in a farm management area be party to a farm management agreement or a farm management statement. Such agreements or statements must specify arrangements for a number of critical matters relating to fish health and welfare; namely fish health management, management of parasites, movement of live fish on and off farms, harvesting of fish, and fallowing of farms after harvesting.

At present, 98 per cent of fish farms are signed up to the industry code of good practice and are parties to agreements or statements. If the bill is passed, the provisions will apply to all marine fin-fish farm operators and will set the criteria that we consider are essential for managing the health of farmed fish within an area.

The issue of public reporting of sea lice has been discussed at considerable length during the progress of the bill and again today. I fully recognise that it is an issue of great concern to members. I hope that, even if members do not agree with the Government's position, they will agree that we have clearly and consistently explained it.

We remain convinced that voluntary public reporting is the right route and that the proposals that the Scottish Salmon Producers Organisation has committed to taking forward—which it helpfully reaffirmed in a recent communication to all members—are appropriate from all perspectives: transparency, compliance, science and justifiable commercial interest. However, I repeat the commitment that I gave earlier to review the success or otherwise of the voluntary arrangement in the current session of Parliament. Crucially, we already have powers under the Aquaculture and Fisheries (Scotland) Act 2007 to implement a mandatory reporting arrangement, should that prove necessary.

Part 2 of the bill will improve the governance of district salmon fishery boards and strengthen management of salmon fisheries. Those are the first steps in delivering our manifesto commitment to modernise the management structures for salmon fisheries and freshwater fisheries, which is a complex area that has been the subject of numerous reports and investigations over the years. The committee took considerable interest in the issues on which more work was needed and provided helpful comments on what the forthcoming review should cover. Work is under way to scope the independent review that will be undertaken. My intention is that it will commence this summer, and I look forward to engaging with colleagues across Parliament and with all other interested parties on that.

Part 4 of the bill will introduce provisions to ensure continued protection of good water quality, which is necessary for a sustainable shellfish industry. We believe that the sector has potential, if it is managed with sensitivity to the environment. The shellfish industry, especially in respect of mussels, is looking to expand from a 2011 baseline by 100 per cent by 2020, which is another 80 per cent growth from now.

Work is under way to build on those provisions, with the aim of consulting on draft regulations for introduction in the autumn. The regulations will

introduce a system of quality standards that will bring together environmental standards for good water quality with the food hygiene standards that are required for high-quality shellfish products. That will be a first in Europe and will help to cement Scotland's reputation for the quality of its produce.

It is a rare treat for any minister to be praised by the Opposition for introducing legislation, so I shall treasure Alex Fergusson's comments during the committee's consideration of the Solway cockles provisions. That reflects the genuine consensus that there is a serious issue that merits Government action. I was pleased to see widespread coverage in the media of police and Marine Scotland officers stepping up the patrols to tackle illegal cockling on the Solway Firth. I am sure that we would all prefer to deter people from illegal and potentially dangerous cockling than to use the powers that we seek in the bill, but it has, regrettably, proved to be necessary to take decisive steps to address the issue.

It would perhaps be remiss of me, while speaking about Solway cockles, not to mention the wider improvements in enforcement measures that are included in the bill. The Fisheries Act 1705 makes certain provisions for the

"good subjects of this Kingdom",

or the people of Scotland, to fish in the seas around our coastline. That act of the old Scottish Parliament perhaps underlines how important Scotland's seas are to the people of Scotland.

The Presiding Officer: I need you to bring your remarks to a close.

Paul Wheelhouse: I apologise, Presiding Officer.

Effective monitoring and enforcement of marine and fishing laws is vital if we are to protect Scotland's valuable marine areas and fisheries in order to benefit the many fisheries-dependent communities around the Scottish coast. The bill is essential to deliver those steps.

I move,

That the Parliament agrees that the Aquaculture and Fisheries (Scotland) Bill be passed.

16:43

Claudia Beamish (South Scotland) (Lab): Scottish Labour recognises the significance and importance of the Aquaculture and Fisheries (Scotland) Bill, and of regulation and the wild fisheries review, to present and future employment in what are often fragile rural and coastal communities. There are jobs in wild fisheries, scientific research, aquaculture and—of course—fish processing, retailing and exporting. An

excellent example of how the whole production chain can be vertically integrated is that of the co-operative Scottish Shellfish Marketing Group. It gives the customer reassurance about provenance, which is important in the wake of the horsemeat scandal, from which lessons must be learned.

The Scottish Parliament information centre tells us that Scotland is already the largest salmon producer in the European Union and the third largest in the world, after Norway and Chile. I have looked with interest at the cabinet secretary's drive to promote exports of Scottish salmon and shellfish. Salmon is Scotland's largest food export, accounting for a third of the value of all food exports. Scottish salmon is exported to more than 50 countries, with the EU and US markets being particularly important. As the minister and cabinet secretary will know, after agreement with the Chinese Government was reached in 2011, a new market opened up in China. Figures show that exports of salmon to the far east went up from 682 tonnes in 2010 to 8,675 tonnes in 2012.

Although there is little doubt about the highly lucrative nature of the exports for Scotland in the short-term, I ask the minister to clarify how that drive in exports can be reconciled with the Scottish Government's commitment to sustainable seas. The cabinet secretary stated:

"The Scottish salmon industry is committed to nurturing a responsible, sustainable and environmentally aware future based on strong fishing heritage and traditions."

As the minister has said, our clean waters are "pristine"—or, to use my word, quintessential. That drives us towards the environmental imperative. The biodiversity of our seas, sea lochs, rivers and burns is fundamental to our very future and to the future of the species and habitats for which we have responsibility.

Sustainable development is the key. I seek further assurances from the minister that, if the bill is passed today in spite of the failure of the bill's policy memorandum to fulfil its potential in that regard, there will be a continuing assessment of sustainable development.

Scotland's national marine plan, which has been delayed, is fundamental in underpinning the way forward. This summer's consultations concern sustainable development not just in relation to the employment opportunities that I have highlighted, but in relation to how other industries in the marine sectors—which I do not have time to list—can fit together and be developed sustainably.

At stage 1, I stressed that:

"All potential development in our seas ... must be judged in the context of marine carrying capacity."—[*Official Report*, 28 February 2013; c 17200.]

The Scottish Government must always remember that the Marine (Scotland) Act 2010 gives us a legally binding obligation to enhance our seas. That sets us a responsibility to recover damaged species, as well as maintaining the status quo.

At stage 1, I highlighted the significance of climate change, so I ask the minister, in his closing speech, to give Parliament and all interested groups reassurance that the bill and the ensuing regulations will be climate change proofed, and reassurance about how that will be monitored. The review of marine protected areas in 2018 will be significant as the science develops.

The health of our rivers and burns is also in need of protection, for the same reasons as our seas are. Can the minister tell Parliament how funding will be made available in the future for the range of initiatives that are needed, such as the Dee tree-planting scheme, which the Rural Affairs, Climate Change and Environment Committee visited.

On wild fisheries, I note:

"The recent increase in rod catch, coupled with the high levels of catch and release, is regarded as evidence of increases in the number of fish entering fresh waters."

There is still a concern about spring salmon, however. As a sea trout champion, I have concerns about the decline in numbers that Marine Scotland has identified.

If we are to move forward sustainably, science is essential and must be shared. How can science be shared if it is not fully and publicly available to share among Marine Scotland, academia and the range of industries concerned? An honest and full assessment of the industry is needed if we are to achieve our shared aquaculture and shellfish targets.

Scottish Labour is disappointed and perplexed by the final position in the bill on publication of sea lice data. I note the minister's comments, which are in some sense reassuring, but there should still be an overriding principle of transparency. Our seas are not private property. Moreover, whatever waste comes from fish farms does not stop at the barrier of the cage, any more than diffuse farm pollution stops at a fence near a burn.

The development of effective regulation accompanying the eventual act, the wild fisheries review and the work of the ministerial group on aquaculture will be the make or break of future sustainable activity. The minister's words today are reassuring on that. Furthermore, there is agreement about the RACCE Committee's important recommendation at stage 1 that, if there are breakdowns in relationships, a

"fully accessible and fit for purpose ... mediation service" should be available.

The Presiding Officer: I must ask you to bring your remarks to a close.

Claudia Beamish: I will do so, Presiding Officer. The building of good relationships is perhaps more important than anything else, and it is an absolute imperative for the future. Scottish Labour supports the bill, and I ask the minister for reassurance that support for nurturing those relationships will be a priority in the future.

16:49

Alex Fergusson (Galloway and West Dumfries) (Con): The passage of the Aquaculture and Fisheries (Scotland) Bill has been a long and arduous process, and I begin my speech at stage 3 in the same way that I began my speech in the stage 1 debate, by thanking the clerks to the Rural Affairs, Climate Change and Environment Committee, who have made the process much easier and considerably more enjoyable than it might otherwise have been.

We heard and read an enormous amount of evidence at stage 1. If I have one main regret about where we are today, it is that the bill does not do more to reflect some of the serious issues that we all basically agreed on during stage 1. I suspect it was bound to be thus because, as the committee said in its stage 1 report,

“the Scottish Government could have been clearer in its consultation document ... in order to better manage understanding and expectations amongst stakeholders and the wider public.”

I do not recall the Government ever disagreeing with that statement. The result was that expectations among a range of stakeholders were probably raised to an unachievable level, which is probably not a very helpful way in which to embark on a bill.

The minister described the bill to the committee as future proofing the industry in the light of current growth targets and potential new operators coming to Scotland. Although there is much that I welcome in the bill, I fear that those words will almost certainly come back to haunt him. I say that not to disparage in any way the bill or the minister, but to highlight the inherent missed opportunities.

For instance, the opportunity to have lanced once and for all the boil that is the publication of sea lice data has been missed. The industry has shifted its position, which I welcome, but I suspect that it has not done so enough to satisfy the non-governmental organisations, other organisations and individuals that have called for it and will continue to do so. To be frank, why should they not? The first voluntary publication of a report on sea lice management and control, which was agreed by the industry and the minister, should have been published last Monday, which was six

weeks after the end of the first reporting period. By 1 o'clock this afternoon it had not been published: members can read into that what they will. The issue will not go away with passage of the bill, and Parliament missed a huge opportunity to address it more realistically when it rejected Claudia Beamish's amendment 14 this afternoon.

A properly worked-out tagging scheme should have been in the bill, but I take the minister at his word and look forward to what he will introduce in the consultation.

Sadly, the bill will not do very much—if anything—to bring the wild fish and farmed fish sectors closer together, which was a desired aim of the bill. That is a real shame, because a continued stand-off is in no one's interests—certainly, it is not in the interests of our inshore marine environment. I have no doubt that those issues will have to be returned to—I fear probably sooner rather than later.

That said, I want to finish on a positive note. I very much welcome the inclusion at stage 2, as the minister has mentioned, of measures to toughen up actions that can be taken against suspected illegal cockle poachers, principally along the Solway coast. That has been long awaited and is greatly welcomed. Although it will not solve the problem—I believe that only the creation of a legal fishery will achieve that—it heralds a vast improvement on where we are today. I thank the Government for taking the opportunity to introduce those measures on the back of the bill.

On that—I hope—positive note, I am pleased to say that we will support the bill at decision time. Despite my reservations about the Government's introductions of substantive sections at stage 3, which thus bypassed parliamentary scrutiny, I congratulate the minister on steering his first bill through Parliament. If he thinks that I give him a tough time in questions, I say only that I suspect he ain't seen nothing yet.

The Presiding Officer: We now move to a very short open debate. I am afraid that, in order to be able to call all members, I cannot give you any more than three minutes. If you could confine your remarks to less time than that, I would be most grateful.

16:53

Angus MacDonald (Falkirk East) (SNP): As a relatively new member of the Rural Affairs, Climate Change and Environment Committee, I am pleased to have been able to take part in scrutiny of the bill from the start.

Given the constraints of time, I will skip my preamble and go direct to the issue of carcass

tagging. I am pleased to acknowledge the minister's commitment to consult fully on that issue. I also note the minister's recent explanation to the committee that had the amendment that sought to include the requirement for carcass tags to be individually numbered been successful,

"it would have restricted our ability to progress regulations which adequately reflect the differing views from ... stakeholders, both in terms of application and potential impact on business."

The minister also said at stage 2 that any specific requirement would be subject to the EU technical standards directive, which would mean that the European Commission would have to be notified if the measure created a "technical barrier to trade", which would result in a stand-still period of 18 months before it could come into effect. That would impact on the whole bill. I note the failure of Alex Fergusson to have been convinced by the EU technical standards directive argument, although he withdrew amendment 4 in group 6. I ask the minister to detail when the consultation of stakeholders on carcass tagging will be complete. I had hoped that there would be a clear and unambiguous statement from the minister today that any subsequent system will use individually numbered tags and that the system will be in place for the start of the 2014 season. I note the minister's commitment that that would be an option, but the committee sought further assurances in that respect.

The committee spent considerable time on public reporting of sea lice data and noted the minister's confirmation during stage 2 of the SSPO's plans to increase the voluntary public reporting of sea lice data from six to 30 areas and his comment that the SSPO's voluntary proposal was

"a significant development and an appropriate balance between public reassurance and commercial interests at this time."

In addition, the SSPO confirmed that it would give Marine Scotland access to sea lice data at farm management area level. I recognise that a number of stakeholders—including the Association of Salmon Fishery Boards, which would have preferred publication of all sea lice data on a farm-by-farm basis—were considerably disappointed by that, but I am encouraged by the minister's commitment this afternoon to review the success or otherwise of the voluntary arrangement during the current parliamentary session.

With that in mind, I welcome the formation of the ministerial group—

The Presiding Officer: You must bring your remarks to a close, please.

Angus MacDonald: Thank you, Presiding Officer.

We should never lose sight of the fact that whether we are talking about farmed or wild salmon, this is a good news story for Scotland. From angling on royal Deeside to salmon farming in the Western Isles, we have a lot to thank the humble salmon for. However, the aquaculture industry's excellent prospects can be realised only if the industry observes the best environmental husbandry and governance standards. We will all be watching extremely closely.

16:56

Elaine Murray (Dumfriesshire) (Lab): I have not been involved in the bill's passage but, although I recognise the concerns that members have expressed, I want to use the very short time that I have to welcome the provisions on the Solway cockle beds that the minister did not really have the time to describe in his speech.

The Solway cockle beds have had a very chequered history, having been overfished in the early 2000s and closed in 2002. The Solway Shellfish Management Association, which was formed in 2006 by a statutory instrument from this place, was given the unenviable task of regulating the cockle fishery when it reopened, as well as certain enforcement powers. However, of the more than 100 licences that were granted by the association, 50 per cent were local and the other 50 per cent were not. There was a huge stramash and loads of people turned up at my surgeries to complain about licences and all the rest of it. Unfortunately, despite those actions, cockle stocks declined further. No more licences were issued after 2007-08 and the beds had to be closed again in 2011.

Enforcement has always been extremely difficult. In past centuries, the Solway was infamous for the activities of pirates and smugglers and the physical features that aided those individuals—that coastline of bays and coves with few points of access to the sea from public roads and many crossing private land—also aided the illegal cocklers. Before and after the reopening of the fishery, I received reports from constituents living near the coast of possible illegal activity, including vehicles on the beach, caravans on private land that seemed to contain what might have been migrant workers and boats being launched from private access points. Although those reports were passed to the police and the SSMA, it was very difficult to follow them up.

Of course, such activity is not only illegal but potentially extremely dangerous. The incoming tide in the Solway is famously known as being faster than a galloping horse—in other words, more than 25 to 30mph. It is certainly faster than a person can run and faster than a vehicle can drive in soft sand, with the result that those who are

exposed to illegal cockling are also in great danger of losing their lives. Indeed, we remember the events in Morecambe Bay in 2004, when 23 people lost their lives in a gang incident. The same thing could easily happen on the Solway.

At stage 2 we passed amendments to allow the courts to consider circumstantial evidence pointing to illegal activity—

The Presiding Officer: You must bring your remarks to a close, please.

Elaine Murray: Moreover, police now have powers of access to private land and can enforce that right in order to investigate the reports of possible illegal activity that I have received in the past. That was not possible before and it will be extremely important in detecting and preventing such activity.

Some campaigners think that the bill should have gone further, but I am pleased that the need for action has been recognised and that these measures have been included in the bill.

16:59

Jim Hume (South Scotland) (LD): To claim that the bill's progress through its committee stages was without controversy would be pushing it, to say the least. I believe that it marks the first time that the phrase "tit for tat" has been used in a committee report and, if I remember correctly, I also think that it was the first time I have heard anyone accuse a Conservative member of wishing to nationalise an industry.

Today we expressed concern about late amendments from the Government, which the committee did not have enough time to scrutinise. It is essential that all proposed legislation is properly scrutinised—legislating in haste often results in repenting at leisure. We did not vote against the Government's amendments. However, we abstained, because we could not be confident that the lack of proper scrutiny would not have unintended consequences. However, all those abstentions have helped all our voting records.

I was concerned about the amendments in Alex Fergusson's name on the numbered tagging of fish. I have been wary of such methods in some aspects of agriculture. Such an approach might constitute overregulation and be difficult to implement, so I am glad that Alex Fergusson did not press his amendments and that the minister promised to look into the issue.

The importance to Scotland's economy of wild fishing, as well as fish farming, was made clear during the bill process. Wild fishing is important in my region. I understand that fees are up to £30,000 a week for five rods at the junction pool in Kelso. The Government wants fish farming to

increase, to contribute to its economic growth agenda, but it is right that we protect what we have.

I share the ambition for growth in the fish farm industry. Scottish smoked salmon achieves a premium in the marketplace, and deservedly so.

At stage 2 I lodged amendments, the principle of which was accepted by the minister. We worked on the matter, and I am glad that members accepted that there needs to be regulation in training. It is obvious that training needs to be part of the developing technical standard, as the Scottish Aquaculture Research Forum acknowledged. The improved containment working group has shown that about 29.5 per cent of fish escapes are due to human error.

I do not have time to go into detail on record keeping in relation to sea lice, or on the potential of triploids—

The Presiding Officer: No, you do not. You need to bring your remarks to a close as quickly as possible.

Jim Hume: I am glad that we have produced a bill that provides for training requirements on equipment. In anticipation of the bill's being passed at decision time, I congratulate Paul Wheelhouse.

17:02

Rob Gibson (Caithness, Sutherland and Ross) (SNP): I am the convener of the Rural Affairs, Climate Change and Environment Committee, which has had long oversight of the bill and welcomes its progress.

I was pleased that the bill gives the Scottish Government's ministerial group on sustainable aquaculture oversight of the code of good practice for aquaculture. Will the minister undertake to consider the provision that genetically modified organisms should not be introduced to fish farms, with a view to changing "should" to "must" as soon as possible?

The urgency of my request is underlined by the relaxation of the rules on the use of GM soya feed for animals and fish by a string of leading retailers, with the exception of Waitrose. Will the minister assure the Parliament that Scottish food authenticity will be a priority? The natural provenance of Scottish produce is not helped by the use of GM soya feed. Waitrose and other European producers have procured GMO-free soya and are labelling their products GMO free, thereby earning a premium for the products, in response to widespread consumer concern that GM ingredients are not welcome in our food.

I am pleased that in summer the Scottish Government will launch a consultation on the further democratisation of district salmon fishery boards. Wider access to our rivers for salmon angling should be a facet of the sustainable management of all species in the total catchment area management approach. Angling is a big—and can be a bigger—contributor to fragile rural economies such as those in my constituency. It can also contribute to climate change mitigation. The matter was discussed and further work will flow from the bill's successful passage. We wish the bill and what follows well.

17:04

Jamie McGrigor (Highlands and Islands) (Con): I refer members to my entry in the register of members' interests, in relation to fisheries.

There is widespread recognition of the importance of aquaculture and wild fisheries to Scotland's economy. In my region, the Highlands and Islands, fish farming helps to underpin many communities. The fact that farmed Scottish salmon has the much-coveted label rouge demonstrates its excellence. At the same time—as the minister stressed—Scotland, with its lochs and rivers, is a world-famous location for wild fishing.

As part of the European and External Relations Committee's inquiry into the China plan, I recently visited the Marine Harvest processing factory at Fort William, which is a significant employer in Lochaber. I had not visited a salmon processing factory for several years, and the improvement in the quality of the fish over that time was plain to see. All Marine Harvest's fish are processed in one factory, picked up by lorry, taken to Heathrow and flown out, which means that they can be in China in a very short time. The potential for growth in the Chinese market is great. The labelling on the boxes gives total traceability—it is possible to tell not only what cage on which site the fish came from, but which individual packed the box.

Given that there is no lack of transparency on that side of aquaculture, it is disappointing that, despite lobbying from many sides, the Scottish Government decided not to accept the well-thought-out amendments of my friend Alex Fergusson that proposed that sea lice data should be published on a farm-by-farm basis, as happens in Norway, Chile and Ireland. I invite the minister to explain why that lack of transparency does not exist in other fish farming countries.

A big theme in the stage 1 debate and the Rural Affairs, Climate Change and Environment Committee's scrutiny of the bill and its report was the need for the wild fish and the fish farming sectors to work together more constructively. The bill represented an opportunity to improve working

methods and public relations. People in the aquaculture industry to whom I spoke were not alarmed by the request for greater transparency, so why is the Scottish Government so intransigent on sea lice? That will leave the wild fish industry disappointed. Indeed, the Salmon & Trout Association is calling the bill a missed opportunity to protect and conserve Scotland's wild fish heritage. Can the minister say something to relieve those concerns?

The disappointment stems from the Government's failure to accept amendments at stage 2—and further amendments from Claudia Beamish at stage 3—that would have increased the amount of publicly available information on sea lice. Will the minister at least instruct Marine Scotland to analyse Scotland-wide sea lice data at a farm management area level on a quarterly basis, so that it can assess the performance on sea lice management and test the SSPO reporting system?

I think that all of us recognise that we want and need to achieve the sustainable coexistence of the wild fish and fish farming industries. That is what I have argued for throughout my time in the Parliament. We know that that can best be achieved when both sectors trust each other. It remains to be seen whether the bill will help us to make progress towards that aim, but ministers need to continue to strive to address the concerns of wild fishery interests, particularly in the west and north-west, where genuine concerns still exist about the decline in wild fish numbers and the reasons behind it. The Scottish Conservatives will continue to speak up on such issues, while supporting the sustainable growth of our aquaculture producers.

17:07

Claire Baker (Mid Scotland and Fife) (Lab): The bill has been an attempt to address some of the issues surrounding wild fisheries and the aquaculture sector. Although the debate is an opportunity to reflect on what has been agreed, it is also—as other members have highlighted—the time to turn to questions of implementation and what happens next. Following the initial consultation, a number of contentious issues were not taken forward in the bill—for example, carcass tagging and salmon netting rights—but they must be addressed, and the future work streams that others who are involved in wild fisheries and sustainable aquaculture have highlighted are essential.

As the minister said, 98 per cent of fish farms are signed up to good practice, which raises the question whether the bill is about consolidating what already happens rather than addressing some of the key issues that Alex Fergusson

highlighted. We have a growing aquaculture sector that makes a significant contribution to Scotland's economy nationally and locally. It is a business that provides employment in rural areas—more than 6,000 people are employed, often in long-term, skilled jobs. The amendments on training were welcome. We recognise that people work in difficult conditions, and that standards of training and health and safety must be high.

Achieving the target of increasing the production of all farmed fish by 50 per cent from a 2011 baseline by 2020 is ambitious. If we are to achieve that rate of expansion, we need to be sure that the regulatory system that is in place is robust and has the confidence of consumers and wider interests. In recent weeks, there have been reports that pesticides from 12 salmon farms have contaminated lochs around Scotland's coast in breach of safety limits. Since 2010, such incidents have been the subject of an annual report by the Scottish Environment Protection Agency, which consistently raises questions about the environmental impact of fish farming.

Labour has sought to take a proportionate approach to the bill. At stage 1, the committee debated at length the publication of sea lice data. There was certainly recognition that there could be greater transparency and information sharing, and Labour lodged a consensus amendment, so it is disappointing that, once again, the evidence that was heard at stage 1 and supported in the stage 1 report has been rejected at the amendment stage on the minister's recommendation. We have seen committee members twisting and turning on the issue this afternoon.

We recognise that the industry is to increase its reporting to 30 areas of data, but the international perception of Scottish salmon relies on its reputation for comparatively high standards of health and welfare for farmed fish. Greater transparency should be nothing to fear and would only strengthen its reputation. The industry and the minister raise concerns regarding commercial risk, but it is argued that no other industry is protected in this way, and the strongest comments on the matter came from SEPA. It is disappointing that those concerns have not been addressed in the bill and there has been such reluctance on the Government's part to take a stronger lead on the issue. Although the minister has given a commitment to review the success or otherwise of the SSPO proposals on sea lice data publication, it is not clear how that success will be judged. He might want to give an indication of that in his closing remarks.

It is crucial that the right level of regulation is in place for the sector. No one in the debate today wants regulation that would damage the industry, but there have been calls for proportionate

regulation that protects consumer confidence, in recognition of the fact that across our food chain there is—perhaps now more than ever—a need for transparency and robust governance.

The Presiding Officer: I call Paul Wheelhouse to wind up the debate. You have five minutes, minister.

17:11

Paul Wheelhouse: I will try my best, Presiding Officer.

I thank all members for their contributions to today's debate. One thing that I did not mention earlier but which I would like to mention is that I came to the post late in the pre-legislative stage of the bill, and I thank Stewart Stevenson for all his early work in his ministerial capacity. The road that we have travelled since then has not been without its challenges. There have been occasions on which the debate has been less constructive, as the Rural Affairs, Climate Change and Environment Committee noted in its stage 1 report.

The bill provides us with the legislative tools to ensure that farmed and wild fisheries and their interactions with each other continue to be managed effectively, maximising their combined contribution to supporting economic growth but, crucially, with due regard to the wider marine environment. The bill also provides a foundation on which to move forward and better manage our relationships and build trust.

The refreshed ministerial group on sustainable aquaculture has engaged the minds of our stakeholders, and there is a tide of optimism that proactive activity will take place over the coming months and years. Members of the MGSA helped to inform many of the provisions that we have debated in the past few months. The group met for the first time a couple of weeks ago, as I said earlier, and everyone is keen to look forward and not back. They recognise the need to address any negative perceptions that may have emerged, and there is also genuine acceptance that the debate has often excluded the many positive activities that take place. It is important that we do not lose sight of the many good examples of local engagement that already exist.

Improved governance arrangements for our fisheries boards and enhanced salmon management through the bill, coupled with the planned fisheries management review, will bring many opportunities. I encourage all our stakeholders to reflect on how they might better promote those and other positive examples of their work. As I speak here today, I am confident in saying that the bill is proportionate and strikes the right balance.

Time forbids me from saying too much, but I would like to turn to a few points that were made in the debate. Important points were made on carcass tagging by both Angus MacDonald and Alex Fergusson, who sought clarity about the timescales that are involved. The consultation will run for the standard 12-week period, and we will look to run it in parallel with the notification to the EU. The EU approval timetable is for the EU to determine, of course. It can be up to 18 months, but only if the EU has issues with what is proposed. I hope that it will be faster than that.

Rob Gibson made an important point about the potential for GM feed to get into the food chain. The Government intends to bring forward a debate as soon as possible after the summer recess to assess food authenticity and food labelling in recognition of the issue that the member has raised. I welcome his support for the management review that we propose as phase 2 of this important development of the wild fisheries and aquaculture sector.

Jamie McGrigor asked what evidence we have to demonstrate why transparency is a risk. I recognise that the point that Graeme Dey made is open to challenge from others because more than one factor is involved, but it indicated that publication of sea lice data damaged the Irish aquaculture sector. However, I will certainly look more closely at that.

On the measures that we have discussed today, I recognise that some people have reservations about the approach that we have taken to the voluntary reporting of data. Those reservations were evident in the earlier debate. However, I sincerely believe that encouraging the voluntary sharing of information—not just in the context of sea lice—along with appropriate explanatory text, is the right way forward. To repeat what I said previously, we will not seek to legislate where we do not need to, and I believe that this is an example of that. It is clearly for others to demonstrate that the Government's support for voluntary measures has been well placed—I think that we all know who I mean. Equally clear is our existing ability to progress through secondary legislation if the voluntary approach does not work as expected.

Claire Baker raised the issue of how we will test whether the approach has worked. The publication of data will show us that, because if there is a persistent pattern of sea lice infestations in fish farms across Scotland, we will know that the approach is not working to drive down the numbers. I will certainly keep her informed on what we are doing in that regard.

I was pleased to support the amendments that Jim Hume lodged in relation to training on equipment that is used in fish farming. I thank him

for his willingness to engage on the drafting and for the opportunity to explore what might best deliver a result on which we could all agree.

I want to end the debate on a really positive note. Everyone here recognises the enormous benefits to Scotland and the people of Scotland of successful and thriving aquaculture and wild fisheries sectors that can develop. The improved governance arrangements for our fishery boards and enhanced salmon management through the bill, coupled with the planned fisheries management group, will bring many opportunities. I therefore encourage all stakeholders to reflect on how they might better promote those. Now is the time to look forward, to be positive and to begin to build relationships that allow us to prosper in future. We have a clear implementation plan. There is much to do and the bill provides the foundations for that. I ask the Parliament to agree that the Aquaculture and Fisheries (Scotland) Bill be passed.

The Presiding Officer: I thank all members for their co-operation in what was a very short space of time.

Business Motions

17:16

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-06571, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Tuesday 21 May 2013

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Debate: Supporting a Science Nation, Celebrating Scotland's Public Science Engagement Initiatives

followed by Legislative Consent Motion: Children and Families Bill – UK Legislation

followed by Public Body Consent Motion: The Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 22 May 2013

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Education and Lifelong Learning

followed by Scottish Labour Party Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 23 May 2013

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

12.30 pm Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Stage 3 Proceedings: Forth Road Bridge Bill

followed by Final Stage Proceedings: The National Trust for Scotland (Governance etc.) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 28 May 2013

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 29 May 2013

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Finance, Employment and Sustainable Growth

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 30 May 2013

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

12.30 pm Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time—[*Joe FitzPatrick.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S4M-06573, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable at stage 1 for the Children and Young People (Scotland) Bill.

Motion moved,

That the Parliament agrees that consideration of the Children and Young People (Scotland) Bill at stage 1 be completed by 29 November 2013.—[*Joe FitzPatrick.*]

Motion agreed to.

Parliamentary Bureau Motion

17:17

The Presiding Officer (Tricia Marwick): The next item of business is consideration of Parliamentary Bureau motion S4M-06572, on the designation of a lead committee at stage 1 of the Tribunals (Scotland) Bill.

Motion moved,

That the Parliament agrees that the Justice Committee be designated as the lead committee in consideration of the Tribunals (Scotland) Bill at stage 1.—[*Joe FitzPatrick.*]

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

Decision Time

17:18

The Presiding Officer (Tricia Marwick): There are two questions to be put as a result of today's business.

The first question is, that motion S4M-06544, in the name of Paul Wheelhouse, on the Aquaculture and Fisheries (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees that the Aquaculture and Fisheries (Scotland) Bill be passed.

The Presiding Officer: The second question is, that motion S4M-06572, in the name of Joe FitzPatrick, on the designation of a lead committee at stage 1 of the Tribunals (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees that the Justice Committee be designated as the lead committee in consideration of the Tribunals (Scotland) Bill at stage 1.

Mull of Galloway

The Deputy Presiding Officer (John Scott):

The final item of business today is a members' business debate on motion S4M-05891, in the name of Aileen McLeod, on history is made at the Mull of Galloway. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes the decisive result of the ballot of the community of Kirkmaiden on a community buyout of the Mull of Galloway Lighthouse, with more than 98% in favour of plans to operate what it considers this iconic landmark on the most southerly point in Scotland as a visitor attraction; considers that the South Rhins Community Development Trust has a strong track record in helping to develop the Mull as a visitor attraction over the last 12 years; considers this a strong foundation on which the new Mull of Galloway Community Trust can build future successes that it believes will bring more economic benefit to a remote rural economy, and offers its best wishes to the community for its future as the owners of the most southerly part of the country.

17:19

Aileen McLeod (South Scotland) (SNP): I am delighted to lead this evening's debate in celebration of the Mull of Galloway Community Trust's efforts to buy the iconic location on behalf of, and for the benefit of, the local community.

I am particularly pleased that one of the directors of the trust, Maureen Chand, and her partner Sami have made the lengthy journey from the most southerly part of the Scottish mainland to be with us tonight in the public gallery to listen to the debate. The deputy leader of Dumfries and Galloway Council, Brian Collins, is also with us in the gallery.

Two other directors of the trust, Steve and Kathleen Hardy, wanted very much to be here. They have worked tirelessly, as have all the trust members, to make the mull a success as a visitor attraction and to develop their ambitious bid for the future. They have done so while, latterly, Kathleen has been undergoing treatment for cancer, which is the reason why they could not be here. What I have to say this evening is dedicated to them.

I sought the debate to support the trust's efforts to secure funding for the buyout. This morning's news that its bid to the Scottish land fund has been successful grants the trust 95 per cent of the value of the land. As will become clear, I have every confidence that the trust will secure the remaining 5 per cent with little difficulty. That is a fantastic step forward for the project, and I cannot begin to express how delighted I am that, tonight, we really can say that history is being made at the Mull of Galloway.

There is nowhere else in Scotland quite like the Mull of Galloway. It is a wild and romantic place in any weather, with stunning views on a good day—from views of the Mourne mountains in Northern Ireland to views of Snaefell on the Isle of Man and the fells of the lake district. I have experienced the mull in all weathers. It is certainly dramatic when it is blowing a hoolie and the waves are crashing against the impressive rocky cliffs: it really feels like it is just you pitted against the elements.

The mull is also a nature reserve and site of special scientific interest. People can spot a wide variety of birds there, as well as—if they are fortunate—dolphins, porpoises and even whales. Of course, there is also the iconic lighthouse, which was designed by Robert Stevenson of Bell rock fame and completed in 1828. Steve Hardy is keen to replicate Edinburgh's infamous 1 o'clock gun by bringing back into play the foghorn that was used as an extra warning to shipping up until 1987.

Those are the fantastic assets that nature and history have given the mull, but the key ingredient that has taken it from being practically unknown to being a four-star visitor attraction is the community.

We did not arrive at that point overnight or by accident. Twelve years of hard work by the South Rhins Community Development Trust took the Mull of Galloway—a place that people might visit if they knew about it and a place with next to no facilities for the visitor—and turned it into a four-star tourist attraction that still respects the unique wildness of its location.

There are now three holiday cottages in the former lighthouse keepers' accommodation, a visitor centre run by the RSPB in the building that accommodated the lighthouse builders, and the lighthouse exhibition itself, which has gathered the accolades of VisitScotland's four-star visitor attraction and, in 2010, tourism champion in the *Dumfries & Galloway Life* awards, following that success with finalist positions in 2011 and 2012.

In addition, private enterprise has mirrored the success of the trust, with the Gallie Craig coffee house and restaurant being built in 2004. Set into the hillside on the edge of the cliffs to minimise visual impact but maximise diners' views—I know it well—it complements the rest of the location well and it won a green apple award for its construction and design.

If members are planning their summer holidays this year and wondering where to go, I am sure that the Mull of Galloway would extend a warm welcome to them all.

The Mull of Galloway Trust estimates that, directly or indirectly, the mull as a visitor attraction now supports 20 jobs in the local economy. Since

that economy is, by its nature, remote and fragile, the mull now constitutes a major part of it. Therefore, the decision by the Northern Lighthouse Board to sell the estate, including the associated buildings, could be seen as a hammer-blow to a successful local initiative. However, the trust and the community are more resilient than that; they recognise the proposed sale as an opportunity to acquire the assets for the on-going good of the community and the economy, which it clearly benefits already.

I was privileged to officiate at the counting of ballots in Drummole village hall in March. The 98 per cent vote in favour of the buyout convinced me absolutely of the place that the mull and the enterprises associated with it have in the hearts of the community.

The new Mull of Galloway Trust, which is composed of many of the people who have already made the mull a success, is nothing if not ambitious. It recognises the unique selling point of a Stevenson lighthouse in good condition and which can be accessed by the public. Many Stevenson lighthouses are operational and have no public access or have been sold into private ownership. The trust has an excellent track record, with a lighthouse exhibition which has attracted 10,000 visitors a year since 2009.

The trust's vision for the Mull is one that plays to its strengths and assets. The trust envisages new development, such as a safe viewing platform built over the cliffs, recreational activities for all ages that capitalise on the wildlife and landscape and educational events, and exhibitions on the history of lighthouses, marine safety and the natural environment. Renewable energy generation, such as solar panels and air-source heat pumps, will end the lighthouse complex's reliance on expensive heating oil and lower its carbon footprint. It is that approach—protective of what is there, but keen to develop sustainability for the future—that the Scottish land fund's award has helped to secure.

Above all, this project is about realising the ambitions of the community. It is true that the community started with natural advantages, but the mull is miles from anywhere. It is almost as far off the beaten track as it is possible to get, and yet the community has already created an outstanding visitor attraction that is a major boost to the local economy. I believe that, with community ownership of the assets, the community can achieve even more. I also believe that the people best placed to look after such a special place are the people who live and work there.

I intended this evening to invite the minister to visit the Mull of Galloway. I am immensely proud to be able to invite him to visit the mull in its new guise as the community-owned most southerly

part of Scotland. Presiding Officer, thank you for enabling me to bring a bit of history here tonight.

17:27

Alex Fergusson (Galloway and West Dumfries) (Con): Not long after this session of Parliament began, I met Peter Peacock, our former colleague here, who is the part-time policy director of Community Land Scotland. More recently, I met Dr Alison Elliot and Sarah Skerrett in their joint capacity as two thirds of the land reform review group appointed by the Scottish Government to look at the further potential of land reform. To both of those eminent organisations I stressed the importance of any community right to buy policy not just being confined to the Highlands and Islands—as has often been thought to be the case—but being seen to be workable and effective in the south of Scotland as well.

On being asked to provide examples of suitable projects within my constituency, I needed to look no further than the most southerly point of Scotland, the Mull of Galloway. As Aileen McLeod has just eloquently pointed out, the mull is a truly magical place. I recommend that it should be on everyone's bucket list of places to visit while they are still on this earth; they would not regret it for one second. As I said, Aileen McLeod spoke eloquently of why that would be the case.

Anyone who has visited the most northerly and southerly points of the United Kingdom—John o' Groats and Land's End—will agree, I think, that those iconic landmarks have been pretty well ruined by the no doubt good intentions of private developers over the years. I confess that I have visited neither place, but I am reliably informed by those who have that they are invariably disappointed when they get there. That is most assuredly not the case at the mull, and I feel certain that the successful conclusion of this community buyout project will ensure that it never is.

The mull is tailor-made for a community buyout. It is to the immense credit of the whole community, the members of the trust and, indeed, Steve Hardy, who first brought this project to my attention, that the community has seized this opportunity. There have been other attempts in Galloway to persuade communities to undertake buyout projects—some good, some bad; some successful, some unsuccessful. However, when a community ballot achieves a 98 per cent vote in favour of the buyout—as was the case with the mull—it is clear that no persuasion has been required.

As Aileen McLeod said, that percentage has been almost matched today by an agreed Scottish land fund grant that amounts to 95 per cent of the

total sum that is required. That is a wonderfully welcome decision, and it is the right decision. It will be welcomed by everybody concerned.

If I have one concern about the mull, it is a positive one. Aileen McLeod mentioned the wonderful seabird population and the wildlife that can be seen in the area, and the black guillemot predominates at the Mull of Galloway. The Rural Affairs, Climate Change and Environment Committee has been discussing the national marine plan and the marine protected areas that are part of that plan, and it is a complete mystery to me why the Mull of Galloway has not been included in the plan. In my own cynical way, I can only assume that it is because it is in close proximity to an area that has been designated as a search area for an offshore wind farm—but that is just my suspicion; I am sure that the minister will answer differently.

This is a great day and I congratulate Aileen McLeod on bringing the debate to the chamber. I suspect that it is more than a coincidence that the granting of the Scottish land fund money was announced today, but that is nonetheless welcome. I quote the press release that I issued when the result of the ballot was first announced:

“Community purchases in other parts of Scotland have usually led to a re-invigorated local economy alongside a real sense of pride in community ownership, and I have every expectation that the same will apply in the case of Mull of Galloway. I warmly congratulate everyone involved in achieving this wonderful result.”

I reiterate that this evening. I am proud and very pleased to support Aileen McLeod's motion.

17:31

Rob Gibson (Caithness, Sutherland and Ross) (SNP): I warmly congratulate my colleague Aileen McLeod on gaining this timely debate. However, I point out that the most northerly point on the mainland of Scotland is Dunnet Head, not John o' Groats, and that the most northerly point in the UK is Muckle Flugga. Both Dunnet Head and Muckle Flugga are exciting places to see, and I have done so in a previous life. I visited Muckle Flugga as a Highlands and Islands member, and as the member for Dunnet Head at the moment I assure members that it is well worth a visit.

During the Easter recess, my partner, Eleanor Scott, and I had a short weekend break in the far south-west of Scotland. After a freezing cold and windy March, we enjoyed some sun when we visited the lighthouse at Scotland's most southern tip, the Mull of Galloway. As we know, the community there recently voted overwhelmingly to take over the land and buildings surrounding their Stevenson-built lighthouse, which is much like many others around our shores including the one at Cape Wrath.

Aileen McLeod has praised the local spirit—inspired by Steve Hardy, Maureen Chand and the whole team—that is developing the attraction of the lighthouse, where views stretch to Ireland and the Isle of Man as well as to Cumbria. I met some of the community leaders at the mull, who seek to work with other community-owned lighthouse groups around Scotland. Covesea lighthouse, in Moray, was recently bought with money from the Scottish land fund, and the people of North Ronaldsay in Orkney also have control of a very old lighthouse there. The group also hopes to work with a group that is trying to take over the land around the Cape Wrath lighthouse.

For the past nine months, Durness folk have been campaigning to buy 58 acres of land surrounding the most north-westerly lighthouse on the Scottish mainland, at Cape Wrath. They applied under the community right to buy when the Northern Lighthouse Board was exposed as seeking to sell the land to the Ministry of Defence. Both those bodies come under powers that are reserved to Westminster and both thought that a cosy arrangement could be made, as the MOD had previously acquired thousands of acres—

The Deputy Presiding Officer: Without wishing to be too restrictive, I remind Mr Gibson of the content of the motion.

Rob Gibson: Indeed, I thought that you might do that, Presiding Officer.

The Deputy Presiding Officer: Then it comes as no surprise.

Rob Gibson: I have backed from the start the Durness development group's plans to secure the few remaining acres at the cape, which is visited by a locally owned bus that carries 3,000 passengers a year over the 12 miles after a short ferry trip across the Kyle of Durness. The point is that the Durness group can learn from the developments at the Mull of Galloway. It is important to recognise how all such places are linked up.

Last autumn, I was delighted that the First Minister, Alex Salmond, launched the new Scottish national trail, which has been designed by Cameron McNeish. It winds from the Scottish Borders at Kirk Yetholm and ends at Cape Wrath via beautiful Sandwood bay. The coastal trail from the Mull of Galloway can join that and thereby link two of the most important lighthouses in our country on a walking trail that can attract people and which covers many of the most beautiful parts of the country. I am hopeful that Scottish ministers can meet the Durness campaign expectations soon.

Community buyouts such as Covesea and the Mull of Galloway inject new local vigour. They add small patches of Scotland to those that are truly in

local hands. Looking ahead to early June, Community Land Scotland's annual general meeting in Skye, which has already been mentioned, will celebrate 500,000 acres of our nation now being in community hands.

I am glad that there was an easy transfer from the Northern Lighthouse Board to the people at the Mull of Galloway, but Cape Wrath should be next. The name does not mean anger, although a sale by one UK quango to another would certainly have provoked that feeling; it refers to the Norse word for a turning point and it is where the Viking ships turned from their westerly course from Norway to a southerly one down into the Minch and onwards to the Mull of Galloway and the Isle of Man. Let us wish the Mull of Galloway people and the Durness folk success, because their moves are another turning point for community land ownership in Scotland.

The Deputy Presiding Officer: The connections were interesting if tenuous. Claudia Beamish has four minutes, please.

17:37

Claudia Beamish (South Scotland) (Lab): I am happy to be here this afternoon, although it has been a long afternoon for many of us. However, this is an important debate and I am delighted to lend my support to the Mull of Galloway community buyout. I congratulate Aileen McLeod on securing the debate and I compliment her on her inspiring description.

Members who are familiar with my views on co-operative working and community engagement will not be surprised to hear that I am very positive about this project as well as similar projects throughout Scotland. Of course, the fact that this community project is in South Scotland, my own region, is an added bonus. All too often, visitors to Scotland are led to believe that the areas of natural beauty begin north of the Forth and the Clyde. Nothing could be further from the truth. The Mull of Galloway has been described to me as Scotland's best-kept secret. I hope that in the coming months and years, we will see that secret being shared among many more people now that the community buyout is happening.

I join other members in congratulating the Mull of Galloway Trust on securing the grant from the Scottish land fund. I am absolutely delighted that the funding has been made available, as it will allow the community buyout project to purchase the Mull of Galloway estate from the Northern Lighthouse Board as well as securing—as Aileen McLeod has already pointed out—20 jobs and creating opportunities for others. Although there is still a little further to go, I understand that the trust

is confident that the group will make up the remaining shortfall.

Members who have a connection with the South Scotland region—Dumfries and Galloway in particular—will, however, be aware that visitor numbers are down on previous years. That may be a result of the financial difficulties that many people find themselves in or it may be down to the awful weather that we are experiencing—although not tonight. Whatever the case, we must all do what we can to publicise projects such as this one to ensure a higher number of visitors to the region.

Indeed, Dumfries and Galloway is in need of a serious refocus by the Scottish Government. We have already witnessed the closure of the costume museum, despite cross-party efforts to prevent it. As we are all aware, tourist attractions and facilities help to support each other, so I ask the Scottish Government to do all that it can to support the region.

When looking at the Mull of Galloway project, I was struck by how many different aspects have been put together, as Aileen McLeod highlighted earlier. Since 2000, there has been an RSPB visitor centre located near a fantastic viewing point and nature trails. From there you can see guillemots, as highlighted by Alex Fergusson, and puffins—my colleague Claire Baker being the species champion for them—and even, in the winter, peregrines. I am pleased to hear that the RSPB has been heavily involved with the Mull of Galloway Trust and will soon be an official partner of the group.

Of course, the main attraction is the lighthouse itself, and I am glad that the trust is able to take ownership of it and save it from potential ruin.

I have been told that the view on a clear day is quite spectacular: as other members have highlighted, Northern Ireland and the Isle of Man are perfectly visible. I look forward to taking up the trust's invitation to go and see it for myself, and to visiting the lighthouse exhibition, which is already open. I understand that now that funding has been made available through the Scottish land fund, it may be possible for the lighthouse keepers' cottages to be purchased and rented out, so I would even have somewhere to stay.

I first heard of the trust community buyout during an evidence session with the land reform review group in Dumfries earlier this year, at which I was invited to visit the project in the summer. For those who are not familiar with the group—I know that members in the chamber will be, but others further afield might look at the debate with interest—it has been tasked with helping communities to have a say in the ownership, management and use of land throughout Scotland and with empowering

communities to make the best of the natural resources that are available.

At the evidence session, we heard about a range of community buyout models, and I was particularly impressed by the presentation from the Mull of Galloway Trust. Of course, there is no one-size-fits-all model that is suitable for every potential project, but I am convinced that, in this case, the trust has got it spot on.

Community buyout projects have always been associated with the Highlands, so the Mull of Galloway project is an ideal example of how that community-based, co-operative way of working can be utilised throughout the country, and I am keen to support the type of capacity building that will be needed for community buyouts where appropriate.

I wish the Mull of Galloway project every success as an inspiration not only in its own right, but for those who feel able and are empowered to take on the running of their own land and facilities and make those assets work for them and for the future.

17:41

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I congratulate Aileen McLeod on bringing the debate to the chamber. In answer to a look askance from Alex Fergusson, who seems to be wondering why I am taking part in a debate about the Mull of Galloway, representing as I do Midlothian and the Borders—it is a rhetorical question, by the way—I will give a couple of reasons.

First, I was—if I may so call myself—a temporary Gallovidian for some 15 years, living and teaching in Whithorn and Newton Stewart. If I recall correctly, that area was part of the Machars, as opposed to the Rhins. My sons are both Gallovidian born, so I have a personal locus.

I often wander down that other peninsula—through Port Logan and Kirkmaiden—to the mull, which is a part of Scotland that is still frequently overlooked by many Scots. It is an extraordinary area, and so far south that I understand that it is level with Durham if one draws a line across the map.

It has its own eco-climate, and I used to yell at the television, grumbling about the weather forecast being way out of kilter with the weather that I saw from my window.

That brings me, Presiding Officer—if you are wondering whether my speech has only a tenuous link to the motion—to a dramatic visit to the mull one gloomy, wild day. Indeed, when I looked up

the history of the mull on the internet, the description began:

“Gulls, gales and grandeur of cliff and sea that is unsurpassed”.

Just so.

The wind in that exposed wild promontory—in the days before health and safety took serious hold—just about whipped me off my feet. Huge grumbling waves lashed the rocks, and the sea and the dark sky in turmoil could not be distinguished one from the other.

I was about to give up, when the wild movements of the sea took a different turn, and great grey lumps of something or other caught my eye. Everyone else had returned to their cars.

I shouted, “I’ve seen a whale—in fact, I’ve seen lots of whales!”, but my words were lost in the wind.

“Ach, it’s just the sea,” came a reply. Then someone came out from the lighthouse, battling against the wind and bending forward, and I heard them say, “You have.”

It was a school of whales—the only one that I have ever seen to this day. On that blustery day, out of nowhere, I had a wonderful experience and saw a sight never to be forgotten, and that is why I am talking about the mull here today.

That surpassed those sunnier days when the gulls left us in no doubt that we were on their territory and we were being told to leave in no uncertain terms. The mull is a wonderful place, and I am delighted that it is now being held in the custody and care of those who deserve it: the people who live there.

The other reason that I wanted to speak about the mull is that I am a great advocate—as we in the Parliament all are—of people power and community commitment. I will tell the people of Gorebridge and Newtongrange in my constituency, who so recently felt powerless but have been proved wrong, to look to the success of the South Rhins Community Development Trust in accessing £338,500—I do not know if there were any pennies—from the £6 million Scottish land fund pot. Money is available for communities. It is a bit of a labyrinth to negotiate—it is worse than those stormy Mull of Galloway seas—but it is well worth negotiating.

I congratulate Aileen McLeod on securing the debate but, more importantly—if she will forgive me—I congratulate the community at the mull on securing the fund.

17:45

Joan McAlpine (South Scotland) (SNP): I, too, congratulate my colleague Aileen McLeod on

securing the debate. I echo her comments about the hard work and dedication of the South Rhins Community Development Trust, which has led to the successful award to purchase 30 acres of the Mull of Galloway for the community. I also welcome Maureen and Sammy Chand and Brian Collins to the Scottish Parliament. I am sure that they take great pleasure in the fact that Ms McLeod's debate has changed from one supporting the bid to one celebrating its success. I extend and echo her congratulations to Kathleen and Steve Hardy. I heard Mr Hardy on Radio Scotland this morning, and I thought that he gave a very impressive articulation of the community's vision for the Mull of Galloway.

There is much to be celebrated about this part of Scotland. It is our Land's End—our unspoiled Land's End—as other members have said, and it is dominated by the magnificent Stevenson lighthouse. As an aside for those who are unable to travel immediately to the Mull of Galloway, I can recommend the lighthouse webcam, which was commissioned by the Northern Lighthouse Board, showing the view from the tower. Those who watch it long enough can perhaps spot the school of whales. However, I would recommend visiting the place, which is so stunning, as Aileen McLeod said.

Scotland is known for the beauty of its landscape, and today's debate is a great opportunity to remind visitors and Scots that much of that stunning and dramatic landscape is found in the south of the country as well as in the Highlands, which perhaps get a little bit more attention. For that reason, it gives me particular pleasure to note that a remote rural community in the far south of Scotland is benefiting from one of the first grants from the Scottish Government-backed Scottish land fund. It is just over a year since the Government launched the £6 million fund, which aims to give communities the means to take over the land where they live. Land ownership builds independent, resilient rural communities, and it creates a great sense of confidence and community empowerment. When the fund was launched last year, the Minister for Environment and Climate Change at the time, Stewart Stevenson, said:

“this fund will help more of our rural areas to take control of their own destinies”

and to flourish. I have every confidence that the community at the Mull of Galloway will maximise the natural advantages and pristine beauty that the Rhins of Galloway already possess. The success of community ownership is closely associated with the success of the Scottish Parliament.

There has been verification from academic research. Dr Sarah Skerratt of the Scottish

Agricultural College—now the Scottish Rural University College, or SRUC—visited 17 community land trusts as part of a project that had been commissioned by the Parliament. She was clear in her conclusions, which were based on evidence that she had gathered at first hand, mainly in the north and west of the country, that community land ownership leads to “more vibrant” rural communities. Now that the Mull of Galloway is soon to be bought for the benefit of its people, the benefits of community ownership will be felt from Scotland's beautiful southern tip to its northern crofting townships. That is very appropriate, and it is something that all of us in the Parliament can be proud of.

17:49

The Minister for Environment and Climate Change (Paul Wheelhouse): Like other members, I thank Aileen McLeod for securing the debate. As a fellow South Scotland member, I know that Aileen McLeod has been involved with the Mull of Galloway Trust and its proposals to purchase the Mull of Galloway estate from the Northern Lighthouse Board. I understand that, as an independent ballot assessor, Aileen McLeod oversaw the historic count that demonstrated the community's overwhelming support for the trust's proposals for the purchase under the community right-to-buy provisions. It must have been an exciting moment for everyone involved and a monumental evening for the trust and the community of Kirkmaiden.

I congratulate the Mull of Galloway Trust, especially its directors, Donald McColm, Stephen Hardy, Maureen Chand and Kathleen Mary Hardy, as well as all those who were involved, including the community of Kirkmaiden, on what is a highly significant community buyout. I was not aware of the news about Steve and Kathleen Hardy, but I certainly wish them well as they fight the scourge of cancer—I am sure that we all share that sentiment, and they have my best wishes for sure.

The community buyout proposal has been successful. As members have acknowledged, the Scottish land fund announced today that the Mull of Galloway Trust has been awarded £388,500 towards the purchase and development of the lighthouse estate. I am delighted that the trust can now complete the purchase and take forward its plans for the development of this locally important asset.

As Aileen McLeod and others have stated, the community buyout has great potential in helping to develop a critically important tourist complex in a remote area of Scotland. The buyout will make a significant economic contribution to a remote rural community—the 20 jobs that have been mentioned are hugely significant for an area of this

scale—and it will help to maintain and increase employment opportunities to counter the trend of young people leaving the area to find work. It will also increase volunteering opportunities and community involvement, and it will improve community cohesion.

I believe that the proposals will make a real and long-lasting difference to this remote south of Scotland community. The proposals are firmly rooted in the community's needs and aspirations for development, which bodes very well for their success. Successful projects such as a community buyout do not just happen but take dedication and commitment—qualities that the trust has demonstrated in spades.

Three themes run through such successful projects, as we have heard during the debate. First, an especially important theme is the need for strong community support behind a project. As we have heard, the trust ballot secured a phenomenal result, with a 63.8 per cent turnout among the 551 eligible voters in the community. As Alex Fergusson, Aileen McLeod and others have said, an overwhelming 98.6 per cent of those who cast a vote voted in favour of the trust's proposals. The trust should be congratulated on achieving those outstanding figures.

Strong community support has also been a feature of other buyouts, as communities have rallied and stood firmly behind their buyout proposals. In 26 of the 36 other ballots that have been conducted under the community right-to-buy provisions of the Land Reform (Scotland) Act 2003, more than 90 per cent of voters voted in favour of the community buyout proposals, with two communities—Salen and Bridgecastle—each securing 100 per cent. Those are impressive figures, which we politicians can only envy.

Those figures show the impressive community support that has been generated in communities that have had the opportunity to purchase land and land assets. It is important to remember that such opportunities are not confined—as Aileen McLeod, Joan McAlpine, Alex Fergusson and others reminded us—to communities in the Highlands and Islands but are available throughout Scotland. Such support is fundamental to the success of community buyouts: it secures community buy-in to the community-led proposals; it engages people in their community and its future development and success; and, importantly, it provides a strong foundation for a community body or community group to take forward its plans.

A second theme has been partnership working. To acquire the estate and to develop its proposals, the trust is establishing and using a number of partnerships, including partnerships with other third sector organisations and with the public sector. Those have already played a significant

role in developing practical and workable proposals, and they will also mean that the trust has access to a wide support network. I understand that fundamental links between the Mull of Galloway Trust and the South Rhins Community Development Trust have helped to bring about the evolution and development of the land buyout. The two organisations plan to work together after purchase to develop the plans for the estate. That is a very positive suggestion.

Together, the Mull of Galloway Trust and the South Rhins Community Development Trust complement each other's roles and experience: one is a company that was founded in 1999 and has extensive knowledge from running the Mull of Galloway experience, which received recognition when it secured the *Dumfries & Galloway Life* tourism award in 2011; the other is a newly incorporated company that was founded to acquire property at the Mull of Galloway and to become a community landowner. That partnership is an excellent example of local organisations working together to share their experience for the greater benefit of their communities and to ensure that the assets that are acquired will be an integral part of the wider economic development landscape. They provide an example that other communities should look to.

A third theme is the use of professional advice and support. The Mull of Galloway Trust has drawn on advice from a range of professional advisers, including Dumfries and Galloway Social Enterprise Network and the highly regarded Destination Dumfries and Galloway. The development proposals and business plan clearly show the difference that such advice can have on developing practical, realistic and workable proposals. I urge other communities to look at how they can utilise advice from professional advisers and draw on their knowledge.

As I mentioned earlier, I am pleased that the trust has been awarded funding from the Scottish land fund to help to realise the project. The land fund—delivered by the Big Lottery Fund and Highlands and Islands Enterprise for the Scottish Government—is about ensuring that rural communities throughout Scotland can achieve increased sustainable economic, social and environmental development through the experience of acquiring, owning and managing land and land assets. I encourage other rural communities that are interested in acquiring land and land assets to consider using the fund. There are now many examples of how the fund has been applied, from the purchase of local shops or land adjacent to village halls to larger-scale land buyouts—and, of course, the occasional lighthouse, too. The people of Kirkmaiden have a lot to look forward to.

In the time remaining, I will pick up a couple of points that were raised by members. I was particularly interested in the suggestion that the foghorn might become the equivalent of the 1 o'clock gun—I would certainly like to see that. Like Alex Fergusson, I think that I will add the Mull of Galloway to my bucket list of destinations to visit. I am more than happy to accept an invitation from Aileen McLeod to visit the facility to see how the community is getting on with the project. On the point that Aileen McLeod and Joan McAlpine raised about communities outside the Highlands and Islands—to be fair, everyone echoed this sentiment—I want the message to go out loud and clear from here that communities not just in the south of Scotland but in other parts of Scotland, too, should benefit from the land fund. I also echo the sentiments about the work of Sarah Skerratt—Joan McAlpine mentioned her, as did others—which is a very important body of work.

Community land ownership will make a real difference to the Mull of Galloway, as it already does to communities throughout Scotland. As I have said before, this is one of rural Scotland's success stories, but we want to do and achieve more, and I want to reiterate that point today. I am sure that, in the future, community land buyouts and wider land reform will be main drivers for investment, regeneration and economic sustainability for all Scotland. The Government is determined to empower communities throughout Scotland to grasp the opportunity to take control of their own destiny.

I commend Aileen McLeod for moving the motion today and I echo members in commending the Mull of Galloway Trust for its hard work. It is nice to see that paying off.

Meeting closed at 17:56.

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