



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Wednesday 11 November 2015

Session 4

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Scottish Parliament

Wednesday 11 November 2015

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

Portfolio Question Time

Rural Affairs, Food and Environment

Sewage Sludge

1. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Government what steps it is taking to reduce the spreading of sewage sludge. (S4O-04761)

The Minister for Environment, Climate Change and Land Reform (Aileen McLeod): As long as it is well managed, the use of sewage sludge allows us to recycle valuable materials in a way that is safe and environmentally beneficial. It should cause no nuisance or inconvenience to the general public.

However, I am aware that, in spite of the existing regulatory arrangements, problems with unacceptable odour relating to the storage and spreading of sewage sludge still occur. That is why the Cabinet Secretary for Rural Affairs, Food and Environment, Richard Lochhead, commissioned a review of the storage and spreading of sewage sludge on land in Scotland.

Following the recent conclusion of the review, the cabinet secretary is considering a wide range of recommendations, which he intends to announce shortly. It is likely that some of the recommendations will require changes to legislation and we will of course undertake a public consultation on any draft legislative proposals.

These actions will address the issues raised by communities and members of the Scottish Parliament in relation to the spreading of sewage sludge and lessen the impact on communities, particularly in respect of offensive odours.

Kenneth Gibson: The minister will be aware from the recent members' business debate that the vile practice of spreading human waste has caused a sickening smell to pervade not just the Garnock valley in my constituency but many other communities across Scotland. Is it not therefore time to end this revolting practice?

Aileen McLeod: I am aware of the odour problems in the Garnock valley area and it is such issues that I expect the review's outcome to tackle. Spreading on land as a fertiliser is a long-established route for dealing with sewage sludge and is recognised as the best practical

environmental option due to the ability of sewage sludge to improve soil quality, organic content and water-holding capacity, as well as to provide nutrients for crops. The important thing, however, is to ensure that that is all done properly to avoid risks to public health and the wider environment. That is exactly what I expect the review to achieve.

Claudia Beamish (South Scotland) (Lab): I welcome the minister's remarks and I am keen, as I am supporting communities in the Glen Taggart ex-mining area in my region, to hear the results of the review. There have been inconsistencies in the level of treatment of sewage sludge before spreading on land when there have been outages. Will the new risk categorisation facilitate more rigorous checks by the Scottish Environment Protection Agency, and is there enough treatment capacity to ensure that all sewage sludge is not just dried but heat treated to kill pathogens and protect human health, if indeed we continue with the practice?

Aileen McLeod: As the member will be aware, this was a Scottish Government-led review, which involved SEPA and Scottish Water officials. Over the past few months, the group has held discussions with communities, the sewage sludge industry, local authorities and other stakeholders.

As the member may appreciate, it has been a complex task, particularly in relation to existing legislation, guidance and practice, so it took a little longer than expected. Also, the members of the sludge review group wanted to ensure that an effective package of measures would emerge from the process in order that some of the issues that led to the commissioning of the review could be fully addressed.

One of the key recommendations is that SEPA should have the power to have an exempt activity such as the storage of sewage sludge stopped immediately and the sludge removed.

Margaret Mitchell (Central Scotland) (Con): Can the minister be more specific about when the review findings will be published, given that they were due in August, and does she agree that a holistic approach is required to address the issue and that there should be a lead organisation to properly monitor and co-ordinate activities relating to sewage sludge?

Aileen McLeod: The review has been concluded and it is sitting with the cabinet secretary at the moment. Advice is being provided to the cabinet secretary around that. I cannot give any more details about when it will be formally announced but I am more than happy for the member to write to the cabinet secretary to get some clarity on the publication date.

Margaret Mitchell: I have already written.

Aileen McLeod: Then I am more than happy to chase that response.

Fracking (Impact on the Environment)

2. Neil Findlay (Lothian) (Lab): To ask the Scottish Government what its position is on the impact on the environment of fracking. (S4O-04762)

The Minister for Environment, Climate Change and Land Reform (Aileen McLeod): The impacts of unconventional oil and gas on our environment, communities and economy need to be fully understood. The Scottish Government's moratorium will allow time for careful examination of the issues and proper engagement with the public in considering them.

The comprehensive programme of research that we announced on 8 October will include projects to investigate possible climate change impacts, as well as the effects of additional traffic movements, site decommissioning and aftercare.

Neil Findlay: A freedom of information response that I have received shows that Government ministers and officials met Ineos representatives 13 times prior to the moratorium on fracking, and that Nicola Sturgeon met them on the day that the moratorium was announced. Since then, John Swinney has met them twice. Given that, and given the current construction of a large holding tank, is it not clear that, as soon as the election is over, the moratorium will be over and fracking will begin in Scotland, or has Ineos just blown a big pile of cash on licences that it will never use?

Aileen McLeod: As I said, ministers have held meetings with representatives of environmental non-governmental organisations, community groups, industry bodies and local government. Those meetings have helped us to prepare for the research and public consultation processes. As a result, we have planned a robust and thorough research programme and a wide-ranging and participative consultation process.

Rural Affairs, Food and Environment Portfolio (Underspend)

3. Gavin Brown (Lothian) (Con): To ask the Scottish Government for what reason there was a £13 million underspend by the Rural Affairs, Food and Environment portfolio in 2014-15. (S4O-04763)

The Minister for Environment, Climate Change and Land Reform (Aileen McLeod): The Scottish Government consolidated accounts for the year ended 31 March 2015 contain an explanation of major resource variances greater than £3 million for each programme within portfolios. For the rural affairs, food and the

environment portfolio, the statement highlights that £7 million of the £13 million resource underspend was planned underspend on uncommitted budgets such as research, £3 million was a result of demand-led budgets, such as private water funding, and of the minor variances totalling £3 million, £2 million was a non-cash underspend representing differences in accounting estimates in areas such as depreciation of assets. In total, the underspend represented less than 3 per cent of the resource departmental expenditure limit budgets that are available to the portfolio and was used to help meet capital pressures.

Gavin Brown: The climate change budget sits within that portfolio. Why was there a £2 million, or 12.5 per cent, underspend on the climate change budget? Given the importance of climate change, why have we had an underspend on the climate change budget now for four years in a row?

Aileen McLeod: The accounts demonstrate the firm grip that the Government has on Scotland's public finances. Our approach means that we are managing our budgets across more than one year. We carry forward some spending into the next year when needed, so such underspend does not reflect a missed opportunity to spend more on our public services. As I have said, the £13 million underspend includes £2 million non-cash that simply cannot be spent on services, and it represents differences in accounting estimates in areas such as the depreciation of assets.

The Government's approach represents sensible budgeting reflecting fluctuations in costs and demand across the spending review period and ensures that there is no loss of spending power in Scotland.

Tavish Scott (Shetland Islands) (LD): As part of the budget, can the minister tell the Parliament when the common agricultural policy payments that are due next month will be paid? Will she also clarify whether the reclassification of land affecting hundreds of crofters in Shetland will be affected by those budgetary changes?

Aileen McLeod: I do not have that detail in front of me at the moment. Officials are working extremely hard to ensure that the CAP payments can be made as soon as possible. I am happy to respond if the member wishes to write to the cabinet secretary for further clarification around that.

Sarah Boyack (Lothian) (Lab): When will we know whether all the CAP payments will be made in December? Is the Scottish Government committed to a time? Farmers are already going to banks just to make sure that they do not have problems.

Aileen McLeod: As I have said, Scottish Government officials are working extremely hard

to make sure that the payments can be made as soon as possible. We are more than happy for the member to raise that question with the cabinet secretary.

Scottish Dairy Brand (International Promotion)

4. Bruce Crawford (Stirling) (SNP): To ask the Scottish Government what progress it has made in promoting the Scottish dairy brand to international markets. (S4O-04764)

The Minister for Environment, Climate Change and Land Reform (Aileen McLeod): Richard Lochhead officially launched the Scottish dairy brand at the Anuga food and drink trade show in Cologne in Germany on 12 October.

The brand and its mark, which were unveiled by the First Minister at the Royal Highland Show earlier this year, have been developed by the industry to raise the profile of Scottish dairy produce, add value to milk and take advantage of the increasing international demand for products with a strong Scottish provenance. The cabinet secretary is currently engaged in an official visit to North America where he will be meeting key buyers to help to promote Scottish products, including First Milk's award-winning Mull of Kintyre cheddar.

Bruce Crawford: How many producers from across Scotland have now signed up to use the Scottish dairy brand and how many brands and products are included? How best can customers be informed about how to buy Scottish dairy produce and how might MSPs best help contribute to establishing the brand logo in the eye of the consumer?

Aileen McLeod: I am pleased to confirm that, to date, 11 processors have signed up to the Scottish dairy brand, with 18 brands supplying 40 different products over three ranges—heritage, artisan and organic—all of which are made using 100 per cent Scottish milk.

Considerable interest was shown from buyers at Anuga, with about 20 positive leads, and it is expected that some of those leads will result in firm orders being placed.

At the moment, the industry focus is very much on the international market, seeking to tap in to Scotland's enviable reputation for quality produce and building on our growing reputation as a land of food and drink. However, I am sure that, in the future, the industry will also wish to raise the profile of the brand mark in domestic markets and would welcome the support of those in the Scottish Parliament and elsewhere in promoting our wonderful cheeses and butters.

Alex Fergusson (Galloway and West Dumfries) (Con): The Scottish dairy brand is

indeed a laudable effort by the Scottish Government to try to help the dairy sector. On further help for that sector, I understand that the cabinet secretary has decided to spread the relatively small amount of European Union funding support that is available across all milk producers, rather than only those who do not have direct contracts, who are the ones who are in most need. Is the minister able to tell me why that decision was taken?

Aileen McLeod: I am happy for the member to write to the cabinet secretary to ask for an explanation.

Margaret McCulloch (Central Scotland) (Lab): When and how will the Scottish Government report to Parliament on the effectiveness of the dairy action plan?

Aileen McLeod: The dairy action plan was launched by Mr Lochhead in March. It aims to improve the resilience of the sector and to provide the right platform to ensure that the entire industry can thrive in the context of volatile market prices.

The action plan themes include market development and the promotion of best practice in dairy farming and cover short-term and long-term actions. A comprehensive update on all the recommendations that are contained in the plan was provided by Richard Lochhead to the Rural Affairs, Climate Change and Environment Committee on 28 October and was published on the committee's website.

Food Exports (Disruption at Calais)

5. Christian Allard (North East Scotland) (SNP): To ask the Scottish Government what contact it has had with the United Kingdom Government regarding the impact of the disruption at Calais on Scottish food exports. (S4O-04765)

The Minister for Environment, Climate Change and Land Reform (Aileen McLeod): Scottish ministers have written to the United Kingdom Government four times about the issue, and the Cabinet Secretary for Rural Affairs, Food and Environment, Mr Lochhead, has spoken directly to the UK Secretary of State for Transport. In addition, Scottish Government officials have been in regular dialogue with their counterparts in the UK Government, relaying our concerns about the impact of migrant ingress into the channel tunnel on the Scottish fish processing sector.

Christian Allard: The last update that I received from the haulage industry said that Scottish food exporters who go through the channel are facing increasing insurance costs because of delays and spoiled goods. A few weeks ago, drivers who were at the channel received food parcels. North-east hauliers are telling me that the fence that has been erected at

Calais is just a gimmick. All of that shows a clear escalation of the crisis at Calais. Will the minister gather that evidence and highlight to the UK Government the implications of the crisis in Calais and beyond for the Scottish food industry?

Aileen McLeod: I sympathise with the drivers who are facing increased costs and insurance premiums. However, insurance cover is a commercial matter for the industry and our primary focus remains on continuing to urge the UK to play its part in a co-ordinated and comprehensive EU plan of action to deal with the humanitarian crisis.

The UK Government has commissioned work to quantify the direct and indirect costs of the cross-channel disruption and to provide an initial identification of the implications for supply chains. The Scottish Government has also asked Scotland Food & Drink to work with industry partners to explore the potential for alternative transport routes from Scotland. That could reduce costs and create a range of mid and long-term options for businesses that look to export their products.

United Kingdom Government Energy Policies (Impact on Climate Targets)

6. Colin Beattie (Midlothian North and Musselburgh) (SNP): To ask the Scottish Government what the impact on its climate targets is of the UK Government's energy policies. (S4O-04766)

The Minister for Environment, Climate Change and Land Reform (Aileen McLeod): The Scottish Government remains committed to addressing climate change and, as we look towards the negotiations in Paris starting later this month, we are committed to working with the UK, the European Union, the United Nations and France to secure an ambitious, robust and durable climate treaty.

However, the UK Government's changes to energy policy since June will make the achievement of Scotland's climate targets more difficult. Since June, there has been a raft of announcements, many of which have created uncertainty across the energy sector and which the Scottish Government has resisted strongly.

Those changes are, to say the least, not helpful as we look towards 2020. That view is echoed by others, not least Lord Deben, the chair of the Committee on Climate Change, who has written to Amber Rudd stating:

"The uncertainty created by changes to existing policies and a lack of replacement policies up to and after 2020 could well lead to stop-start investment, higher costs and a risk that targets to reduce emissions will be missed".

Colin Beattie: Will the minister outline what discussions ministers have had with their UK counterparts ahead of the Paris conference of the

parties to negotiate a new international treaty aimed at limiting global warming?

Aileen McLeod: Ahead of my attendance at the UN conference of the parties, I met the Secretary of State for Energy and Climate Change, Amber Rudd, at the environment councils in June and September to discuss our shared ambitions. The Scottish Government and other devolved Administrations have been consulted on the UK negotiating position. The First Minister and the Prime Minister have also corresponded on our shared objective of an ambitious climate agreement and are committed to continue to work together on that vital issue.

Tail Docking Ban (Working Dogs Exemption)

7. Graeme Dey (Angus South) (SNP): To ask the Scottish Government what progress it is making in considering a tail docking exemption for working dogs. (S4O-04767)

The Minister for Environment, Climate Change and Land Reform (Aileen McLeod): The Cabinet Secretary for Rural Affairs, Food and Environment wrote to the Rural Affairs, Climate Change and Environment Committee on 26 October to explain the Scottish Government position on tail docking. A case has been made to us for possibly introducing a very tightly defined exemption regime to allow vets in Scotland to exercise their professional judgment and dock spaniel and hunt, point, retrieve pups only, if they believe that the dogs are likely to be used for working in future and that the pain of docking is outweighed by the possible avoidance of more serious injuries later in life.

The committee replied to say that it would support a full public consultation on that specific proposal and, therefore, the Cabinet Secretary for Rural Affairs, Food and Environment will reply to the committee in the near future about plans for such a consultation.

Graeme Dey: I welcome the Scottish Government's commitment to consult on what would rightly be a tightly defined exemption regime for working dogs only. I seek from the minister an understanding of when such a consultation might be launched and how long it would run for.

Aileen McLeod: We thanked the Rural Affairs, Climate Change and Environment Committee for its letter of 4 November supporting a possible consultation on a tightly defined exemption to the tail docking ban in Scotland. We will reply to the committee by 11 December as requested. That reply will help us to determine whether to proceed with a consultation on the issue.

The Deputy Presiding Officer (Elaine Smith): I call question 8, but I need short questions and answers.

Veterinary Surveillance Centres

8. Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP): To ask the Scottish Government what recent discussions it has had with Scotland's Rural College on the deployment of veterinary surveillance centres. (S4O-04768)

The Minister for Environment, Climate Change and Land Reform (Aileen McLeod): Earlier this year, SRUC consulted on the future of its disease surveillance laboratory network. In response to a large number of concerns expressed through the consultation on specific aspects of the proposals, it is now considering alternative proposals and intends to bring them forward for discussion this Friday at the strategic management board for veterinary surveillance. The Scottish Government has been in close contact with SRUC throughout the process and will continue to be so to ensure that the provision of veterinary surveillance services continues to meet the standards that the strategic management board has specified.

Adam Ingram: The minister will be aware that Auchincruive in my constituency hosts one of the busiest disease surveillance centres in a livestock-intensive area. Can she give me any assurances that that centre will be retained in the national network?

Aileen McLeod: As I understand it, SRUC has indicated to the Scottish Government that it no longer proposes to move the Ayr disease surveillance centre to Glasgow.

Rob Gibson (Caithness, Sutherland and Ross) (SNP): The Inverness surveillance centre has been under threat. Will the cabinet secretary listen to SRUC's evidence and take some time before he makes up his mind on what to do?

Aileen McLeod: I am sure that the cabinet secretary will do that. SRUC has indicated to the Scottish Government that it now proposes to open a post mortem facility in the Inverness area to replace the Drummond Hill site.

Justice and the Law Officers

Police Scotland (Monitoring of Political Activists, Trade Unionists and Environmental Campaigners)

1. Hugh Henry (Renfrewshire South) (Lab): To ask the Scottish Government what steps it has taken to determine whether Police Scotland or its predecessor forces have monitored the activities of political activists, trade unionists and environmental campaigners. (S4O-04771)

The Cabinet Secretary for Justice (Michael Matheson): In response to Hugh Henry's question on 6 October, I made it clear that authorisation of

police surveillance is a matter for Police Scotland. Scottish ministers have no role in that authorisation process. Surveillance activity is overseen by the independent and judicially led Office of Surveillance Commissioners. The OSC carries out regular inspections of the relevant public authorities and makes annual reports that are laid in this Parliament and at Westminster.

Any person who is aggrieved about any conduct that is authorised under the Regulation of Investigatory Powers (Scotland) Act 2000 is entitled to make a complaint to the Investigatory Powers Tribunal. Information about the tribunal, including details of how to make a complaint, is included on its website.

Hugh Henry: That is typical double standards. When there were allegations that the communications of MSPs were under surveillance, Scottish National Party ministers had plenty to say. Indeed, the First Minister called on the Prime Minister to act on Government Communications Headquarters snooping of MSPs; she called on him to declare whether MSP communications were being intercepted.

Surely political activists, trade unionists and environmental campaigners deserve the same level of care and concern from the Scottish Government. The Scottish Government cannot be bothered to ask. I ask the cabinet secretary to reverse that shocking complacency and at least to ask the question.

Michael Matheson: I am afraid that Hugh Henry is confusing a number of different issues, in terms of surveillance and interception of communications. The issue that he is referring to in relation to elected members is interception of communications. As he is a former justice minister, I would have thought that he would have been aware of how that differs significantly from surveillance, which is dealt with under different legislation. That legislation and the safeguards alongside it were brought in by his own Administration when he was a minister.

As I have set out, a regulatory regime is in place for the authorisation mechanism and for complaints that individuals have in relation to surveillance matters. That is also the case for anything to do with interception of communications. If Hugh Henry is aware of individuals who have grievances, I am surprised that he has not directed them to the regulatory framework that his Government put in place to deal with concerns about such matters.

Patrick Harvie (Glasgow) (Green): An individual can hardly make a complaint about activity if they do not know that it is happening. Surely we can all acknowledge some information that is in the public domain: Strathclyde Police

officers were caught on tape admitting to infiltration of climate change campaign groups and attempts to disrupt their activity. Do not we all have a responsibility to give a clear steer to set expectations about the appropriate use of police powers, when there is surveillance or other attempts to undermine and disrupt legitimate peaceful campaigning?

Michael Matheson: As I mentioned, there is already in place a regulatory framework that sets out the thresholds regarding both the necessity and proportionality of any type of surveillance that the police choose to undertake. For example, direct surveillance must be authorised by a superintendent or officer of higher rank. Intrusive surveillance must go to an officer in Police Scotland of the rank of assistant chief constable or above, and the authorisation must be signed off by a police surveillance commissioner, independent of the police, before the surveillance can take place.

Issues with how surveillance is conducted can be reviewed by the judicially led Office of Surveillance Commissioners, which ensures that the process has been appropriately adhered to by law enforcement organisations. If the OSC finds that any actions have been inappropriate, it can investigate the matter further, and the case can go to the Investigatory Powers Tribunal, which can consider the issue in much more detail.

As I said, there is at present a regulatory framework in place to deal with all that. However, as Patrick Harvie will be aware, the UK Government intends to change that framework by revising the Regulation of Investigatory Powers Act 2000, which will have an impact on the Regulation of Investigatory Powers (Scotland) Act 2000, given that the OSC covers Scotland, too.

The Deputy Presiding Officer: There will be a very brief supplementary question from Neil Findlay.

Neil Findlay (Lothian) (Lab): The Home Secretary, Theresa May, has established the Pitchford inquiry into undercover policing in England and Wales. What correspondence has there been between the UK Government and the Scottish Government to give Scottish people an input into Pitchford? Alternatively, will there be a similar inquiry in Scotland?

Michael Matheson: To my knowledge, there is no reason why people in Scotland could not make representations to the Pitchford investigation. If Neil Findlay wishes to raise specific allegations with me, he should feel free to do so. I will ensure that any allegations are passed on to the appropriate body for its consideration. I should say that the member has not to date, despite having said a lot about the matter, contacted me with any

specific allegations that he wishes to have investigated.

Neil Findlay: The letter is in the post.

Prison-Court Videolinks

2. Cara Hilton (Dunfermline) (Lab): To ask the Scottish Government what plans it has to encourage and expand the use of closed-circuit television videolinks for prisoner appearances at court. (S4O-04772)

The Minister for Community Safety and Legal Affairs (Paul Wheelhouse): The modernisation of our justice system remains one of the Government's main priorities. The "Digital Strategy for Justice in Scotland", which was launched last year, seeks to promote and encourage the use of live videolinks between organisations in the justice system.

Scottish Government officials continue to work closely with justice organisations in developing the use of videolinks between prisons and courts. Justice organisations are also working with the legal profession to encourage greater use of the equipment that has been installed in prisons and courts, for the benefit of vulnerable witnesses and victims of crime and, where appropriate, for prisoners.

In addition to enabling appearances from prison, the Criminal Justice (Scotland) Bill seeks to change the law to allow more hearings to be conducted via videolink. At present only a limited number of hearings are allowed to be conducted via videolink. The legislative provisions that the Government has introduced will allow more hearings in the future to be conducted by videolink, where it is appropriate and in the interests of justice to do so.

Cara Hilton: Given that increased use of CCTV videolinks for prisoner appearances could save millions of pounds every year, does the minister share my disappointment that the figures for the past few years do not show any significant uplift in use of that technology? For example, figures that have been released under freedom of information requests show that, in 2012, CCTV links were used 259 times, last year they were used 260 times, and this year they have been used just 228 times so far. What more will the minister do to speed up the process?

Paul Wheelhouse: First of all, the figures to date cover only the first seven months of this financial year, so we are, I hope, seeing an improvement in uptake rates. However, I take Cara Hilton's point seriously. We want greater use of videolinks where possible, in order to help engagement between solicitors and people who are in prison or awaiting trial, and to help victims—especially vulnerable victims—and witnesses.

A pilot project on solicitor-prisoner videolinks is currently running on a limited basis with a number of criminal defence lawyers. About 177 agents have volunteered, but only 40 agents are currently using the videolinks. However, the project is now moving to national roll-out and we anticipate a substantial increase in use of videolink technology. That will, I hope, lead to the efficiency improvements that Cara Hilton seeks to achieve.

Retail Thefts (Link to Hunger)

3. Clare Adamson (Central Scotland) (SNP): To ask the Scottish Government what the Cabinet Secretary for Justice's response is to reported concerns that some retail thefts are directly attributed to hunger. (S4O-04773)

The Cabinet Secretary for Justice (Michael Matheson): National crime statistics report only on instances of shoplifting. We are unable to validate centrally whether retail thefts are directly attributed to hunger.

However, it is clear that major welfare changes and benefit cuts that have been imposed by the United Kingdom Government are driving more people to food banks. In 2014-15 the Trussell Trust food banks provided emergency food parcels to more than 117,000 beneficiaries in Scotland.

We are doing everything that we can with the resources and powers that we have available to tackle inequalities and food poverty. That includes our £1 million emergency food action plan, which helps 26 emergency food projects to provide food aid, and which also funds FareShare to redistribute food from retailers to community organisations. Our total investment in broader welfare mitigation measures since April 2013 has been £296 million.

Clare Adamson: There is growing anecdotal evidence and newspaper reporting on the issue. In 2014, Durham's police and crime commissioner, Ron Hogg, said that crimes are being committed by people nationwide "simply to live". Is there any possibility of co-operation between the police and charities to identify people who are stealing as a result of welfare reform and hunger, and can any help be offered to them?

Michael Matheson: I have no doubt that Police Scotland would be more than happy to work with charities to try to identify individuals who might be at risk of stealing because of the situation that they find themselves in as a result of welfare reforms and hunger. No one should ever find themselves in that situation. As I said, there is no statistical information on the prevalence of the issue. I am of the view that this is an area in which prevention is much better than people finding their way into our criminal justice system. If Clare Adamson has a

suggestion with regard to Police Scotland engaging with specific charities to try to address some of the issues, I would be more than happy to ensure that Police Scotland looks into that.

Scottish Police Federation (Meetings)

4. Linda Fabiani (East Kilbride) (SNP): To ask the Scottish Government when it last met the Scottish Police Federation and what was discussed. (S4O-04774)

The Cabinet Secretary for Justice (Michael Matheson): I meet representatives of the Scottish Police Federation on a regular basis and, last week, I was delighted to attend the first Scottish Police Federation bravery awards, at which officers who have gone above and beyond the call of duty were recognised for their bravery. Every day, our officers are presented with difficult, dangerous and challenging situations. It is important that we pay tribute to every member of our police service who day in, day out shows continued professionalism and dedication in keeping people safe.

Linda Fabiani: The cabinet secretary is aware that, over the past few years, I have been dealing with a constituency case that relates to a serving police officer who was accused by his employer of breach of the Data Protection Act 1998 and fraud. Earlier this year, he was formally acquitted, with the sheriff stating that he was not sure

"why it was ever felt necessary to bring criminal charges in this case".

The Deputy Presiding Officer: Could I hurry you along to a question, please?

Linda Fabiani: Yes.

At the cabinet secretary's next meeting with the SPF, will he raise the matter of other serving police officers who have fallen foul of data protection legislation? The SPF has expressed the view that

"The whole approach is just wrong."—[*Official Report, Justice Sub-Committee on Policing*, 5 February 2015; c 19.]

Will the cabinet secretary also ask the SPF whether the matter is being addressed by the Scottish Police Authority?

Michael Matheson: I would of course be more than happy to raise the matter with the Scottish Police Federation the next time I meet it.

When the member raised the issue back in March, I set out that I would ensure that further work was taken forward in the area. I can inform the member that progress has been made on the information with which officers are provided. In July, Police Scotland, in conjunction and consultation with the Crown, introduced a new redesigned training package for all officers and

staff. The training, which must be completed by all officers and staff, will reinforce the obligations that the service has under the Data Protection Act 1998. It also sets out the situations in which staff and officers can access data and highlights the risks that are associated with data access. That enhanced package has been introduced to raise awareness among staff and officers and to prevent data access that is not in line with the law.

I am aware that Police Scotland's counter-corruption unit is running a series of divisional workshops looking at the main areas of risk in the service. Those workshops will reinforce the new DPA training, with the aim of preventing breaches of the act in the first place.

Sheriff Courts (Unnecessary Repetition of Case Stages)

5. Jayne Baxter (Mid Scotland and Fife) (Lab): To ask the Scottish Government what action it will take to reduce the reported £10 million that is lost in the sheriff court system by cases repeating stages unnecessarily. (S4O-04775)

The Minister for Community Safety and Legal Affairs (Paul Wheelhouse): The Scottish Government welcomes the Auditor General for Scotland's report "Efficiency of prosecuting criminal cases through the sheriff courts". The report acknowledges that, despite overall reductions in crime, increases in the prosecution of more cases involving domestic abuse and sexual offences have caused additional pressures on courts and the wider justice system. By their very nature, those cases are complex ones that sometimes require more than one hearing.

In response, through the cross-agency justice board we committed £1.47 million in additional funding in 2014-15 to the Crown and courts for extra fiscals, judiciary and administrative staff to address delays and speed up access to justice for victims and witnesses. During the current financial year, we have provided a further £2.4 million to ensure the efficient progress of cases involving domestic abuse and sexual offences. That funding will continue in 2016-17 and 2017-18.

The Scottish Government is committed to ensuring that criminal cases are managed as efficiently as possible, and we will continue to work with justice organisations to speed up access to justice within sheriff courts. We are also committed to implementing measures in the Courts Reform (Scotland) Act 2014, including the new criminal Sheriff Appeal Court, which opened on 22 September 2015 and is part of the package of reforms to ensure a more efficient and effective court system.

Jayne Baxter: Given that the number of summary cases completed within a timeframe of

26 weeks is the only performance indicator of sheriff court efficiency, will the minister commit to introducing more detailed performance indicators in order to allow the public a more comprehensive picture of how well our sheriff courts are working?

Paul Wheelhouse: I certainly agree that performance indicators are important. Not wishing to be complacent—we know that there is a lot of room for improvement—I note that the Scottish Courts and Tribunals Service has confirmed that currently summary criminal trials are being set within the 16-week target in over 95 per cent of our sheriff courts. I know that the member's point was about the completion of cases as well; we will keep that under review, but operational matters are a matter for the chief executive of the SCTS. I will raise the matter with Eric McQueen myself, but the member may also wish to write to him to raise those points.

The Deputy Presiding Officer: Very briefly, Rod Campbell, as long as the answer is also brief.

Roderick Campbell (North East Fife) (SNP): Aberdeen, Dundee and Hamilton managed to reduce the cost of churn last year. How can other sheriff courts follow suit?

Paul Wheelhouse: Improved performance is secured through collaboration with justice partners; local criminal justice boards are key to ensuring that that is achieved. The remit of local justice boards has been revised recently and all boards now support the sheriff principal in ensuring that optimum performance is achieved across all courts by challenging inefficiency and ensuring that best practice is shared. I hope that that answers the member's point.

Domestic Abuse (Protection of Children)

6. Rhoda Grant (Highlands and Islands) (Lab): To ask the Scottish Government what support is available through the justice system for the protection of children in families experiencing domestic abuse. (S4O-04776)

The Cabinet Secretary for Justice (Michael Matheson): The Scottish Government is committed to taking action to tackle the unacceptable levels of domestic abuse in our society. That includes enhancing support for all victims of abuse including children.

There is a range of specific measures available that can protect children. For example, there are both criminal and civil non-harassment orders and civil domestic abuse interdicts with a power of arrest that can be imposed by courts to protect those affected by domestic abuse, including where children are involved. Breaches of such orders by domestic abusers can lead to penalties of up to five years' imprisonment. When children are required to give evidence in court, a range of

measures is available to help to reduce the trauma of the experience.

The Scottish Government has supported a number of initiatives that tackle domestic abuse, such as Police Scotland's decision to roll out across Scotland a national disclosure scheme for domestic abuse, which was announced in the past few weeks.

Rhoda Grant: The cabinet secretary will be aware of the effect that domestic abuse has on children's security, resilience and self-esteem. He will also be aware that abusers often use access to children to continue to perpetrate abuse after a relationship has ended. Does he agree that access should not be granted under such circumstances? What steps will he take to protect families in such circumstances?

Michael Matheson: I am very aware of the issue that the member raised and of some of the challenges in that regard. I am also aware that some third sector organisations have expressed concern about information sharing with sheriff courts when they are considering custody.

As I am sure the member appreciates, such matters have to be put before the court, and it is important that the welfare of the child is at the centre of decision making, to ensure that children are appropriately protected. That is currently the case and will continue to be the case.

It is also important to ensure that people who have been subject to domestic abuse and who are involved in our court system, whether they are involved in civil or criminal matters, are given the right support, assistance and advice at that point. That is why we have provided further funding to the ASSIST—advocacy, safety, support, information, services together—project's programme of work. ASSIST provides assistance, information and advice to individuals in those circumstances who have experienced domestic abuse, and we want it to continue its important work.

The Deputy Presiding Officer: My apologies to those members who indicated, in advance and during question time, that they wanted to ask supplementary questions. I am afraid that the questions and answers today were not succinct and I was unable to call a number of members. We now have to move on.

Succession (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Elaine Smith):

The next item of business is a debate on motion S4M-14768, in the name of Paul Wheelhouse, on the Succession (Scotland) Bill.

14:40

The Minister for Community Safety and Legal Affairs (Paul Wheelhouse):

I am pleased to open the debate on the Succession (Scotland) Bill. I thank those who submitted evidence, and I thank the convener, members and clerks of the Delegated Powers and Law Reform Committee for the committee's detailed scrutiny of the bill at stage 1. I am also grateful to the Scottish Law Commission, whose "Report on Succession", which was published in 2009, formed the basis of the bill.

This is the second bill to be considered under the SLC bill procedure, and I for one am very encouraged by the measured and robust process that is in place to scrutinise such bills. The SLC bill process is doing the important job of getting good law reform into statute, and it is clearly a process that we can have confidence in for the future. I very much welcome the committee's support for the general principles of the bill and its detailed and helpful report.

The bill aims to make the relevant parts of the law clearer, fairer and more consistent. On paper, the provisions might at first glance seem dry and technical, but it was clear from the evidence that the bill contains many improvements to the law on succession that are long overdue and which will be welcomed by the legal profession and, I hope, the wider public.

The provisions in the bill will at some point affect us all, either when we are bereaved relatives or when we make provision for our loved ones in the event of our passing. The provisions are wide ranging and to some extent eclectic. Many of them update the presumptions and fallback positions that kick in when someone has not made express provision in their will for a defined set of circumstances. They can therefore be very important.

For example, the bill will reverse existing law so that, when a couple have had their marriage or civil partnership ended through divorce, dissolution or annulment, an ex-spouse or ex-civil partner will not inherit unless the will or special destination expressly provides that they are to inherit even if the marriage or civil partnership comes to an end. At the moment, if someone makes a new will and then changes their mind and cancels that new will,

any earlier will revives and dictates how their estate will be distributed, which might not be what the person intends. The bill will therefore change the current law so that an earlier will is not revived by the revocation of a later will.

It is a fundamental tenet of the law that a beneficiary under a will must have survived the deceased in order to inherit. In most circumstances, the facts as to who survived whom will be clear. However, because there are circumstances in which that is not clear, the bill will change the current law to produce more consistent results and smooth out the impact when small differences in timings of deaths could lead to big and unexpected differences in the effects of death on an estate.

The bill will also enable a court to rectify a will to give effect to a testator's instructions when they did not draft the will, and it will update the law as it relates to forfeiture, claiming the expense of mournings and gifts that are made in contemplation of death.

What I have just referred to are not everyday occurrences; in some cases, they will happen rarely. Nonetheless, the law needs to be fit for purpose in those circumstances and must produce fair and clear outcomes. All those examples make the law certain—which the legal profession will like—and lead to fairer outcomes that are likely to be more in line with what members of the public would expect in the circumstances.

With a bill such as this, it was difficult not to be drawn into the detail at stage 1. There is a clear consensus about the principles, and the focus of many of the evidence sessions was on whether the bill would achieve the policy or whether there might be a clearer way of achieving that policy. We will return to that at stage 2. We have reflected carefully on the witnesses' evidence and the views of the committee, as set out in its stage 1 report, and I am pleased to confirm that we will amend the bill at stage 2 to address the vast majority of the issues that the committee has raised.

In particular, we will remove from the application of section 1—which deals with the impact on a will of divorce, dissolution or annulment—provisions that relate to the appointment of a former spouse or civil partner as a guardian. We will amend section 6 to deal with the concern that the reference to a will naming a beneficiary might mean that beneficiaries are not covered if they are identified as a class. We will also introduce changes to make it clear that the provisions relate only to direct descendants or a group that consists solely of direct descendants.

More generally, we are considering the bill's terminology to ensure that it gives effect to the policy. Sections 9 and 10 have generated much

discussion, and we intend to address the concerns that have been raised about how the sections operate and interact with one another.

We have been reflecting on the point that was made about estates not falling to the Crown and on the adoption of the suggestion that, when estates would otherwise fall to the Crown as a result of the application of the survivorship provision, the younger person should be deemed to have survived the elder. As practitioners noted, the application of the survivorship provision is extremely rare. Our view is that the change to the survivorship rules will not increase the number of intestate estates, as the testator's legacy will be distributed according to the deceased's will as if the beneficiary had died. We will consider carefully how the TrustBar suggestion might operate from a practical perspective before committing to any amendment.

There will be further minor amendments where we have reflected on the views of witnesses who suggested that, in some places, reference be made to the plural as well as to the singular.

We fully acknowledge the committee's recommendations on the need for guidance that is of a high standard, clear and not overly legalistic. We will revisit our guidance to reflect changes that are made not only by the bill but by any subsequent bill. We will also review the information on our websites.

I was taken by the committee's view that, although the Scottish Government publication on what to do after a death is well received, guidance on what to do before a death would be invaluable. We will certainly reflect on that, and I thank the committee for that suggestion.

The Scottish Parliament may be aware that the Scottish Government is taking forward the recommendations that are contained in the Scottish Law Commission's "Report on Succession" in two distinct strands and that a consultation on the remaining recommendations closed in September. We adopted that approach so that progress could be made on these worthy changes and so that they would not be held up by the more extensive consultation that is needed on a fundamental overhaul of the law of succession. It is encouraging that witnesses acknowledged the sense in that approach and recognised the benefits of enabling a high level of scrutiny of the provisions, which might have become lost in any wider changes to the law on succession.

The provisions are intended to stand the test of time. They will operate with the law as it stands and should continue to be relevant if the law is changed in the near future. We gave the committee a clear undertaking that we will consider at the relevant time the need to

consolidate the bill with any subsequent bill to ensure that the law is easily accessible.

The Delegated Powers and Law Reform Committee recommended that the Parliament should agree to the general principles of the bill.

I move,

That the Parliament agrees to the general principles of the Succession (Scotland) Bill.

14:47

Nigel Don (Angus North and Mearns) (SNP): I welcome the opportunity to speak on behalf of the Delegated Powers and Law Reform Committee on the Succession (Scotland) Bill. This is a Scottish Law Commission bill. It is only the second such bill to be considered by the committee following changes to standing orders in 2013 that provided that certain Scottish Law Commission bills may be referred to the DPLR Committee as the lead committee.

Before I talk about the bill's specifics, I will briefly reflect on the commission's role and the value of updating the law. The Scottish Law Commission plays a vital role in recommending reforms that are aimed at updating and improving Scots law. However, until recently, the take-up of commission-inspired bills has been very low. The process allows such bills to be given the consideration that they deserve and allows important reforms to be implemented. We must do what we can to ensure that Scots law is up to date and accessible. The Standards, Procedures and Public Appointments Committee is reviewing the Scottish Law Commission bill process, and I hope that the outcome will build on the progress that we, as a Parliament, have made in improving the implementation of commission reports.

I turn to the bill. First, I thank all those who provided written and oral evidence to the committee. In addition to receiving the written submissions, the committee heard from legal and academic representatives over four oral evidence sessions. The bill covers very complex matters and the committee greatly appreciated the detailed evidence that it received.

The bill covers a disparate selection of measures that relate to succession law. It originates from a 2009 report of the Scottish Law Commission, which built on the recommendations of a commission report of 1990. The fact that those original recommendations had not been implemented rather makes the point.

It is clear that there has long been recognition of the need for reform in this area. Evidence to the committee reflected the need for reform; it also reflected the fact that the bill will contribute to the process of reform. The committee recognises the

need for reform and the contribution that the bill will make to that process.

However, as the minister mentioned, the bill is only part of the reform of the law of succession. The Scottish Law Commission's 2009 report also contained proposals that would make more wide-ranging reforms to the law of succession. The Scottish Government has been consulting on those proposals with a view to legislating further. The committee recognises that the wider consultation covers matters that require further consideration and that those matters might not be appropriate for an SLC bill. The committee therefore appreciates the necessity of a second bill on succession.

Nonetheless, having two bills on succession in such short order may present challenges and in particular may be confusing for the users of the legislation. With that in mind, the committee discussed with witnesses whether there would be value in consolidating the legislation after the second bill, and that approach was supported. The committee welcomes the Government's commitment to considering consolidation in the context of a future succession bill. Consolidating the two bills would improve the accessibility of the law for the public, which the Parliament should always strive to do.

As I mentioned, succession is a complex area of law that impacts on the public widely. The committee welcomed the Scottish Government's recognition of that and its commitment to review and update its guidance on what to do after a death. The committee remains of the view that it would be helpful to have guidance on what people need to do before death, as the minister noted, and it encourages the Scottish Government to reflect on the benefits of such guidance. We should all be aware of the desirability of leaving a properly functioning will.

As I said, the bill covers a disparate and varied set of measures in relation to succession, and members will be pleased to hear that I have no intention of covering most of them. I do, however, want to cover a few.

Section 1 provides that, if a marriage ends in divorce or a civil partnership terminates by dissolution, any provision in a will that benefits the testator's former spouse or civil partner will not take effect. Section 1 applies to provisions in wills that appoint the testator's former spouse or civil partner as a guardian of a child. That means that, under section 1 as it stands, a former spouse or civil partner could not become a guardian of a child.

Witnesses argued that it might be desirable in some cases for a former spouse or civil partner to become a guardian, irrespective of the absence of

express provision to that effect, and that it would be unfortunate if their only option was to seek parental rights through lengthy and costly legal proceedings. The committee found those arguments persuasive, so it is pleased that the Scottish Government has agreed to lodge an amendment at stage 2 to remove the appointment of guardians from the effect of section 1.

Another area that I will highlight relates to survivorship. Sections 9 to 11 deal with the law relating to survivorship in the event of a common calamity, such as a car accident, in which two or more people's deaths were simultaneous or it is not clear which person lived longer. A number of issues arose in relation to those sections. In particular, witnesses expressed concern about the situation in which a family perish together and, because the order of death is uncertain, the estate falls to the Crown rather than to other relatives.

Although the committee recognises that such a situation will arise rarely, it would not want the estate to fall to the Crown in such circumstances. It seems highly improbable that that would ever have been the testator's wish. I am pleased that the Scottish Government is reflecting on the matter, and I hope that a solution will be found that avoids the possibility of the estate falling to the Crown, as far as that is practicably possible.

The committee expressed concern about the inconsistency of expression in the ancillary powers in the bill as compared with other bills. That is not a new concern. The committee welcomes the Scottish Government's commitment to reflect further on how ancillary powers are expressed. We acknowledge that there might be reasons for framing the ancillary powers in a specific bill in a particular way, but we feel that there frequently seem to be differences in how such powers are framed that do not make much sense in the context.

The Deputy Presiding Officer: Could you draw to a close, please?

Nigel Don: Although the reforms in the bill are technical and comparatively uncontroversial, they represent very important and necessary changes to succession law. More generally, the bill contributes to the objective of improving and updating Scots law.

The committee recommends that the general principles of the Succession (Scotland) Bill be agreed to.

14:54

Elaine Murray (Dumfriesshire) (Lab): As has been said, this bill was not considered by the Justice Committee, and I was completely unaware of its provisions until last week. I have not read

through the almost 200-page Scottish Law Commission report of 2009, but I suspect that the Scottish Government's approach of taking out and dealing with the less contentious matters in a small technical bill and consulting further on the more contentious issues is probably sensible.

The bill is principally concerned with changing the law on wills and inheritance. Nigel Don has already talked about the provisions with regard to the revocation of an existing will on divorce or dissolution of a civil partnership, and he has pointed out that it was suggested in evidence that issue of guardianship not be included in that part of the bill.

The date on which the proposal should apply was also discussed. At the moment, the bill applies if the testator was permanently resident in Scotland at the time of their death, but some witnesses felt that the testator should be domiciled in Scotland at the time of the divorce or dissolution, as that would be more consistent with private international law. I understand that the committee considered that to be a matter for succession law and therefore felt the bill's approach to be appropriate.

The bill enables the courts to rectify a will after the testator's death to enable the correction of "simple and obvious" errors, as long as someone other than the testator had prepared the will and the testator had issued instructions to that effect. The committee had quite an interesting discussion on whether to include wills prepared by the testator themselves, such as handwritten wills or wills using an online template.

For a period of time, I lived in England, and I remember that my first will was prepared with something that I bought from WH Smith. A person would write their will with this thing and then get someone else to sign it; in fact, I got the prospective parliamentary candidate for Slough to sign mine on the day of the 1987 general election. I have to say that it did not bring him a lot of luck, and the will was no longer applicable once I moved back up to Scotland.

Again, the committee agreed with the minister that it was important for another person to be present when the will was drawn up to verify the testator's instructions and instructions. If no one else was present, trying to indicate what the testator had wanted would give rise to problems.

Applications for rectification have to be made within six months, although the courts have the discretion to extend that period. There was some discussion about whether six months is the correct period and whether the period itself should run from the date of death or from the date of confirmation when the will becomes a public record. It was felt that, if the period ran from the

date of death, the executors could, if they had any interest in the matter, have an incentive to delay confirmation of the will. The Scottish Government has agreed to reflect on some of the evidence in that respect. The committee also pointed out in its report that executors should be made aware that they should not distribute the estate until the six months has passed, just in case some error has been made.

The bill also puts into statute the common-law provision that when a beneficiary predeceases the testator the beneficiary's direct descendants should inherit. As a consequence, if a child predeceased his or her parents, the child's children would inherit when his or her parents died rather than the child's siblings—if that is at all clear.

As Nigel Don has pointed out, the bill seeks to address the situation—say, an accident—in which two people who are each other's beneficiaries die at the same time or in which it is unclear who died first. The Succession (Scotland) Act 1964 presumes that, in the case of spouses and civil partners who were each other's beneficiaries, the heirs of both would inherit if neither survived the other. However, if the people in question were not spouses or civil partners—if, for example, they cohabited—the law assumes that the younger person survived the older person and, in that case, the younger person's next lot of heirs would inherit the whole estate. The bill repeals that part of the 1964 act to ensure that when the beneficiaries' order of death is uncertain the property is to be divided equally between the estates of both.

Although that certainly seems to be fairer, it does not, as Nigel Don has suggested, address the unusual case of a tragedy in which the entire family dies and there are no surviving beneficiaries. In that case, the estate will go to the Crown rather than to other relatives. However, it has been argued that the younger person should be considered as having outlined the elder and, as a result, their beneficiaries will inherit rather than the Crown.

The bill also builds on the rule of forfeiture, whereby someone cannot inherit the estate of a person whom they have unlawfully killed, which seems to be quite correct. Under section 2, in those circumstances the offender would be treated as if they had predeceased the person who had been killed, and the deceased's entire estate would therefore pass to their next-in-line heirs. I note that the Parricide Act 1594, which disinherits people who have killed their parents or grandparents, is repealed, as those cases are covered by the forfeiture rule. I remember from when we discussed the common good that the common good legislation dates back to the 14th

century. It is clear that succession legislation dates back to the 16th century.

Section 18 of the bill consolidates and extends the protections for executors who have distributed an estate in error because they were ignorant of the facts that would have enabled it to be distributed properly. I understand that the Government has undertaken to provide guidance for executors on the requirements that are imposed on them, as the section also requires executors to make reasonable inquiries. Lay people might find that a bit difficult.

All in all, the bill is technical and quite dry in some respects, but it appears to be a good thing, and we will support it.

15:01

John Scott (Ayr) (Con): I, too, am pleased to be participating in this stage 1 debate on the Succession (Scotland) Bill.

I thank the Delegated Powers and Law Reform Committee's convener, clerks and members for their assistance with the delivery of a comprehensive report, and I thank the witnesses, whose contributions helped to inform the process from the outset.

As legal practitioners are aware, many of the recommendations that form the foundations of the bill's provisions date back to the Scottish Law Commission's report on succession in 1990, which largely remains unimplemented. A subsequent SLC report that was published in 2009 revisited a number of those recommendations and carried them forward. I thank the SLC's commissioners and legal staff for the considerable work that has gone on towards the implementation of the reforms.

The bill principally seeks to update four key areas of succession law: testamentary documents and special destinations; survivorship; forfeiture; and estate administration. It also includes a number of miscellaneous reforms. The bill is complex, and I reiterate the committee's suggestion to the minister that its provisions need to be clearly explained in guidance to the public once it has completed its parliamentary passage. I welcome the minister's comments in that regard.

As the committee agreed in its stage 1 report, it was difficult, given the somewhat disparate nature of the bill, to offer an overarching view of its legislative provisions. Although members agreed to the general principles of the bill, we raised concerns in particular about sections 6, 9 and 10. We are pleased that the Scottish Government has committed to address those at stage 2.

It is nevertheless clear that the legal profession welcomes the progress that the bill makes in the

area of succession law, albeit some 25 years after the recommendations were first put forward. The Faculty of Advocates, for example, stated that it

“has held the view, shared widely in the legal profession, that reform of the Scots law of succession is required.”

As such, there was a strong degree of consensus among stakeholders, and the DPLR Committee did not receive any evidence that questioned the need for reform. Perhaps it is a fair assessment to attribute that consensus to the predominantly technical nature of the bill.

In seeking to reform that area of Scots law, the Scottish Government has adopted a two-pronged approach that first aims to put the non-contentious provisions on the statute books. The committee’s understanding is that the Scottish Government will introduce wider-ranging proposals to succession law at a later date. Although the Faculty of Advocates described that approach as “unchartered waters”, there is nevertheless some merit in it. Sensible provisions in draft legislation have too often been overshadowed by contentious proposals, such as in the Air Weapons and Licensing (Scotland) Bill earlier this year. As such, the complex changes that are proposed in the Succession (Scotland) Bill have been subject to sufficient scrutiny and have not been superseded by other, more contentious areas of policy.

Nevertheless, the committee raised the question of there being consolidation once the second succession bill has been passed in order to avoid a cluttered legislative landscape in that area of law—I must say that I rather like that expression. As Professor Crawford, Professor Carruthers and Professor Paisley emphasised in their evidence, it would be a difficult undertaking to consolidate all aspects of succession law. However, the minister has agreed to consider the possibility of consolidating the two new pieces of legislation at a later stage, which is a welcome development.

Broadly speaking, this is a sensible piece of legislation. Although limited in scope, its provisions will have a significant impact on those people affected by this area of Scots law and its technical focus should not diminish its importance. The Scottish Conservatives will therefore support the bill at stage 1.

The Deputy Presiding Officer: We now move to the short open debate, with speeches of a maximum of four minutes.

15:05

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): This is an interesting bill, which we have been dealing with in the DPLR Committee. I will address my remarks to the rectification provisions in sections 3 and 4.

In particular, I note that the minister said, as reported in paragraph 73 of the committee’s report, that we are looking at the grounds for rectification being only when what the testator has wanted and has clearly expressed as being wanted is not reflected in the will.

The minister also said:

“We will continue to reflect on whether software could be considered as constituting a third party.”—[*Official Report, Delegated Powers and Law Reform Committee*, 29 September 2015; c 7.]

That refers to where software contributes to the misrepresentation in a resulting will of the intentions that were clearly stated by the testator. The important point is that we have to consider what is done with software, which is quite different from using electronic means to fill in the blanks in a template with one’s intentions. In that case, the intention of the testator is directly keyed, through the keyboard, into the resulting document without any intermediate computer, computer programmer or computer program operation.

Thinking about the matter further, I note that there is clearly a third party when a computer program is involved, because there is the programmer who produced the program. All computer programs are similar in that it is impossible to guarantee a computer program, however simple it may be, to be free from potential error under some circumstances. Even though the testator might have keyed only, “I wish to leave all my assets to my spouse”, for example, it is still perfectly possible for a computer program to scramble that and misspell “spouse”, for the sake of argument. The resulting document would therefore require rectification in order to give effect to the testator’s intention. I think that we have to take account of that.

The difficulty that a court is likely to have to wrestle with is whether there is something that would give clear insight into what the testator’s intentions were. If the testator just keys some data into a computer program, there will be no clear record of the testator’s intentions unless what is keyed in is preserved for examination at a later date.

One of the aspects that we might address that is outwith the legislation but related to it is seeking to provide advice to those who produce automated systems for producing wills that are drawn up by computer programs about the need to preserve directly the testator’s input so that it is possible to examine whether the operation of the computer program has taken the testator’s stated intentions as expressed through the keyboard and produced a will that is different from those intentions.

I think that that lies at the heart of what we would almost certainly need to do. The

Government could help those who draw up such programs by making that point and perhaps setting it down as the test that the courts might apply.

It has been an interesting bill to scrutinise. In particular, there is the fiction in section 12—on forfeiture—that means that, if someone murders the person from whom they are due to inherit, that “offender”, although physically still living, is legally dead. That is an exciting and engaging prospect. I look forward to the subsequent stages of the bill.

15:09

Richard Baker (North East Scotland) (Lab):

Although the bill is technical in nature, I agree with other members’ view that it is important. All of us, inside or outside the chamber, want to be assured that Scotland has a legal framework on succession that ensures that what happens to the estate of someone who dies is in line with their wishes and that those whom they want to benefit do benefit, aided and not hindered by legislation.

This area of law has been in need of reform, as John Scott pointed out. That is what we heard from those who gave evidence to the Delegated Powers and Law Reform Committee’s inquiry. Indeed, given that the Scottish Law Commission reported on the issue in 1990 and again in 2009, it could be argued that the reform is somewhat overdue.

That is why it is evidently beneficial that, in this Parliament, what was previously the Subordinate Legislation Committee has had its remit broadened to include law reform bills. That means that good proposals for legislation have been acted on rather than left to gather dust. Whatever the shape and structure of the committees in the next session of Parliament, I hope that there will be a committee that will continue taking forward Scottish Law Commission bills.

The DPLR Committee’s deliberations on the Succession (Scotland) Bill have been effective, and we can conclude that legislating on technical matters concerning succession before further legislation is introduced on substantive matters of succession policy has been the right approach and has allowed the reforms to be made timeously. However, I echo the evidence that we heard at committee that, in the fullness of time, ministers should proceed with consolidation focused on the two acts.

Although there has been a great deal of consensus on the bill, there have been areas on which witnesses urged ministers to take a different approach. Other members have discussed that with reference to survivorship, forfeiture, guardianship and the point at which section 1 should come into effect. I believe that the

committee and the minister have taken the right approach on those subjects.

The issue that I pursued at committee with those who gave evidence was rectification, and specifically the proposal from TrustBar, the Law Society of Scotland and others that the scope of the provisions on rectification should be widened so that they might include documents that are drawn up by the testator such as handwritten wills and wills that are created online using templates, which Stewart Stevenson discussed in his speech.

The majority of witnesses identified as the crucial concern in the matter whether a third party was present in some shape or form when the document was drawn up. I understand the minister’s contention that the presence of someone else to verify that the person’s intent was different from what was ultimately expressed in the will is the key issue. The committee agreed that the scope of the provisions should not be extended, but the debate on the issue and the points that Mr Stevenson made highlight that more and more people will go online to create important documents such as wills and the law must stay abreast of that social context.

It is not unreasonable to say that, given that the priority is to enable people’s wishes to be abided by, things such as online will templates should also be given weight when we determine what those wishes actually were. I do not pretend that there is an easy answer to the issue, but ministers should keep a watching brief on how documents pertaining to legal issues that are drafted online by individuals should be regarded by the law, and not only on the issue of succession. Today, in its briefing, the Law Society of Scotland asks ministers to rethink their approach to the matter in the bill.

The bill is technical, but it has thrown up important questions. It concerns an important area of law that has needed reform for some time and it raises interesting points of detail in law that will provide ministers with quite a lot to reflect on, both today and for further bills.

The Deputy Presiding Officer: Will you draw to a close, please?

Richard Baker: The bill should certainly be supported at stage 1 today.

The Deputy Presiding Officer: We turn to the closing speeches.

15:13

John Scott: I thank members for a good debate this afternoon. It is clear that there is a great deal of consensus in the Parliament and I am pleased that the Scottish Law Commission’s efforts towards reforming some technical aspects of

succession law have attracted cross-party support. We have reflected on the granular dimensions of the bill as well as on broader issues relating to the Scottish Government's legislative approach to the issues and the possibility of consolidating the bill and future legislation.

However, in closing, perhaps we should revisit the Scottish Law Commission's original aim in examining this area of Scots law. When launching the 2009 report, Professor Joseph Thomson, the lead commissioner on the succession project, said:

"The aim is to simplify the law radically by providing rules which are easily understood and which at the same time reflect the nature of family structures in contemporary Scotland."

The test of the bill is whether it achieves the radical simplification that the Scottish Law Commission intended. The Delegated Powers and Law Reform Committee is satisfied that, allowing for the suggested changes at stage 2 of the bill's parliamentary passage, the bill will achieve the stated aim of the report on which it is based.

However, it is important to remember, as the convener emphasised during evidence to the committee on the bill, that

"the fact that something is not very common does not mean that we do not need to get the law right ... Even if we are not sure that the issue will arise, we still need to make sure that the law says what we think it should say."—[*Official Report, Delegated Powers and Law Reform Committee*, 8 September 2015; c 6.]

That comment was made on the strength of a point that I raised regarding the policy rationale for the inclusion of guardianship in section 1, which says that a divorce or the dissolution of a civil partnership should revoke an existing will.

Section 1 also applies to provisions in wills that appoint the testator's former spouse or civil partner as a guardian of a child. Nigel Don referred to that in his opening speech. However, that provision was criticised by stakeholders, including the Law Society and TrustBar. The key concern is that it might be desirable in some cases for a former spouse or civil partner to become a guardian, irrespective of the absence of express provision under section 1(3).

As such, there are implications both for the amount of time that it could take to seek parental rights—up to a year and a half—and the cost, which could amount to £6,000 if the client is unable to secure legal aid. TrustBar highlighted the possible inconsistencies that the provision might create between family law and succession law.

The committee explored the issue in some detail with witnesses and I am pleased that the minister has agreed that it would not be appropriate to

apply different outcomes to guardianship provisions. That will result in an amendment being lodged by the Scottish Government at stage 2.

Notwithstanding that and other minor criticisms of the bill—and Stewart Stevenson's speech, which only served to highlight the bill's complexities—I am pleased to reiterate that the Scottish Conservatives will vote in favour of the bill at decision time.

15:16

Graeme Pearson (South Scotland) (Lab):

Labour supports the approach that has been taken at stage 1. Wills and inheritance are an important issue and I am grateful to Nigel Don and the DPLR Committee for taking on an undoubtedly daunting task in dealing with complex—and, in some areas, controversial—issues.

The fact that the committee held four oral evidence sessions is heartening and demonstrates the depth of inquiry in the committee's approach. The sensible decision to take from the discussions those elements of the proposals that could be introduced into law at this stage with a view to considering a second bill later in the process is also heartening; that was the right decision.

Hearing from Nigel Don that the committee was persuaded by evidence in deciding the way forward with regard to section 1 indicates best practice and the reason that committees exist in this Parliament, which is to follow evidence. That gives members more confidence in moving forward.

It is not surprising that Elaine Murray found parts of the bill interesting. Stewart Stevenson, as always, found the legislation interesting but came up with an obscure way of analysing it, which lightened the atmosphere in an otherwise in-depth consideration.

The Scottish Law Commission does important work on our behalf. Paul Wheelhouse was right to acknowledge its work on the 2009 report but failed to acknowledge that the 2009 SLC report reiterated an SLC report from 1990. It just goes to show how quickly the law moves in these parts.

In my time on the Justice Committee, it was a source of some embarrassment to me that we were aware of many Scottish Law Commission reports that unfortunately we had no time to address. I agree with Richard Baker that the creation of the DPLR Committee approach is a good step forward. I hope that the Scottish Law Commission can take heart that its hard work on behalf of Scots law in maintaining an up-to-date environment that is fit for the demands of modern life is well worth the effort. We should try to ensure

that we introduce that into our processes, so that new law can be created.

Stewart Stevenson: The member talks about keeping up with modern developments. Does he welcome, as I think I do, the abolition of the Parricide Act 1594, because it means that the courts judging the facts of a case can now decide whether to allow 100 per cent inheritance? That is important because, although assisted suicide is not common, it exists, so it might be appropriate for the courts to allow full inheritance in some circumstances. This is an example of our keeping up with the evolution of the law.

The Deputy Presiding Officer: I am afraid that you are approaching your last minute, Mr Pearson.

Graeme Pearson: Indeed. I accept Stewart Stevenson's point. The Parricide Act was enacted in 1594, so it has taken us a while to reconsider the circumstances, but the decision is no less valuable for that fact.

Making laws certain and allowing clarity should always be the Scottish Government's desire. Paul Wheelhouse acknowledged that in his speech. The guidance that will accompany the legislation will indeed be important. I know that officials will spend time on ensuring that the guidance enforces the intention of the legislation and produces for the Scottish public legislation that is invaluable at the time when it is most needed, which is, unfortunately, at the time of death. Paul Wheelhouse's suggestion that we should have a brochure that offers information before death should not be overlooked and I hope that he will revisit it in due course.

I am grateful to you, Presiding Officer.

15:21

Paul Wheelhouse: The spirit of this afternoon's debate has served to highlight the value that the scrutiny of the Delegated Powers and Law Reform Committee brings to the Scottish Law Commission bill procedures. In front of a reasonably full public gallery, it also shows that the Parliament can occasionally agree on matters of importance to the people of Scotland.

There is little doubt that the reform of the law of succession has been long awaited, as Nigel Don, John Scott, Richard Baker and Graeme Pearson have indicated. It has been a long time since the issue first came up, and I echo the points that were made by members about the new procedure allowing important work to come forward when it is merited. There is a clear view that change is overdue and that it is being eagerly anticipated.

There is a lot of good will out there for the legislation as it goes forward and I very much welcome the positive thoughts of members across

the chamber. The debate has highlighted a tricky area of law that has been well served by the Law Commission exposing difficult issues and anomalies and providing solutions that will lead to a fairer and more consistent law. After all, as I said in opening and as a number of other members have acknowledged, the bill has the potential to affect everybody. The one certainty in life is, of course, death. For that reason, we all have an interest in ensuring that succession law is fit for purpose and meets the challenges of today's society and expectations.

Woody Allen famously said:

"I'm not afraid of death, I just don't want to be there when it happens."

I think that we can all echo that sentiment. However, the difficulty with not being there is that what the deceased wanted to happen to their estate is often not very clear. That touches on Stewart Stevenson's point about online wills. The law therefore needs to step in and fill that void, and deal with things in a fair way. It is therefore only right that generally overlooked and neglected areas of succession law are thoroughly debated, as the impact of such law on individual people and families can be considerable.

In my opening speech, I talked about some of the key provisions of the bill. Others include clarifying the law on forfeiture, which has also been referred to. Forfeiture is a legal rule that prevents someone who is responsible for the unlawful death of another from benefiting under the deceased's will. I will take on board Stewart Stevenson's point and reflect on it. There has been some colourful evidence on this issue. Among other things, the bill will place it beyond doubt that the children of a forfeiter will not be punished for the actions of their parent under the law of succession.

The bill will also restate and improve some protections around the administration of estates. Those changes have been described as useful and practical additions to the administration rules, which will have benefits for executors and beneficiaries alike.

There is little doubt that the combined effect of the initial work of the Law Commission, the professional scrutiny of the committee and the comments offered by experts in this field of law will result in a bill that will make a difference and meet our policy aims of a more consistent, clearer and fairer law. I hope that the Scottish Parliament is reassured that we have listened hard to the committee and the experts and continue to liaise with the Law Commission on the points of detail.

We will lodge a number of amendments at stage 2, as mentioned by John Scott and others, to

address many of the points that were raised in the stage 1 report and by those giving evidence.

There are other issues on which we are continuing to reflect. As I have mentioned, the law that is being changed is technical and tricky, so we need to think through the consequences of any amendments to ensure that they deliver something that is fit for purpose. For that reason, we will continue to seek views from the profession and work closely with the Law Commission to test the amendments.

Nigel Don: On that point, I am conscious of the issue of common calamity, when we are not clear in which order people have died, and the risk that the estate will finish up by going to the Crown. I think that I speak not just for myself but for the committee in saying that there are no circumstances in which we would ever want that to happen. I wonder whether one solution might be the fallback that, under those circumstances, the court simply has the discretion to do what seems to it to be reasonable. It might be that defining the order in which we have died on the basis of age does not overcome the problem and that discretion is the best solution that the court could have.

Paul Wheelhouse: I take the member's points on board. We are trying to deliver as much certainty as we can in the law of succession.

I was going to turn in any case to the point about estates falling to the Crown. I recognise the committee's view that estates should not fall to the Crown. We are giving further consideration to the matter in advance of stage 2. The key is how a rule might be framed. TrustBar offered a draft provision, but we need to understand whether it would work better in practice.

Currently, estates that appear to fall to the Crown are first investigated by the national ultimus haeres unit and then passed to the Queen's and Lord Treasurer's Remembrancer. The QLTR administers the estate, paying any debts, and it is then added to the list of unclaimed estates. Those estates are advertised on the website as having fallen to the Crown, but we understand that blood relatives are found in most cases, if not all. There is, therefore, a practical time and resource issue. Although I am not averse to amending the bill on this issue, we need to bottom out the practicalities. It would be pointless to amend the bill if we could not give the amendment effect or if giving it effect would place a significant financial burden on the estate. There are also likely to be different views on what any rule would be for distributing the estate in those circumstances. I take the point that Nigel Don made about having a simpler process, and I will reflect on it after the debate. I hope that that makes clear the Government's position. We

are engaged in discussions and will reflect on them.

I am pleased that there has been such clear support for the proposals today from across the chamber, including from Conservative and Labour members. I welcome the support of those parties for the bill. There is no doubt that it will make a positive difference as it strives to deliver fairer outcomes at what is often a terrible time in people's lives, when the last thing that they need is confusion and uncertainty.

In my last minute and a bit, I would like to reflect on a couple of points that members made. Stewart Stevenson talked about software, and I will reflect on the points that he made. A key point is that an online pro forma would not provide the necessary evidence to support a claim for rectification—I think that Stewart Stevenson accepted that. If a testator drew up their own will on paper or online, the provision in question would not apply. We are aware of some online forms that involve the presence of a lawyer. They might be covered by the bill but, where there is no lawyer present, that is clearly a challenge.

Elaine Murray made points about reasonable time. We have been reflecting closely on the evidence that was given to the committee and the committee's view about the six-month period running from the date of confirmation as opposed to the date of death. We will come back to Parliament with further detail on that point.

On the issue of the testator requiring to be domiciled in Scotland on the date of their death, which Elaine Murray also talked about, we share the view of the Law Commission and the committee that the rule about the effect of divorce, dissolution and annulment on a will should apply in cases in which a testator dies domiciled in Scotland and not simply in cases in which the testator was domiciled in Scotland at the time of divorce, dissolution or annulment.

I see that I have run out of time. I thank members for their thoughtful contributions, and I look forward to working with them to deliver the bill at stage 2 and stage 3.

Scotland and Malawi Co-operation Agreement

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-14775, in the name of Humza Yousaf, on Scotland and Malawi: 10 years since the co-operation agreement.

15:30

The Minister for Europe and International Development (Humza Yousaf): Presiding Officer, members of the Parliament, ladies and gentlemen, muli bwanji and good afternoon. It is a pleasure to lead this debate on behalf of the Scottish Government. We are here to celebrate 10 years of the relationship that began when the co-operation agreement between the Scottish Government and the Government of Malawi was signed, but we all know without any hesitation that the relationship goes much deeper and is of much longer standing than that.

Every one of us knows the stories of arguably our greatest ever Scot, Dr David Livingstone, and his journeys throughout sub-Saharan Africa. What touches any of the members who have been to Malawi is the knowledge that people in that country have of Dr Livingstone and how much they still revere him, 156 years since he took his first steps in Malawi.

I do not know too much about David Livingstone—certainly not as much as some of the aficionados in the chamber—but I know that he is many things to many people. Many people view him as a great medic, as he undoubtedly was. Many people view him as a great explorer, as he undoubtedly was, looking for the source of the Zambezi river. Many others view him as a missionary; that was his primary role in Malawi, but perhaps the less said about that, the better, because he converted only one person, who ended up becoming what some might call a lapsed Christian.

David Livingstone was a missionary to some, a doctor to some and an explorer to others but the way that I view him, and the way that I think he will be most remembered, is as a humanitarian. He campaigned against the abhorrent slave trade of the time. He believed in commerce as a route out of the slave trade and in the ideals of civilisation, which meant that we were able to overcome whatever global challenges faced us as a common humanity.

As well as the historic, I am very proud of the contemporary contribution that Scotland has made in partnership with Malawi and of the benefit that Malawi has given to Scotland. Credit where credit

is due: it was Lord McConnell—then First Minister Jack McConnell—who signed the co-operation agreement with then President Bingu wa Mutharika of Malawi in Bute house. We reflected on that last week when, in Bute house again 10 years on, the current First Minister, Nicola Sturgeon, hosted a number of Malawian delegates and diplomats and people who had been involved in the relationship.

Over those 10 years, the international development fund has moved on. It now applies not only to Malawi but to seven countries throughout the world and has disbursed £80 million. However, Malawi is the primary relationship—the jewel in the crown. Over those 10 years, £55 million of funding has gone to projects that have had a huge impact. Hundreds of projects have been supported but, if I were asked what the primary success of the relationship between Scotland and Malawi is, I would say without doubt that it has been the people-to-people relationship that has been cemented up and down the country.

In that vein, it would be wrong for me to continue without thanking the people who have been involved in that people-to-people relationship. Parliamentarians have been at the forefront of that. Many of the parliamentarians whom I see in the chamber have been to Malawi to help to cement those relationships, but they would be the first to acknowledge that the relationships have grown organically from the grass roots of the communities.

I thank the Scotland Malawi Partnership and its mirror organisation, the Malawi Scotland Partnership, and the chairs and chief executives who have been involved in them—David Hope-Jones, who is the chief executive, and the chairman, the Rev Ken Ross, of the Scotland Malawi Partnership; and their counterparts, Andrew Namakhoma and Happy Makala—for all the work that they have done.

It is inspiring and enlightening that I can go up, down and across Scotland—from the south to the north and from the east to the west—and find somebody who is involved in a relationship with Malawi. They are from all different sectors—doctors, nurses, teachers, school pupils, politicians and many others in between.

Partnership, co-operation and collaboration are key words in the relationship between our two nations. They were important in the millennium development goals and they are important in the current sustainable development goals. Many members will know the famous anti-apartheid slogan, “What is about us without us is not for us.” That very much cements the ethos with which we take forward the relationship between Scotland and Malawi. The priorities of the Malawi

Government and the people of Malawi become the priorities of the Scottish Government, too, and, indeed, of the non-governmental organisations that carry out the good work. That is guided by the co-operation agreement. The two Governments come together regularly and go through the agreement line by line, to discuss what is best for the relationship moving forward.

I pay tribute to the NGOs and partners that have been involved in the relationship, which has been hugely successful over the 10 years. I have had a look at some of the key achievements. There are too many to mention all of them, but I will mention some of the highlights. We have provided 140,000 seriously ill children with emergency triage and referral for treatment of meningitis. We have saved thousands of lives of mothers and their babies through numerous maternal healthcare projects. We have improved access to energy for more than 80,000 Malawians through our flagship Malawi renewable energy acceleration programme. I visited the college of medicine, Malawi's only medical school. The Scottish Government has funded projects there with a combined worth of more than £2.4 million, through which medical academics and professionals have assisted in increasing the annual rate of medical graduates from 16 to more than 100. In addition, we have established Malawi's first ever clinical masters degree in psychiatry. Those are great achievements that will have a profound effect not just for the current period but for years and generations to come. We should be proud of playing a part in those achievements.

In the end, the statistics are just statistics. Those of us who have visited Malawi and those of us who have had delegations from Malawi understand that there is a human story behind every single one of those statistics. I could recall and recount plenty, but one in particular comes to mind. When I visited Malawi for the first time in 2014, it was great to hear that, as a result of a solar project that we had helped to fund at a healthcare centre in a village near Mount Mulanje, for the first time a woman in the village had given birth under a light. It was amazing that until then women had been giving birth in the dark. That woman was the first woman in her village to give birth under a light, and that was through the generosity of Scots. There are many other human stories like that that help us to realise the great impact that we have made in the relationship over the past 10 years.

While I was in Malawi, I had the great pleasure of meeting the current President, Peter Mutharika. We discussed much around the aid project and the development programme. It is important to mention that he touched on the importance of trade. From our perspective, as we take the relationship to the next stage, trade will be an

important part. Every time I go to Malawi, people ask us about trade. They say that they do not want to rely on aid or development assistance but want to rely on their own capabilities, capacity, intellects, hard work and endeavour. They want to be able to create jobs, wealth and an ecosystem that sustains them. I welcome Labour's amendment, in which the important word is "sustainable". Sustainability is what the President talked about.

We have a historic legacy as Scots. One of the very first European businesses to set up shop in Malawi was the African Lakes Corporation. The company was set up by two brothers, John and Frederick Moir, and its headquarters were in Glasgow. The company went on to be known as the Mandala corporation, because one of the brothers wore glasses and "mandala" means "glasses" in Chichewa. His brother had a walking stick. The word for walking stick is "kandodo", and a chain of Kandodo supermarkets now runs through Malawi. We have a historic legacy of trade with Malawi that has existed since the 19th century. We still have a trade relationship with Malawi in modern times.

I visited Mary's Meals, as many other members have done, and I was blown away by the project. It feeds 800,000 children in Malawi and 1 million children across the world every day. One important place that I got to see was the food-processing plant, which employs 2,000 local people in Malawi. We can perhaps do more to build on that.

There is plenty more to say, but I will develop those themes and some other themes in summing up.

Our sustainable development goals command us to build partnerships with the developing world in the next 10 years. The challenge for us is to ensure that the Scotland-Malawi relationship is sustainable and fit for the modern world. The partnership that all of us, and civic society in particular, have created and fostered in the past 10 years is a great model for other countries to look at in their development work.

We should all be very proud. I am pleased that we are celebrating that success, and I look forward to an insightful and encouraging debate. I will be pleased to hear what members are doing in their own constituencies. My thanks go to the people of Scotland, civic society, parliamentarians and everyone who has been involved in making the Scotland-Malawi relationship a success over the past 10 years.

I move,

That the Parliament notes both that the tenth anniversary of the signing of the historic cooperation agreement between the governments of Scotland and Malawi was

reached on 3 November 2015 and the continuing strength of this relationship; further notes that this agreement marked the beginning of the Scottish Government's International Development Programme, which now works in seven countries in the developing world; believes that, as a good global citizen, Scotland should continue to prioritise its international development work; recognises the contribution of the Scottish development sector and the Scotland Malawi Partnership, in particular their work with partners in Malawi, and the many Scots and Scottish organisations who, over the last 10 years, strengthened these links with Malawi and Scotland's other priority countries through their hard work and enthusiasm and have given their time and support so generously; commends the work of the Commonwealth Parliamentary Association and MSPs through their continued work with the Malawi National Assembly, and looks forward to the Scottish Parliament and Government and the people of Scotland working together with the country's domestic and overseas partners toward the delivery of the new global United Nations' Sustainable Development Goals, which will become applicable from January 2016.

15:40

Claire Baker (Mid Scotland and Fife) (Lab): I thank the minister for bringing the debate to the chamber; I am pleased that the Scottish Government has used some of its chamber time to highlight the anniversary of the co-operation agreement and give us all an opportunity to recognise its significance.

The partnership agreement and the lead-up to its signing were not, at all times, universally supported or popular in the Parliament, or even among outside organisations. There was some scepticism and even outright opposition, and I appreciate that some people had concerns that a focus on one country could divert attention from other countries.

However, despite the initial reaction from some, it is clear that, as the relationship has developed, attitudes have changed. We have seen a significant number of positive and inspiring outcomes throughout Scotland that have benefited Malawi. I thank our former First Minister, Jack McConnell, and the team that worked towards the co-operation agreement for pushing forward with a process that they believed could change a country.

The co-operation agreement was the first step towards the Scottish Government's international development fund and the positive work that it has delivered throughout the world. Although the fund has been protected, which is very welcome, it has reduced in value by approximately 8 per cent a year in real terms. We all know the pressures on the budget, but the fund is a small pot of money in Scottish budget terms and we should be looking at how we can restore its value.

At the time of the partnership agreement, Malawi was one of the poorest countries in the world. Its income per person was \$160 per year,

and despite having a population and land area more than double that of Scotland's, its economy was little more than 1 per cent of ours. To put that into some kind of perspective, Falkirk's economy at that time was twice the size of Malawi's.

The country was suffering one of the worst HIV/AIDS epidemics in the world: life expectancy had fallen from 45 to 37 years, and the number of orphans in Malawi numbered the entire population of Edinburgh. That was the situation facing Malawi at the time when the agreement was signed. I believe that we as a Parliament and as a country can be immensely proud that, in Malawi's time of need, Scotland was there to reignite the bonds of friendship and help.

The agreement was not just a link between the First Minister and the President at the time, nor was it a link between two Parliaments. It was a link between two countries and 17 million people. Since the agreement was signed, the civic links between people in the two countries have benefited two million people in Malawi directly and four million indirectly. That is a quarter of the country's population, which has grown from 12 million to 16 million in the past decade.

With more than 150 schools, 15 local authorities, all of Scotland's universities, most colleges and hundreds of NGOs, businesses, charities and ambassadors throughout the country engaging with Malawi, I am sure that every MSP who speaks today will have their own local example to highlight.

In my region of Mid Scotland and Fife, there are a large number of partnerships working to change lives in Scotland and Malawi. Fife Council was linked with team Malawi in the Glasgow Commonwealth games, and Fife College has a number of links to the country. Local schools such as Kirkcaldy high and Burntisland primary are linking pupils in Scotland with pupils in Malawi, informing and inspiring future generations in both countries. St Kenneth's parish church has links with villages in the north of Malawi and is helping to build infrastructure, fresh-water boreholes, schools and sustainable income-generating projects to help to lift people out of poverty.

There are national examples too—most famously Mary's Meals, as the minister mentioned, which is doing great work in Malawi and beyond. There is also Chance for Change, which, with support from the Scottish Government, works with young people, and Link Community Development. Jack McConnell, continuing his work in setting up the co-operation agreement, has strong links with the Livingstone volunteers scheme, which is now in its third year of helping Scots who are looking to volunteer in Malawi.

Although it is right that we highlight the great work that has been achieved through the co-operation between Scotland and Malawi in the past 10 years, we must also use today's debate and the anniversary to look forward to the next 10 years and the 10 after that. In the first decade, we rightly focused on health and education. We are heading into our elections next year and we all understand the importance of those issues to a country and its people. Improving health and education can tackle inequality and transform people's lives.

Now that programmes and partnerships are embedded between the two nations, we can look at what has worked and build on that while considering what areas can be improved and how to expand the work that we do. The original agreement has a section that is devoted to sustainable economic development and one of the big challenges facing Malawi is a fragile economy, like that of many other countries in the area. Headline inflation is running at around 24 per cent; the currency is weak and is falling against all major currencies; and export revenue is low. As we proceed into the next decade of partnership, one of the challenges has to be that of supporting trade and investment in Malawi. That can be achieved by Scotland strengthening its contribution. I welcome the minister's comments on that in his opening speech.

As the original agreement mentions, it is important to stimulate collaboration between agricultural bodies. Agriculture accounts for 85 per cent of the total workforce, 35 per cent of gross domestic product and 90 per cent of export earnings. Of the nation's agricultural production, 70 per cent comes from smallholdings. Farming is a key industry that provides exports such as tobacco, coffee, sugar and tea and feeds the country. However, because Malawi is landlocked, transportation costs are high and vulnerability to weather is a huge issue. The Government's motion talks about the United Nations sustainability goals. We know about the pressures of climate change and that the poorest countries will bear the brunt of that. As a country, Scotland knows the agriculture sector well. Although links have been established, which is to be welcomed, we can do more in that sector.

This week, a group from Malawi is in Scotland to start an international study tour on public sector reform. A directorate for public sector reforms management has been set up and a parliamentary committee is looking to build institutional frameworks to help businesses to flourish. I hope that the group has a successful trip and learns much from our knowledge and expertise in those areas.

Test drilling is taking place in Malawi to consider the possibility that there is oil. Scotland's experience of managing and growing an oil sector could be shared with Malawi. However, we must be on our guard against corruption, particularly if the sector is to grow.

The Scotland and Malawi co-operation agreement and programme are now embedded in our Parliament and wider civic society. As a result of the agreement, we now have a significant and life-changing international development programme. The co-operation agreement is a success story that the Parliament should be proud of. The past 10 years are an example to other nations and an example that we must continue. If we can assist in any way towards a sustainable economy, we will have laid the building blocks of a stable and, I hope, peaceful and prosperous country.

I move amendment S4M-14775.1, to insert at end:

“; welcomes the change achieved through the cooperation agreement, particularly regarding progress in health and education, and believes that, going forward, work should be undertaken to support a strong and sustainable economy for Malawi's future”.

The Deputy Presiding Officer: We are tight for time today. I call Jamie McGrigor, who has five minutes.

15:48

Jamie McGrigor (Highlands and Islands) (Con): I am pleased to speak in the debate in support of the motion and the amendment—there is nothing in them with which I could possibly disagree. I thank the organisations that have provided useful briefings for today, including the Scotland Malawi Partnership, which does such good work under the direction of David Hope-Jones. As other members have done, I pay tribute to the former First Minister Jack McConnell for initiating the Scotland and Malawi co-operation agreement 10 years ago.

Scotland's co-operation with Malawi has consistently enjoyed cross-party support and that continues to be the case. The Scottish Conservatives recognise the significant amount of good work that has been undertaken in Malawi in the past 10 years thanks to the support of the Scottish Government and we commend the efforts of those who have been involved in delivering assistance on the ground. In opening the debate, the minister set out some of the achievements. I have been particularly impressed with the results of the Malawi renewable energy acceleration programme, which is led by the University of Strathclyde and which has helped almost 80,000 people in rural Malawi gain access to sustainable

electricity. As the June 2015 end-of-project report states:

“In a country where less than 1% of the rural population has access to electricity, this is a transformational change.”

It is also very much to be welcomed that academic institutions in Malawi are training communities on the use of renewable energy, helping to build future capacity, and that a new master's degree in renewable energy—the first of its kind ever in Malawi—has been created, with 13 students on track to finish their studies in 2015. I think that that is a marvellous thing.

In previous debates on Malawi I have praised the outstanding work of the charity Mary's Meals, which is headquartered near my home village of Dalmally in Argyll. I make no apology for highlighting again today its work under the world-class leadership of Magnus Macfarlane-Barrow. All of us should be very proud that a Scottish charity is a global leader, providing meals to over 25 per cent of all primary schools across Malawi. Headteacher Moses Nderema of Kagolo primary school in Malawi says:

“Before Mary's Meals the children had nothing to eat all day at school. They were always tired and had no energy or enthusiasm. Now they are very participative indeed and their stomachs are full!”

Mary's Meals, where possible, buys much of what it needs to deliver its projects from local suppliers, such as building materials and cooking equipment, as well as food from local smallholder farms. That helps to boost the wider economy and supports even more families who are struggling to feed their children. Community support for Mary's Meals is crucial and a big part of its success.

The Scottish Government's contribution to supporting Malawi is welcome, but Scots should also be proud of the contribution that we are all making through the United Kingdom's international development in Malawi. This year alone the UK is spending over £83 million in Malawi supporting 75 varied and significant projects across the country, including family planning advice, agricultural support, water and sanitation provision and road infrastructure improvement.

Skilled health professionals within the national health service in Scotland are to benefit from UK Government funding to help them to teach and offer practical assistance to their counterparts in developing countries. Just last week the international development minister, Desmond Swayne, announced funding to link the Greater Glasgow and Clyde Health Board with Queen Elizabeth Hospital in Blantyre, Malawi, to allow a series of workshops to be created around preventing burn injuries. That will reach an estimated 200,000 people in southern Malawi.

To conclude, we believe that it is right that we are marking the tenth anniversary of Scotland's co-operation agreement with Malawi. We are pleased that Scotland is making a real contribution to improving the lives of some of the poorest people on the planet. We urge the Scottish Government to continue to support practical programmes that also build up capacity and expertise in Malawi and to work as closely as possible with the UK Government and the many excellent voluntary sector organisations who work there.

15:53

Bruce Crawford (Stirling) (SNP): I am delighted to have the opportunity to speak about the unique and very special relationship that exists between Scotland and Malawi. As the motion in the name of the minister, Humza Yousaf, rightly recognises, we are here to discuss the 10th anniversary of the historic co-operation agreement between our two nations.

As the minister, Claire Baker and Jamie McGrigor did, I pay tribute to former First Minister Jack McConnell, who was so instrumental and forward looking in his role in the creation of the historic agreement. I do not recall being so kind to Jack McConnell from the SNP benches when he was First Minister. Perhaps we should have been kinder to him then.

Tributes should also go to the minister. Like the best of leaders, he likes to hand out praise to others, but there is no doubt that he has helped to strengthen and deepen the relationship.

As the minister said, the relationship stretches back more than 156 years to the time of David Livingstone. However, it is only when we are reminded of the relationship in contemporary times, as we are by the briefing from the Scotland Malawi Partnership, that the sheer depth of it becomes clear.

In terms of civic links, we were reminded that the relationship benefits 300,000 Scots and 2 million Malawians annually, with 683 organisations having active links with Malawi. Today, more than 94,000 Scots and 198,000 Malawians are engaged in active civic links. Those numbers alone tell us that the relationship is well worth cherishing and nurturing.

The work that is done in Malawi by a large number of organisations, from Government right through to primary schools, covers a significant number of important and valuable programmes. However, it is in the field of education that I believe the most valuable and sustaining work is being undertaken. More than 150 Scottish schools have active links with schools in Malawi. In my constituency, a number of schools are using those

links to foster what the Scotland Malawi Project calls “people-to-people and community-to-community links.”

For example, in the summer, Bannockburn high school sent a group of students and teachers to Malawi for the first time, and they helped to build and refurbish classrooms. I am glad to have played a small role in helping to make their trip to Malawi possible by introducing them to the McConnell International Foundation and encouraging them to apply for funding to support their work. I am also proud of the work that they accomplished, along with the many other schools that have been connected with Malawi. I can only imagine how much they learned about their own lives and the lives of others, especially through the relationships that they formed. The benefits of school partnerships cannot be overstated, as they allow communities in Scotland and Malawi to feel connected to a greater global society. We are teaching our young people to celebrate and learn about other cultures while finding common ground.

The Scottish Government has done some valuable and important work to improve the quality and availability of education in Malawi. One noteworthy programme is the inclusive education project, which is working to improve access to education in the most rural areas. Through that project, communities are working together to support the students in Malawi who are at the highest risk of dropping out. Scottish Government funding has also helped to establish mother groups and female teacher networks, which have trained almost 1,000 female teachers to handle issues that particularly affect girls’ access to education. The importance of education cannot be overestimated. When we invest in education, it is an investment in the future because it paves the way for economic and social development.

There is still much work to be done to strengthen Malawi and our partnership with the Malawians. I very much look forward to seeing what will happen in the next 10 years as, I hope, we strengthen and deepen that relationship further. It is a unique and special one, as I said. I look forward to what the minister, in summing up, has to say about the next 10 years.

15:58

Elaine Smith (Coatbridge and Chryston) (Lab): I was in Malawi with my colleagues Liam McArthur and James Dornan earlier this year, on a visit by the Scotland branch of the Commonwealth Parliamentary Association. The visit was motivated, in part, by the 10th anniversary of the agreement between our countries. I found Malawi to be a country of contradictions. It is beautiful in parts but grim in others; it is uplifting but also

depressing. Many people are desperately poor economically but inspiringly rich spiritually.

The delegation was there primarily to interact with Malawian MPs and to deliver workshops to strengthen relations between MSPs and members of the National Assembly of Malawi. However, we also visited projects that have links to Scotland, including St Michael and All Angels church in Blantyre, which was built by Scottish missionaries. In the church, there is a memorial plaque to the Rev Robert Clelland, a Coatbridge-born engineer who founded the Mulanje mission, which had a school and a hospital, and who, like David Livingstone, stood up against the slave trade. He died of blackwater fever in 1890, at the age of 33, but modern-day connections mean that his legacy lives on in Coatbridge, with Coatbridge high school, St Ambrose high school, St Andrew’s high school and many local primary schools having partnerships in the Mulanje area through the healthy lifestyle project that is run by Charles Fawcett. There is also an opportunity, every year, for schoolchildren to raise funds and visit Malawi, which is a real life-changing experience.

I was able to visit Mulanje and visit the sterling work of the healthy lifestyle project’s aiming higher in Malawi project. It includes the very successful girls go for health team, which is based in Mendulo parish, and a disability project that cares for about 400 disabled children from poor rural backgrounds. That work is carried out mainly with local fundraising in my constituency, and I am sure that the minister will not be surprised to hear me make a plea for more assistance for those projects.

Not all our visits were pleasant experiences. Malawi had been devastated by flooding, and the disabled children’s project had several children living in even more dire circumstances than usual. I visited one family with a disabled child who were living in a tiny temporary shelter. The conditions were appalling, and the ground that the family had to lie down on to sleep was still sodden from the floods.

Overall, disabled children in Malawi face many challenges, for example in accessing school and healthcare, or in relation to cultural acceptance, discrimination and superstition. They are also often hidden away. The healthy lifestyle project provides aid such as wheelchairs, and supports disabled children in school and with meeting their health needs.

Another difficult visit that we made was to Bvunmbwe young offenders institution, where the young men are supported by Sister Anna Tommasi. It was an experience that was humbling and appalling in equal measure. It was humbling because of the work that Sister Anna does to educate the boys, as well as the fantastic welcome

and entertainment that were put on for us, but it was appalling because of the living conditions and the boys' personal plight.

The prison holds 270 young offenders aged 14 to 20, both convicted and remanded, with more than 200 children sharing a cell the size of a classroom. There is one shower for everyone. Boys are imprisoned for what people here might consider to be very minor offences or crimes of extreme poverty. Some boys are put in prison without sentence; others stay longer than they should because no one delivers the paperwork to release them. The education programme that Sister Anna provides is remarkable. It relies on contributions from outside Malawi, not least those from the healthy lifestyle project and St Margaret's high school in Airdrie.

The report of our Malawi visit, which includes details of the workshops that we delivered to members of the Malawian Parliament, is available on the Scottish Parliament's website. It is highly recommended reading, Presiding Officer. I take the opportunity to commend Margaret Neal for her work in supporting the delegation.

Malawi is a beautiful country, with a wealth of natural resources. It could easily become a more popular tourist destination. Its people are friendly, warm and welcoming, as well as resilient—that is why it is known as the warm heart of Africa. However, the challenges that the country faces are immense, with hunger, poverty and illness blighting so many people's lives. Therefore, a visit there is uplifting and humbling but also disturbing.

16:02

James Dornan (Glasgow Cathcart) (SNP): As has just been mentioned, during Parliament's February recess, I visited Malawi along with my colleagues Liam McArthur and Elaine Smith on behalf of the CPA's Scotland branch. As was also mentioned, we discussed committee processes with members of the Malawian National Assembly. It was eye-opening to hear about the difficulties that Malawi's parliamentarians face in arranging committees, often due to time and cost constraints. They appeared to take a lot from our input. We have just heard the advert for the report, which all members should go and read immediately.

It seemed clear to me that that cross-parliamentary relationship has a tangible impact, not only on parliamentarians in Malawi but on members of our Parliament who take part in such visits. I hope that such engagement continues. As an aside, at the last meeting of the cross-party group on Malawi, it was really nice to see a couple of the young Malawian clerks, who were over here on an intern programme.

As Elaine Smith said, while we were in Malawi, we visited a number of projects that are supported by Scottish organisations, such as charities and schools. I was thrilled to attend Matindi girls academy, which is part of Mary's Meals. One of the classrooms at the school was built with the support of the pupils, staff and parents of Langside primary school in my constituency, and part financed by my old school, Holyrood secondary school. When I returned, I visited Langside primary school to discuss my trip with the pupils and to show them what their great work and support have helped to achieve in Malawi.

I took over to Malawi a generous donation of boots, balls and football strips from Queen's Park Football Club, which is based at Hampden in my constituency. They ended up with those unfortunate young men in the young offenders institution.

Last Friday, I had the pleasure of attending Queen's Park's annual dinner, where I spoke to George Watson from the Spiders' community team, who arranged the football equipment for my trip. He has a long-term interest in supporting Malawi, and we got talking about his latest trip to the village of Ekwendeni in north Malawi. It was his second successive year visiting the village, but this time he went with 14 folk, all from the southside of Glasgow, who went to share their knowledge and expertise.

Within that group were musicians, nurses, doctors, teachers and football coaches. They were based in the local church and, in the mornings, they helped to run a holiday club that offered 400 kids activities such as crafts, singing, music, hockey, parachute games—I am not really sure what they are—and, of course, football. As well as getting to take part in the activities, each child got a cup of porridge, and for some that would be their only meal of the day. In the afternoons, George worked for two to three hours with a group of coaches from the area to put on a course of coach education sessions. He challenged the coaches to put on a football festival on the last day of his visit, and more than 400 children took part in what was a remarkably well-run competition.

As we know, in many places football is the community's lifeblood, but it was largely uncoordinated in that area. George noted that there was the will to have an organised outfit, and that having such an organisation would make it easier for Queen's Park to offer targeted support. At the dinner, he told me that his advice has been taken on board and that the Ekwendeni community football group has been established and a chair and office bearers put in place. Since then, Queen's Park has been able to send over more football and other resources to assist with further development in the area for boys and girls of all

ages. That is another brilliant example of how the relationship between Scotland and Malawi works at a practical, grass-roots level.

Because of the strategy that this Parliament has been working towards under successive Governments, there are countless examples across the country of groups and organisations just like Queen's Park that are using their resources and expertise to empower people in Malawi.

One of the messages that we repeatedly received when we were in Malawi was that the co-operation agreement and the relationship between the two countries work so well because we both see the relationship as one of equals. Apparently, that is not always the case with some of the other arrangements that Malawi is involved in. At the heart of this successful arrangement between our two countries is the co-operation of equals.

As someone who has seen the benefits at first hand and has heard from others about their relationships with groups across Malawi, I commend the co-operation agreement between Scotland and Malawi to the Parliament, and I look forward to the next decade of our growing relationship with that beautiful country and its lovely, friendly people.

16:06

Liam McArthur (Orkney Islands) (LD): Three years ago, I took part in a very similar debate. At that stage, we were looking ahead to the Livingstone bicentenary, which was an opportunity to celebrate the long-standing and deep-rooted connections between Scotland and Malawi. On this occasion, the time horizon is rather shorter—it spans the 10 years since the signing of an historic co-operation agreement between the previous Scottish Executive and the Government of Malawi.

Before I turn to what I believe that agreement has helped to achieve and where we need to focus over the next decade, I want to pay a brief tribute to two people who I believe are due particular credit for helping us to rediscover and rejuvenate the ties between our two countries.

It was, of course, Jack McConnell who signed the co-operation agreement in 2005, but his contribution was never simply ceremonial. His personal drive delivered the agreement, and his passionate belief in the benefits that the relationship can bring to both countries has remained undimmed ever since.

Secondly, I acknowledge the role that was played by the missionary, scholar and tireless campaigner the late Rev Andrew Ross. I first met the Doc in his capacity as honorary president of Edinburgh University Association Football Club,

but when I later worked as an adviser in the Scottish Executive, he instilled in me the importance of re-energising Scotland's ties with Malawi. It was an honour, if a bit of a surprise, to find myself at the Doc's graveside in the missionaries cemetery in Blantyre during the visit that Elaine Smith and James Dornan mentioned. He is sorely missed, but his legacy in binding together two countries that he loved lives on.

As colleagues may know, along with Mike Russell, I have the privilege of co-convening the cross-party group on Malawi in this Parliament. It is a very active group, and at our meeting earlier this month we took time to reflect on just some of what has been achieved over the past 10 years.

The Scotland Malawi Partnership, whose work I, too, highly commend, has produced an excellent document detailing 10 case studies from the past 10 years that help to illustrate the breadth and range of projects and relationships that have been supported. That breadth is truly astonishing. As Bruce Crawford reminded us, 94,000 Scots and 198,000 Malawians are actively involved in one way or another, and £40 million has been raised through Scottish communities.

Those projects and relationships span many areas, including health and education, the environment and energy, agriculture and trade, and arts and culture, to name but a few. As Humza Yousaf rightly made clear, what makes Scotland's relationship with Malawi so special, so resilient and so impactful is the way that it binds and builds from the grass roots up.

The Scotland Malawi Partnership's document highlights the civic links that exist, which I can see for myself in my constituency. Links between schools such as Sanday and Westray and their counterparts in Minga and Chitengu remain strong, as do the ties between the Orkney and Thyolo presbyteries. Those links benefit people in both communities enormously; anyone who is in any doubt about that should hear the compelling presentations from Gleniffer high school pupils, which they gave to the CPG back in September. However, that raises the question of how we spread those benefits to other schools, particularly schools in Malawi, and what more we can do to encourage and support young girls to get the education that they are all too often still missing out on. Those challenges still lie ahead.

Similarly, although, as Claire Baker pointed out, we are seeing positive signs on the health front, with HIV infection and maternal mortality rates dropping, there can be absolutely no let-up. That point is certainly well made in the Labour amendment, which also underscores the importance of developing trade in support of a "strong and sustainable" Malawian economy.

There is certainly an appetite to build on such successes.

The Deputy Presiding Officer: You should draw to a close, please.

Liam McArthur: There is much to be proud of in what has been achieved over the past 10 years, and I welcome this brief debate and the opportunity to reflect on those achievements and how they have helped to broaden and deepen Scotland's mutually beneficial relationship with the warm heart of Africa. It is now time to build on the success of this genuinely unique partnership.

16:11

Michael Russell (Argyll and Bute) (SNP): I am very pleased to take part in the debate. When I visited Malawi in October and November 2012, I was very struck by the contrast that has been drawn out this afternoon between the extraordinary hospitality and welcome that we received in that warm heart of Africa and the fact that it is one of the poorest countries in the world.

The visit was incredibly memorable and, as with any visit, it is places and people that stand out. For example, I remember visiting Eston Mgala at Kusumala Institute of Agriculture and Ecology's permaculture site and seeing the astonishing work that is being done to grow plants; talking to the headteacher of a school in the Dedza mountains who received a computer and solar panels from East Craigs primary school in Edinburgh, which would give the school connectivity for the first time; meeting the then President Her Excellency Grace Banda, who gave me the map of Malawi that hangs in my office; and not just attending a meeting of the joint permanent commission of co-operation in the mountains above Zomba but going to the university in Zomba to launch the Livingstone fellowships and to meet some of the students and staff who are working in extraordinary circumstances.

I am delighted to be, with Liam McArthur, the co-chair of the cross-party group. It is testament to the strong, living and lively links between Scotland and Malawi, and it is remarkably well served by David Hope-Jones and his team from the Scotland Malawi Partnership.

The minister was absolutely right to stress at the beginning of the debate that the relationship is not just about political structures but about people, and I believe that people contribute three things that we can build on to take the relationship forward.

The first is the relationship's history. Liam McArthur mentioned Andrew Ross, but there are, of course, many great figures whom we could mention, starting with David Livingstone and going

right through to Robert Laws, who founded Livingstonia. He was a man from Aberdeen who taught the people of Livingstonia to speak English with an Aberdeen accent—we can still hear an element of that in the English that is spoken in that part of Malawi—and who told all his male staff to grow beards to give them 20 minutes a week more for the Lord's work. We should remember the passion that Robert Laws showed in that beautiful part of Malawi.

I also want to mention Colin Cameron, a Scot who was a member of the first post-independence Government in Malawi and who was appointed honorary consul for the country when it returned to multiparty rule in the early 1990s. He spent a passionate part of his life working for the people of Malawi as a lawyer and politician.

We can build not only on our history but on our existing networks. Among the most striking things that I have seen in my constituency—and which I think that, as constituency and regional MSPs, we all see—are the remarkable links that have been made between people such as policemen and women, teachers, journalists, doctors, nurses, foresters, dentists, politicians and many others. Those person-to-person links with Malawi ensure that there is learning between the two countries and the two sets of people. Not only was that headteacher in the Dedza mountains learning from the pupils and teachers of East Craigs primary school but they were learning remarkable lessons from him, his staff and his pupils about sustainability, progress, poverty and determination. We can build on those links.

We can also build on equity. When I was in Malawi, I was struck by the fact that Scotland does things differently. It does not use its relationship to tell other people what to do; it works in partnership with the people of Malawi. The joint commission that I chaired with the foreign minister is about the context; it is not about instruction. We need to build that type of relationship.

The minister talks about trading relationships. We should build trading relationships with equity. Malawian coffee is already widely available—indeed, it has been served at Bute house. Malawian gin is also available, and there are many other products that we could use. The relationship can be the template for other relationships that we have as we grow in confidence as a nation.

16:15

Siobhan McMahon (Central Scotland) (Lab): David Livingstone played a major role in improving public health and freeing the indigenous population from the scourge of slavery in Africa and particularly in Malawi. He is a Scottish hero in the true sense. He left the world a better place

than it was when he entered it. It is therefore only fitting that our former First Minister Jack McConnell recognised the work that David Livingstone did and which others have done in Malawi by establishing our partnership with that country 10 years ago. Jack McConnell can and should be proud of many achievements, but I am sure that that partnership remains among his greatest.

Many of us who have spoken or will speak in the debate have our own partnership with Malawi. I have spoken many times in the chamber and in other forums about my experience of Malawi and about my memories of it and friendships from my visit some three years ago.

Malawi remains among the poorest countries in the world. In the 2014 UN human development index report, it is ranked 174th out of 187. That ranking might improve when the latest report is issued in December, but it is a deeply depressing statistic. Malawi has a population of 16.36 million people, and their life expectancy is just 55. On average, people spend just four years in a school environment. In less developed rural areas, the incidence of HIV and AIDS is six times higher among women than among men because of the sex trade that is so evident in the country.

In education, much of the discrimination that women experience is deeply ingrained in Malawian culture. Until the early 1960s, Malawian girls were not allowed to attend school. Female education is still viewed by many as irrelevant. Far fewer girls progress through primary education, and female literacy levels are substantially inferior to male literacy levels.

It is important that our partnership with the country strives to make the situation better. The Scottish Government has a large part to play in gaining greater equality for women, particularly in education, but it is heartening to know that local schools, churches and organisations are also taking up that cause. I often talk about the role that St Margaret's high school in Airdrie has played in that regard, but Falkirk high school, which is another school in my region, has also worked to support female education. Falkirk high school is linked with Bandawe secondary school. The partnership dates back to 2007, and the motto of the partnership is:

"The Two Will Make a Difference".

That is a simple but powerful statement.

Projects such as the mother group project and the girls go for health initiative, which are part of the North Lanarkshire healthy lifestyle project that is run by Charles Fawcett in conjunction with the Forum for African Women Educationalists in Malawi, have been working hard to narrow the gender divide. The mother group project works to

encourage more women to attend school, and the girls go for health initiative strives to keep them there. Women are provided with hygiene and sanitary products and with financial aid for school fees and educational materials, and workshops are organised to encourage male pupils to respect and value their female peers.

A further project that I am aware of because of a local connection is classrooms for Malawi. Its chairperson is James Kelly, who is a parishioner of St Bernadette's parish in Motherwell. As I have said in previous debates, that parish has its own partnership with Malawi.

Classrooms for Malawi believes

"that the only sustainable route out of poverty is education."

It says:

"We work throughout Malawi to improve places of education in some of the world's poorest communities. Recent estimates show that around 2 million children in Malawi are either taught in unsafe and unfit classrooms, outdoors, or simply cannot go to school as the facilities are not there. We want to put an end to this."

St Bernadette's parish, of which I am a parishioner, has a partnership with St Anne's parish in Namulenga. Through that partnership and through classrooms for Malawi, it has helped to renovate Namulenga girls school. It would have been understandable if the parish had stopped there, but it has now switched its focus to helping to foster a better educational environment by providing backpacks, school supplies, transport and furniture as well as toys for the children in the nursery. The parish sent a container in September, which should arrive any day now.

We often speak in the chamber about education, and rightly so, but we can too often forget how privileged we are to have access to education in our country. My experience of Malawi still drives me to this day. It is not an exaggeration to say that my visit made me a better person and changed my outlook on life.

We have achieved a great deal in 10 short years. I am sure that we can achieve a whole lot more in the next 10 years.

16:19

David Torrance (Kirkcaldy) (SNP): I am pleased to contribute to today's debate on Scotland's long-standing partnership with Malawi and the Scottish Government's commitment to international development. This year of 2015 has been a decisive year for international development in which we have seen the UN General Assembly commit to 17 new global goals. In a few weeks, I hope that the UN climate change conference in Paris will be another stepping stone to ensuring that developing countries receive adequate help in

dealing with the effects of climate change. In that context, I very much commend and support the Scottish Government's involvement in the development sector and, in particular, the Government's continued commitment to working with Malawi.

I welcome the Scottish Government's approach in supporting Malawi as an equal partner. As the partnership agreement says, it is a

"reciprocal partnership based upon sharing experiences and skills."

In the 10 years since the partnership agreement was signed, I believe that Scotland and Malawi have benefited mutually from the relationship. The agreement has facilitated networking, promoted best-practice examples and, not least, created many friendships across two geographically distant countries.

The number of individuals, schools and organisations that have forged links to Malawi in various ways is astonishing. According to the Scotland Malawi Partnership, 94,000 Scots and 198,000 Malawians are engaged in various ways. A 2014 study conducted by the University of Edinburgh confirmed that citizens in both countries gained immensely from the partnership, with more than 2 million Malawians and 300,000 Scots benefiting annually from the impact of their joint endeavours.

I am proud to say that, as part of that engagement, pupils and staff members at Balwearie high school in my constituency of Kirkcaldy have set up their own initiative to promote secondary education in Malawi. It all started when a group of students visited the country in 2012. Since then, the school has put great effort into raising money for Malawian students who are unable to pay for high school education. Balwearie high school has emphasised that it has also been a great experience for people in its school community to learn more about their Malawian counterparts.

Balwearie high school is a member of the Scotland lights up Malawi project, which is built around the work of SolarAid in Malawi and involves educating Scottish school pupils on energy, poverty, climate change, solar light, global citizenship and sustainability. Other schools in my constituency have engaged in similar activities.

By extending the boundaries beyond fundraising, Malawian and Scottish children are encouraged to develop a deeper understanding of each other's lives, while fostering cultural awareness. I see that project as a unique and highly commendable form of international education and I am happy to say that it has been recognised by Education Scotland and the British Council.

Education is a crucial stepping stone to development. However, from looking at the new global goals for sustainable development, I believe that another highly relevant issue that we need to prioritise is good health and wellbeing. As members will know, health forms a key part of the Scotland and Malawi co-operation agreement and a lot of activity is going on in that area. That includes training health professionals, facilitating exchanges between medical universities and supporting community-based medicine and first-aid training in rural areas. However, despite those efforts to improve health outcomes, 90,000 child deaths in Malawi are caused by preventable diseases.

Another project involves the University of Aberdeen and Robert Gordon University in an initiative, in collaboration with Malawi's Ministry of Health, to develop a sustainable model for midwifery education and practice. A particular focus is given to recruiting midwives in rural regions and providing them with additional skills.

It is impossible to name all the excellent projects that have been launched under the umbrella of Scotland's partnership with Malawi. As we have heard today, Scotland is already aware of its responsibilities as a global citizen. The co-operation agreement with Malawi reflects that commitment and I am confident that it will continue to impact positively on the lives of many Scots and Malawians.

16:24

Elaine Murray (Dumfriesshire) (Lab): I am pleased to make a brief contribution about the links between my constituency of Dumfriesshire and Malawi. The first project that I will talk about is the collaboration between the Dumfries campus of Scotland's Rural College and researchers from Malawi, which has been going on for more than seven years. It started as a staff exchange project that involved work on improving milk yield and quality, but it was developed further by a research group under Dr Mizeck Chagunda of Scotland's Rural College in Dumfries. In that project, researchers negotiated free airtime with a local mobile phone provider and signed up 80 farmers who texted in information on their cows' milk production. If the yields were not as expected, the farmers were provided with advice by an extension worker.

Several other partnerships have followed with Lilongwe University of Agriculture and Natural Resources and Mzuzu University to train farmers, extension workers, development managers, researchers and trainers. Eight postgraduate students and one postdoctoral scientist have been involved, 22 experts have worked between Scotland and Malawi and 28 farmers and 43

extension workers have been trained in forage production, feeding, animal breeding and data recording. Dr Chagunda received a special achievement award at the Malawi Association UK's awards ceremony in April this year in recognition of his services to the Scotland and Malawi relationship.

Also this year, a former student at SRUC's campus in Dumfries, Bettie Sindi Kawonga, received recognition in the shape of a \$150,000 prize for her concept of incubation centres to help young unemployed people to become dairy entrepreneurs. That addresses two problems that are faced in Malawi—youth unemployment and low agricultural productivity. Bettie is now a lecturer at Bunda College of Agriculture, but she studied for her MSc in Dumfries, funded through the Scottish Government's international development fund, and during that time she did very useful work with local primary schools.

The other initiative that I will describe briefly was launched only in August, but it has already achieved considerable success. Jan Jamieson was a primary teacher and headteacher in Dumfries and Galloway when, sadly, she died of cancer at the age of only 47. She and her husband, Sandy, had been involved through their church in projects that support young people in Malawi. After her death, her family felt that the best way to remember her commitment both to education and to Malawi was to launch a foundation to support young people in Malawi who have the academic ability to progress through secondary school and further education but do not have the financial resources.

In recognition of the importance of educating women and the educational disadvantage that girls suffer compared with their brothers, in the first instance, the foundation proposed raising funds specifically to support girls for at least four years and then possibly on through university. Amazingly, the sum that is required to support one girl through one year of education is only £150. Since the end of August, the foundation has undertaken an incredible programme of fundraising that has involved several local primary schools, and it has already raised funds to support 11 girls who are capable of academic achievement but who would otherwise not have had the opportunity.

At the foundation's launch, Sandy Jamieson told an illustrative story, which might have been of Malawian origin. A small boy came across a huge number of starfish that had been washed ashore on a beach during a storm. He set about trying to throw them back, one by one, into the sea. A passing adult asked why he was bothering when so many had been washed up, as the boy could not make much difference. The boy responded by

returning another starfish to the sea and stating, "It makes a difference to that one." Global poverty can appear overwhelming when we look at it in its totality, but many projects are making a difference one by one to the lives of some of the poorest people in our world.

16:28

Christian Allard (North East Scotland) (SNP):

As the minister said in his opening speech, there is a human story behind every statistic. We have heard a lot of statistics in the debate, so I will spare members from hearing more; instead, I will talk about the human story.

Our relationship with Malawi is one that we should treasure. It is a great example of what can be done and what works. I thank the Scottish Government and the minister—and the Scottish Executive before them—for the great work that is being done and everything that they have done to ensure the safety, respect, success and ambitious nature of our relationship with Malawi.

Scotland's connection with Malawi was brought to my attention recently—not in Malawi, as I have not had the privilege of visiting the country, but in Alford in Aberdeenshire. At a coffee morning, I met Kathleen Thomson and her husband, who founded Famine Relief for Orphans in Malawi—or FROM for short—10 years ago in 2005, so it corresponds with the anniversary that we are celebrating today. When the couple visited their daughter, who lives in Malawi, they were so affected by seeing the reality of the standard of life there and what needed to be done that they were prompted to create the organisation.

Since 2005, Famine Relief for Orphans in Malawi has grown in size and it has done a lot. For example, the charity has provided one meal a day to more than 2,500 children at feeding stations and orphanages. It has sent out three crammed shipping containers with medical equipment and supplies, which have all been donated from within the area.

The charity has also supplied 30 bicycle ambulances to allow patients from remote villages to get to hospital. It is important to understand that there are rural challenges. I saw the photos of the bicycle ambulances, and they are fantastically well used. I was told about a pregnant woman who was many, many miles away from a hospital and who would have had to walk all the way there. The journey was made a lot easier by the bicycle ambulance. Of course, they are also a lot easier to repair than ambulances.

The charity also provided enough funds to build a clinic in Mwanayaya village, which had no medical facilities at all. It has funded bore holes to give access to clean water, and solar power has

been provided in clinics and classrooms, because it is about education as well as health. Those are among a number of achievements by Famine Relief for Orphans in Malawi since 2005. It was a pleasure and a great opportunity to meet the driving force behind the initiative.

FROM Scotland is not alone in its efforts. There is a lot of collaboration with various individuals, organisations and businesses in the area, including OEG Offshore, MacScott Bond Ltd and Freelands Ltd. Those companies have provided the crucial help required to send shipping containers with hospital beds, X-ray machines and medical supplies to Malawi to ensure that they reach those who need them the most. At the end of the day, that is what it is all about—help reaching the people who need it the most.

The work of this family is truly moving and continues to be seen as their daughter, Tracy Morse, from the small community of Pitcaple in Aberdeenshire, who decided to make Malawi her home, has been managing the Scotland Chikwawa health initiative since 2006. It gets great support from the Scottish Government. The charity works with the headlining Scotland Malawi Partnership to channel aid directly to the areas of Malawi hit by recent floods.

The Deputy Presiding Officer: You must draw to a close, please.

Christian Allard: Those are merely a few examples of the successes of the 2005 co-operation agreement in building strong links between Scotland and Malawi—links based on respect, humanity and security for all the people living in both countries. Scotland's relationship with Malawi is a credit to the people of both countries.

The Deputy Presiding Officer: Thank you very much. That was terrific.

16:32

Hanzala Malik (Glasgow) (Lab): I thank Humza Yousaf for today's debate and Claire Baker for her amendment. It is an honour to speak about the relationship between Scotland and Malawi on the 10th anniversary of the signing of the historic co-operation agreement between the two Governments of Scotland and Malawi and the continuing friendship between the two countries.

The relationship shows the continued commitment that successive Scottish Governments, including those from different political parties, have shown over the past decade. I congratulate the Scottish Government on the efforts of the international development programme and its importance around the world

today. I congratulate Humza Yousaf in particular. He seems to be doing a fine job so far.

Humza Yousaf: So far! [*Laughter.*]

Hanzala Malik: I also believe that Scotland should continue its international development work, which helps us to develop our international position—in particular, our work with partners such as Malawi, as it has clear outcomes. I am sure that Jack McConnell is pleased by the continuing strength of his legacy.

I understand that, today, 46 per cent of Scots personally know someone with a connection to Malawi. I whole-heartedly agree with the Scotland Malawi Partnership, which states that this is now a national effort. Importantly, the relationship goes both ways. More than 300,000 Scots benefit from the relationship between the two countries, many of them through the school-to-school programme. It is important to note that, for every £1 that the Scottish Government gives, around 10 times that amount is raised by the people of Scotland themselves, which we should be proud of.

I would like to note the contributions of Glasgow City Council and the University of Strathclyde's Malawi millennium project to forging the links between the two countries. The millennium project was set up in 2000 to celebrate the links between Malawi and one of the university's most famous students, Dr Livingstone—Humza Yousaf alluded to the fact that Dr Livingstone was working there over 156 years ago, which was an incredible contribution from the Scots.

Many projects and partnerships have sprung from the efforts of University of Strathclyde staff and students, inspiring Glasgow City Council to set up the Lord Provost's millennium fund. Glasgow City Council has donated more than 2,000 computers, money, medical equipment and project management support, as well as training in many areas. As a Glaswegian, that makes me—and I am sure many others—proud.

This is very important on-going work. I take this opportunity to thank all Scots, particularly Glaswegians who have gone the extra mile. I have known unions, uniformed services, churches, mosques, NGOs, ordinary people and workers in all the departments of Glasgow City Council continue to work towards an impressive programme. Students have particularly impressed me. I want to thank them for all their contributions and say that I want them to continue this huge role of continuing to make an effort to bring a better life to people around the world.

We in Scotland ought to be and are proud of our inheritance and what we have learnt from our ancestors, and we continue to follow their footsteps in making a positive contribution around the world. Malawi is no exception.

16:36

Richard Lyle (Central Scotland) (SNP): I think that Humza Yousaf is doing a very good job. [*Laughter.*]

In my remarks this afternoon, I will reflect on what we have done in the past decade, particularly to share my views on the impact that the work has had on my awareness of the historic relationship that Scotland and Malawi have developed.

Scotland has an inherently special link with Malawi—one of the world's poorest countries—that dates back to the work of missionaries and, of course, Dr David Livingstone. For more than 150 years, Scots have worked to help the people of Malawi to deliver and develop basic education and health systems. Each year, more than 300,000 Scots and 2 million Malawians benefit from the relationship that Scotland and Malawi have developed in areas such as agriculture, education, health and renewable energy.

As many speakers have already said, signed in 2005 the co-operation agreement between Scotland and Malawi has been a success that has delivered in its efforts to build strong links between our two nations. In practical terms, the Scottish Government's international development fund is making a real difference to the lives of some of the most vulnerable people in Malawi.

Since the Scottish National Party Administration began in 2007, the Government has doubled the budget and protected it against Westminster funding cuts, such is our commitment to delivering not only for Scots but for our fellow men and women across the world. Over the past decade, action by successive Scottish Governments has meant an investment of more than £37 million to more than 100 projects to improve the lives of the people of Malawi.

In January this year, the minister Humza Yousaf announced a further additional package of more than £9 million to fund 20 life-changing projects through the Malawi development programme over the next three years. I welcome the many initiatives that the Scottish Government is delivering to help the people of Malawi, from economic development projects to help to create jobs and boost incomes for some of Malawi's poorest people, through to the funding package of £150,000 in January 2015 to help Malawi to deal with the effects of the severe flooding.

On a personal level, I want to take the time to recognise the many hundreds and thousands of volunteers who travel to Malawi each year, in particular but not exclusively the young people who tirelessly fundraise and travel to Malawi to help local projects to deliver schools and support communities. Just as Scotland's young people are an asset to our nation, so too are they an asset to

the people of the world. We across the chamber should take the time to recognise the work of young people who volunteer in Malawi to help to make a lasting difference to people's lives.

I also note, from my region, examples such as the provost's Malawi fund run by the provost of North Lanarkshire Council, which seeks to fundraise to help contribute to making a difference to the lives of those in Malawi. I had the pleasure of attending the provost's most recent Malawi dinner; not only was it a thoroughly excellent evening, but the proceeds went towards that fund, to help support people and deliver for the people of Malawi.

I would like to take the time to recognise in particular the work done by Provost Jim Robertson of North Lanarkshire Council and his commitment to Malawi. I understand that Jim personally contributes part of his salary to help to make a difference to those in Malawi. Jim shows many of us that, working together, we can make a difference.

It is on that thought that I would like to linger for a moment, as it is the case that the Scottish Government has done an excellent job. In closing, I note that the Government is one that will make a significant investment in the relationship between Scotland and Malawi.

16:40

Cameron Buchanan (Lothian) (Con): I am pleased that we have the opportunity today to celebrate 10 years of Scotland's historic co-operation with Malawi.

Scottish Conservatives continue to support a strengthening of Scotland's links with Malawi, as we share the conviction that emphasis must be placed on the localised projects making a difference. As with all programmes, it is vital for its long-term success that all projects are evaluated and aligned with the original aims of the co-operation agreement covering civic governance, health, education and sustainable economic development. Furthermore, it is welcome that there is a high level of awareness of the relationship. We should press on to reach the level of awareness that this partnership deserves.

The agreement's high-level aim to strengthen civic governance and legal expertise is rightly recognised as a key driver of development. That makes it particularly welcome that the goal has been followed through by the Edinburgh-based social enterprise Challenges Worldwide, as it has organised mentoring for attorneys in Malawi's legal aid department by Scottish criminal lawyers, which is exactly the sort of peer-to-peer sharing that this relationship is all about.

The agreement to contribute to the improvement of maternal health and increase the capacity of health colleges recognises crucial areas that are in need of progress. Again, the key is that co-operation has been at the direct, expert level, where the impact is highest, as demonstrated by the University of Strathclyde training nurses and medical assistants in integrated maternal and neonatal health services.

On the vital element of education, which many have spoken about, the high-level aim to build capacity at a local level and support the exchange of skills is crucial. That makes it important that targeted projects are delivered directly, with measurable outcomes, so that we can judge their effectiveness and learn from the successes. A stellar example of that is the project by Sense Scotland to deliver training courses for 1,029 parents, 140 teachers and 746 influential community leaders, which has led to the establishment of parent-teacher associations.

Moving on to another key aspect of development, namely enterprise, the agreement was wholly correct in identifying the exchange of business skills and expertise as vital, including collaboration between agricultural bodies. As we businessmen know all too well, advice from experienced hands and sharing ideas with others go a long way.

It is therefore to be warmly applauded that Opportunity International, which has an Edinburgh office, translated that aim into direct help as it provided access to microcredit and business advisory services for 740 people. Furthermore, the Macaulay Land Use Research Institute translated the agreement's goals into reality by increasing crop diversity and yield for up to 1,955 farmers. As our co-operation continues, it is important that we promote such success stories and use their lessons to spread their impacts ever wider.

I have spoken of the importance of learning from specific, targeted projects in Malawi as the co-operation agreement continues. However, the same is equally true here at home. In order to maintain the fantastic enthusiasm and can-do attitude from the Scottish public that has underlined the agreement's success thus far, we should not just celebrate the relatively high level of awareness but aim to increase it even further. If we want the scope and impact of the agreement to grow, involvement here needs to grow first.

16:44

Anne McTaggart (Glasgow) (Lab): I welcome the opportunity to conclude the debate on behalf of the Scottish Labour Party. As we have heard, Scotland and Malawi have always shared close links and relationships, ever since 1859, when

Scotland's David Livingstone received a warm and inviting welcome from the area that is now Malawi. Ever since, our citizens have enjoyed continued personal links in the region, with 46 per cent of Scots knowing someone who is actively involved in a link with Malawi. I thank our latest MSP group—Liam McArthur, Elaine Smith and James Dornan—for their outstanding speeches about the stark reality that they know from their recent visits.

Glasgow has been a constant supporter and grateful beneficiary of our relationship with Malawi. Other members mentioned the importance of the help that the Scotland Malawi Partnership gave to the Governments of both our nations in the signing of an official co-operation agreement on 3 November 2005. That agreement set the goal of collaboration on four main issues: civic governance and society, sustainable economic development, health and education. Only 10 years after that historic agreement, the spectacular results and positive impact of our collaboration are exciting and encouraging. They have been strongly highlighted by many members.

The impressive fulfilment of the intentions that the Scottish Government set out would not have been possible without community groups throughout Scotland. In 2014, membership of the Scotland Malawi Partnership consisted of 70 large organisations, 23 medium organisations, 49 small organisations, 156 individual members, 16 Scottish local authorities, 116 primary schools, 86 secondary schools and 176 youth members—I am waiting on somebody shouting "House!" for bingo.

In Glasgow alone, members of the Scotland Malawi Partnership have had an immeasurable impact. Glasgow City Council has made Malawi a priority since 2005. Each lord provost has visited Malawi to maintain relationships, raise funds and encourage Glaswegians to engage further with the country. The council's Malawi leaders of learning programme improves the teaching and leadership of Malawian staff and young people and, thus, improves the educational outcomes for Malawian youth. I place on record the great work of my local secondary school—Knightswood secondary school—and, in particular, all the hard work that my latest school work experience pupil, Rae McGreevy, is doing to help to support Malawi and to visit the country next year.

Other members have mentioned further groups, such as Tearfund, that work with organisations in Malawi to support children, reduce exposure to natural disasters and improve access to food, water and sanitation. The Glasgow-based organisation Sense Scotland has been working with small organisations in Malawi to establish projects to assist deafblind and disabled children and adults. Those initiatives, along with many others throughout Scotland, have directly

benefited 2 million Malawians and indirectly benefited 4 million.

Although Scotland's organisations and institutions have used their connections to Malawi to improve Malawian lives over the past 10 years, the mutual relationship between us cannot be ignored. With 94,000 Scots and 198,000 Malawians involved, our links with Malawi are an integral part of Scottish society and must receive continuing support. The connection with Malawi is a unique national effort mobilised by all the people of Scotland. I hope that the Scottish Government agrees that, now more than ever, we should continue our 156-year-old relationship with Malawi, which is built on respect, mutual trust and understanding.

16:49

Humza Yousaf: We have had a great debate across the chamber—I always enjoy hearing stories from members' localities. There have been some very good suggestions on how to take forward the relationship for the next 10 years and beyond. I will address some of the points and reference some of the contributions that were made.

Claire Baker was right to ask her question about the international development fund. I accept what she said about the £9 million being frozen over the period that we have been in government, but I would put that in context. In our 2011 manifesto, we committed to freezing only two budgets, one of which was the NHS budget, which is arguably the Scottish Government's most important budget and is certainly its largest. The other was the international development fund, which shows the importance that we attach to our international development work. Notwithstanding that, I accept what Claire Baker said. Some thinking is always being done in Government, and that is especially the case as we approach the election.

Claire Baker: I fully accept that the Scottish Government has protected and frozen that budget, but we as a Parliament should reflect on the priority that we give to the fund and look at how we can restore or increase its value.

Humza Yousaf: I accept that. In the run-up to the election, we will rightly be lobbied by a number of international development NGOs, to which we will listen carefully. We will also think about how we can do things innovatively with that £9 million. That is a key feature of the work that we do.

Liam McArthur's contribution was excellent inherently. He highlighted the fact that the relationship spans the length and breadth of Scotland. I remember meeting Pastor Kester of the Thyolo highlands in my first week in the job. I hope that Liam McArthur will pass my warmest

regards to him and to the community at Westray, which was twinned with the Thyolo highlands.

Jamie McGrigor was right to highlight the work that the Department for International Development and other international partners do. The Scottish Government has a very good relationship with DFID's head of Malawi, Jennifer Marshall, whom I met when I was out there. We had a good conversation. Although DFID could do some things to tweak its work in Malawi—we could certainly look to work together on certain projects—I am very pleased that the relationship is strong. Jamie McGrigor was also right to mention Mary's Meals, which is an organisation that has universal support across the chamber and is under the world-class leadership—I think that the member used that phrase—of Magnus MacFarlane-Barrow.

Mike Russell summed up the debate best. He mentioned three things. The first was history. It is important to set the historical context, because that shapes the work that we do. The people-to-people relationship is the cement foundation that underpins the entire partnership. He also spoke quite rightly about equity and equality in the partnership. That was the proper tone, which everybody took in the debate. Nobody views the relationship between Scotland and Malawi as a big brother, younger sister type of relationship. We always speak of it in terms of mirror countries or equal countries, or countries collaborating together.

I was interested to hear Mike Russell's anecdote about Doctor Laws, who told his students to grow a beard as that would give them an extra 20 minutes a week with the Lord. That might explain why Mike Russell has kept a beard. I always thought that he was a bit of a sinner, as opposed to a saint.

All members talked about sustainability, which I will spend the rest of my contribution speaking about. Sustainability is hugely important. In fact, it is vital, if we want to continue this relationship for not just 10 years but beyond that. How do we achieve sustainability? There are a number of donors in Malawi. Malawi has been receiving international development aid for the best part of four to five decades. Some indicators show that things have got worse in that regard, rather than better, so sustainability and doing projects in the best way possible, so that they make an impact, are key.

We can be sustainable with the work that we do in various ways. The first way is to use Scotland's expertise, which will be vital in how we make a difference to the needs of people in Malawi. We have a relatively modest fund, although it has a big impact. Using our expertise in areas such as renewable energy will be key. Jamie McGrigor

was right to mention some of the renewable energy projects that the Scottish Government funds. Those projects are important, not just because we set up solar panels, micro hydro turbines and other renewable energy projects, but because we teach skills to people in Malawi so that they can implement renewable energy solutions themselves. When a solar panel breaks, they can fix it, and they can devise innovative renewable solutions rather than waiting for international donors to come and give them the expertise. That is one way in which we can make our work in Malawi sustainable.

The second way is through governance. Many members have spoken about the Scottish Parliament's relationship with the Parliament in Malawi. I commend that work and encourage the Scottish Parliament, the CPA and others to continue with it. I have heard at first hand from parliamentarians how important they find that work and how much they value it. I know that many MSPs have a buddy among the members of Parliament in Malawi, some of whom are now ministers in the Malawian Government, and I can tell members that the MPs really value those relationships.

Malawi has had a difficult time in the past couple of years with the cashgate scandal, which has to some extent eroded trust in the political system. We have a chance to help to build that trust back up.

Elaine Smith: The Malawian MPs whom I met when I was in Malawi—particularly the women, I have to say—were capable, competent and caring, and they were clearly motivated by working for the good of their constituents and their country. Does the minister agree that we should do what we can to share our knowledge and experience with them, while also learning from them?

Humza Yousaf: Yes, I agree with the sentiments that Elaine Smith has just expressed, and in particular her point about women parliamentarians. As she is probably aware, Malawi has unfortunately regressed in that respect, with fewer female parliamentarians following the most recent elections than there were in Parliament previously. That is a matter for regret, and we should work with the Parliament of Malawi and the political parties there to try to improve the situation.

We should also look at sustainable trade. As Claire Baker mentioned, Malawi's biggest export is tobacco. As we all know, the use of tobacco is—thankfully—going down across the world, so that is not a sustainable future.

Claire Baker mentioned the Chance for Change organisation; I have had the great pleasure of seeing the good work that it does in working with

young entrepreneurs. Two thirds of Malawi's population are under the age of 25, so there is an opportunity to increase entrepreneurialism among young people, which will help to create jobs and wealth in the future. Scotland can help with innovative finance solutions in Malawi, given that access to capital, with a 40 per cent interest rate, is incredibly difficult.

We can make the relationship more sustainable through education, which many members spoke about. Mike Russell spoke about it particularly well, based on his previous experience in education. From nursery all the way through to professional exams, Scotland can play a key role. We need to help to build capacity in Malawi in colleges, universities and schools so that we prevent a brain drain. There are a lot of good projects, fellowships and scholarships in Malawi, but to some extent those have the effect of taking some of the best and the brightest minds away from Malawi where they are vital and desperately needed. We can work with Malawian universities and educational institutes to help to build that capacity.

Liam McArthur: One point that was made to those of us in the cross-party group on Malawi when we visited Gleniffer high school was that those schools in Malawi that have relationships with Scottish schools are attracting pupils from elsewhere to the detriment of other schools in other communities. Looking ahead to the next 10 years, we probably need to address that issue.

Humza Yousaf: Yes—it is one of those unintended consequences that often come from good work.

It is important to highlight all the aspects of partnership. If we can build a good relationship with the Government in Malawi, we can encourage it to roll out at national level something that is working in one school, hospital or university. That is where large international donors are also important.

We must tackle the gender gap that exists, which many members mentioned; that relates to sustainable development goal 5. Malawian women are disadvantaged throughout their lives. There are some inspirational Malawian women: Monica Dzonzi is known to many members in the chamber. In the work that she does with Bangwe youth centre, she is an inspirational role model for other females. We can help to encourage and support them, as reducing inequality and the gender gap will pay dividends in the future.

Those are the ways in which we can make Scotland's relationship with Malawi more sustainable, which is a great priority for us in the Scottish Government. I thank Hanzala Malik for his kind words to me, with the caveat that he said that

I am doing a good job so far. I will do my very best in the future to continue that good work, as will the Scottish Government.

The last word goes to Dr David Livingstone. On the 10th anniversary of the signing of the co-operation agreement with Malawi, I think of his words:

“I am prepared to go anywhere, provided it be forward.”

Business Motions

16:59

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-14781, 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 17 November 2015

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Devolution (Further Powers) Committee Debate: Changing Relationships: Parliamentary Scrutiny of Intergovernmental Relations

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 18 November 2015

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Health, Wellbeing and Sport

followed by Scottish Government Debate: Ambitious Housebuilding Programme for Scotland

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 19 November 2015

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 1 Debate: Community Justice (Scotland) Bill

followed by Financial Resolution: Community Justice (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 24 November 2015

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 25 November 2015
 2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions
 Culture, Europe and External Affairs;
 Infrastructure, Investment and Cities
followed by Scottish Government Business
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business
 Thursday 26 November 2015
 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 Business Motions
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-14782, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a stage 1 timetable for the Pentland Hills Regional Park Boundary Bill.

Motion moved,

That the Parliament agrees that consideration of the Pentland Hills Regional Park Boundary Bill at stage 1 be completed by 29 January 2016.—[*Joe FitzPatrick.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S4M-14783, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a stage 2 timetable for the Carers (Scotland) Bill.

Motion moved,

That the Parliament agrees that consideration of the Carers (Scotland) Bill at stage 2 be completed by 11 December 2015.—[*Joe FitzPatrick.*]

Motion agreed to.

Parliamentary Bureau Motions

17:01

The Presiding Officer (Tricia Marwick): The next item of business is consideration of three Parliamentary Bureau motions. I ask Joe FitzPatrick to move en bloc motions S4M-14784 and S4M-14785, on the office of the clerk, and motion S4M-14786, on the designation of a lead committee.

Motions moved,

That the Parliament agrees that, between 5 January 2016 and 23 March 2016 (inclusive), the Office of the Clerk will be open on all days except Saturdays and Sundays.

That the Parliament agrees that the Office of the Clerk will be closed on Tuesday 29, Wednesday 30 and Thursday 31 December 2015.

That the Parliament agrees that the Delegated Powers and Law Reform Committee be designated as the lead committee in consideration of the Bankruptcy (Scotland) Bill at stage 1.—[*Joe FitzPatrick.*]

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

Decision Time

17:01

The Presiding Officer (Tricia Marwick): There are four questions to be put as a result of today's business. The first question is, that motion S4M-14768, in the name of Paul Wheelhouse, on the Succession (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Succession (Scotland) Bill.

The Presiding Officer: The next question is, that amendment S4M-14775.1, in the name of Claire Baker, which seeks to amend motion S4M-14775, in the name of Humza Yousaf, on Scotland and Malawi, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S4M-14775, in the name of Humza Yousaf, on Scotland and Malawi, as amended, be agreed to.

Motion, as amended, agreed to,

That the Parliament notes both that the tenth anniversary of the signing of the historic cooperation agreement between the governments of Scotland and Malawi was reached on 3 November 2015 and the continuing strength of this relationship; further notes that this agreement marked the beginning of the Scottish Government's International Development Programme, which now works in seven countries in the developing world; believes that, as a good global citizen, Scotland should continue to prioritise its international development work; recognises the contribution of the Scottish development sector and the Scotland Malawi Partnership, in particular their work with partners in Malawi, and the many Scots and Scottish organisations who, over the last 10 years, strengthened these links with Malawi and Scotland's other priority countries through their hard work and enthusiasm and have given their time and support so generously; commends the work of the Commonwealth Parliamentary Association and MSPs through their continued work with the Malawi National Assembly; looks forward to the Scottish Parliament and Government and the people of Scotland working together with the country's domestic and overseas partners toward the delivery of the new global United Nations' Sustainable Development Goals, which will become applicable from January 2016; welcomes the change achieved through the cooperation agreement, particularly regarding progress in health and education, and believes that, going forward, work should be undertaken to support a strong and sustainable economy for Malawi's future.

The Presiding Officer: The next question is, that motions S4M-14784, S4M-14785 and S4M-14786, in the name of Joe FitzPatrick, on the office of the clerk and the designation of a lead committee, be agreed to.

Motions agreed to,

That the Parliament agrees that, between 5 January

2016 and 23 March 2016 (inclusive), the Office of the Clerk will be open on all days except Saturdays and Sundays.

That the Parliament agrees that the Office of the Clerk will be closed on Tuesday 29, Wednesday 30 and Thursday 31 December 2015.

That the Parliament agrees that the Delegated Powers and Law Reform Committee be designated as the lead committee in consideration of the Bankruptcy (Scotland) Bill at stage 1.

Energy Storage Network

The Deputy Presiding Officer (Elaine Smith):

The final item of business today is a members' business debate on motion S4M-14440, in the name of Mike MacKenzie, on the energy storage network. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the launch by Scottish Renewables of its new storage network and its publication of a briefing paper, *Energy Storage: The Basics*; understands that the technologies covered in the paper include hydrogen fuel cells, large-scale heat storage and supercapacitors and that the purpose of the network is to bring together people and organisations with an interest in the energy storage sector, which it believes is growing rapidly; notes reports that it is estimated that the global market for large-scale energy storage will be worth around £20 billion by 2022; understands that Scotland has already taken a lead in the development of technologies such as grid-scale batteries, and notes the view that it is of vital importance to the future of the renewable energy sector in the Highlands and Islands and across the country that Scotland continues to develop a strong energy storage sector.

17:04

Mike MacKenzie (Highlands and Islands)

(SNP): I am pleased to have secured this debate in order to shine a light on energy storage, because energy storage is an often forgotten and sometimes undervalued aspect of our energy system, yet it is a fundamental and critical part of that system. I am grateful to Scottish Renewables for its report "Energy storage: The Basics", because I have perhaps been as guilty as anyone in not previously properly considering and giving due prominence to the important matter of energy storage.

Before I continue, I would like to do something that I do not believe I have ever done before in the chamber. Indeed, it is something that I may never do again. I want to pay a tribute to a Labour politician; I want to pay a tribute to the late, great Labour Secretary of State for Scotland, Tom Johnston. It was Tom Johnston who brought hydro power to the Highlands and Islands, bringing into being both hydroelectricity generation and pumped storage on a scale that we have not since matched. In doing so, he left us a legacy that continues to benefit the Highlands and Islands to this day.

Michael Russell (Argyll and Bute) (SNP): It would be useful for the member to know that the admiration for Tom Johnston spreads across the chamber. I seem to remember that a portrait of Tom Johnston was hanging in Bute house when the previous First Minister was there. He used to regard Tom Johnston as the precursor of at least

part of the type of Scotland that we would like to see.

Mike MacKenzie: I am grateful to Mr Russell for that information. I had not realised that Tom Johnston's portrait was in Bute house.

In Tom Johnston's wisdom he recognised that what would benefit the Highlands and Islands would also benefit Scotland, and, in his wisdom, he recognised that what would benefit Scotland would also benefit the rest of the United Kingdom. It is that kind of wisdom that is quite evidently so lacking in today's unionist politicians. It is sometimes forgotten that Tom Johnston also introduced storage heaters, storing energy at times of low demand, bringing affordable, convenient heating to the Highlands and Islands on a significant scale and utilising energy that would otherwise be wasted by storing it at the household level.

Presiding Officer, I mention that to demonstrate that, even without renewable energy generation, energy storage was and is both necessary and worth while. It is used to help balance the peaks and troughs of demand and supply.

Alex Salmond (Aberdeenshire East) (SNP):

Tom Johnston also tried to exterminate the Scots midge, but that was less successful. The point that I was going to make was that he took emergency legislation through all its procedures in 10 days—I think—in the House of Commons to enable the North of Scotland Hydro-Electric Board, as it became, to do its work. There might be a lesson for us all there.

Mike MacKenzie: I am very grateful to Mr Salmond for that further information. Like midges, a lot of small Scotsmen are equally difficult to exterminate.

Energy storage is also used to provide a degree of energy security. The pumped storage facility at Cruachan provides the initial black-start power to jump-start the system in the event of a system-wide failure.

With the advent of renewable energy, with all its possibilities and opportunities, energy storage is even more critical. Critics of wind energy often make the self-evident observation that the wind does not blow all the time—they might not have talked to some of my constituents in Tiree. That is a backward-looking, Luddite view of centralised energy production, which fails to recognise that the current energy system is failing us.

The evidence of failure is in our high energy costs, with rates of fuel poverty of more than 30 per cent across Scotland and more than 50 per cent on some of our islands. The evidence of failure is in our spare capacity generation, which is at an all-time and dangerous low of 1.2 per cent,

according to National Grid. The evidence of failure is in the UK Government's enormous subsidy for the untried and untested European pressurised reactor at Hinkley Point, and in the UK Government's desperation in bribing the Chinese to invest in such a risky venture.

The solution to the problem and the way forward is to embrace the possibility of clean, green renewable energy generation. Scotland has the possibility of generating many times our own energy requirements, and the variety of storage solutions is limited only by our ingenuity and our extraordinary capabilities for technological innovation—something that we Scots have been good at for generations. There is no single magic bullet. Pumped storage, hydrogen, flywheels, ever cleverer and bigger batteries, compressed air, electric vehicles and other new and emerging technologies all offer exciting energy storage solutions.

There are a number of reasons why we must increase both our renewable energy generation and, in tandem, our storage capability. We need to do so to meet our climate change targets; we need to do so because, as world energy demand continues to rise, we need to increase our energy security; and we need to do so because we have a huge competitive advantage in these technologies and, therefore, a huge economic opportunity both at home, in capturing this enormous resource, and abroad, in exporting our skills and the technologies that we develop—technologies and skills in which we are already well ahead of the rest of the world.

The only missing ingredient in bringing all this to fruition is the lack of political will from the UK Government, which needs to recognise, as Tom Johnston did, that what is good for Scotland can also be good for the rest of the UK. As we consider our constitutional future, we must remember that the aim of constitutional change is the delivery of good government, and an essential part of good government lies in enabling us to capture our economic opportunities, especially in sectors such as energy in which we have a huge competitive advantage.

We have already stood by and watched as much of our oil wealth has been squandered. It would be a tragedy if we were forced to watch the same thing happen to our renewable energy opportunity.

17:12

Sarah Boyack (Lothian) (Lab): I thank Mike MacKenzie and congratulate him on securing the debate. It might not look like the most exciting issue that we will debate this week, but it is probably one of the most important. I therefore

welcome the fact that he has put it on the agenda for us tonight.

Mike MacKenzie mentioned the challenges that we face: the fact that 39 per cent of our households are in fuel poverty; the fact that we are missing the emissions targets; the target of meeting our electricity demand from renewables; the stalling in the transformation that we need across our economy, which, as he said, is partly due to the UK Government's chopping and changing in both its investment and the regulatory framework; and the challenge of intermittency. We are now beginning to power ahead with lots of different levels and scales of renewables, particularly wind renewables, but we do not have the grid or the storage back-up to maximise the economic and energy opportunities.

We face huge challenges, but I agree with Mike MacKenzie that we have now invented technologies that can overcome many of those challenges and help us to deliver security of supply and use the energy that we are currently wasting because we are unable to store it. For that reason, I particularly welcome the research that has been done and the briefings that we have been presented with by WWF and Scottish Renewables. Those new technologies are key to our economic and climate future in Scotland. They are key to a green energy transition that involves the creation of jobs, affordable heat and energy and a climate-friendly energy network.

There is no single, one-size-fits-all solution, and that plays to the contributions of the Highlands and Islands, of villages and of towns. It also plays to the contribution of cities. We will all have different opportunities depending on the local geography and circumstances, but we need to look at the range of energy and heat storage technologies that are available and work out what is best in all those areas.

The ambition of the post-war Labour Government was about having a mix of regulation and a mix of key partners and, crucially, it was about looking at the huge opportunity from large-scale hydro. We now have many more opportunities. Community hydro schemes are coming back into vogue. Hydro schemes present a particular opportunity because they can be community owned, and the benefits stay with the communities.

We need to look at other technologies, such as battery technologies. On Eigg, I have seen battery technology being used to develop fantastic opportunities. As the years go by—by the time we hit 2020 and 2025—we need to have cars, bikes, buses and other vehicles using battery storage. That will begin to transform how we use the electricity that is being produced but not being used.

Hydrogen fuel cells also have a huge and exciting potential. One of the opportunities that are being pursued is at community level. The work that is being done in the northern isles in particular is very exciting and we must begin to roll that out across the economy.

I will end on thermal storage. It is probably not the most exciting end of the energy spectrum, but it is potentially the most transformational. Let us go back to the opening statistic: 39 per cent of our households are in fuel poverty and there are people in the Western Isles in extreme fuel poverty. There are opportunities in district heating and district heating storage, such as the work of Glasgow's Star Renewable Energy in Norway. The University of Edinburgh is leading the way on the key issue of how we make that work properly.

The issue is not just about renewables but about low and zero-carbon technologies. It is about using and bringing together a variety of renewables and heat technologies. The proposals at the University of Edinburgh have generated savings of £1.5 million a year and reduced CO₂ emissions. The challenge is how to make such projects work across the country. Our Scandinavian neighbours have some of the solutions. We need to use new developments, supported by grants and planning approaches. We must also ensure that the public sector works with the private sector to bring about the change. The developments are really exciting.

Mike MacKenzie was right to kick off with the vision of Tom Johnston. We need that now in this Parliament—no pressure, minister. I hope that in the minister's concluding remarks we will hear some of that vision and ambition, as well as the key steps to make the changes that we need. We in Scottish Labour are up for the challenge. Let us work together to deliver on that.

17:17

Joan McAlpine (South Scotland) (SNP): I, too, congratulate my friend Mike MacKenzie on securing this important and timely debate.

Last year, I was delighted to host an event in Parliament with Heriot-Watt University on its energy academy. We heard about the wide variety of technological storage solutions being researched by the university's talented team. Mike MacKenzie and Sarah Boyack mentioned some of that work in their speeches.

This is no academic subject. Last week we saw the practical consequences of not investing in energy storage. We are repeatedly told that blackouts are the stuff of science fiction, but last week they nearly became a cold reality—with the emphasis on "cold". National Grid had to issue an emergency request for electricity due to an

unexpected spike in demand. Its winter outlook report revealed capacity margins as low as 1.2 per cent, as Mike MacKenzie mentioned. The safe level is 5 per cent. A capacity margin is the average amount of extra electricity available compared with peak winter demand, so 1.2 per cent is worryingly low.

I was very pleased to hear that Mr Ewing had written to the responsible minister at UK level, Amber Rudd, to warn her against her complacency in the matter. It is well known that UK energy policy, which she presides over, discriminates against Scottish renewables; it is also well known that it discriminates against generators such as Longannet, which is being forced to close early because of unfair transmission charges. It is less well known how it discriminates against storage technology, another area in which Scotland can lead.

As Mr MacKenzie mentioned, that discrimination not only damages Scotland but contributes to supply issues right across the UK. As the WWF briefing for the debate says,

"The current UK energy market framework does not provide an adequate revenue stream for large storage projects, and there are no targeted support mechanisms."

That point has been repeated to the Economy, Energy and Tourism Committee by other experts and by the generators themselves, notably Scottish Power and SSE.

We have two shovel-ready projects that are being held up by the UK Government's policy failure on storage: the Cruachan extension, which is included in the national planning framework 3 as a nationally important piece of infrastructure; and Coire Glas by Loch Lochy. Between them, those two projects would bring pumped storage capacity in Scotland to well over 2GW by 2030. To put that into context, there is currently around 3.24GW of storage capacity in Britain, so those two projects alone would make a significant contribution, although they would still not bring us anywhere near Germany, which already has 7GW of storage, Spain, which has 8GW of storage, or Japan, which has 25GW of storage. Storage provides more flexibility, as those countries understand and as expert witnesses told the Economy, Energy and Tourism Committee. The Institution of Mechanical Engineers also said as much last year in its important report on the subject.

Managing supply and demand when it comes to electricity is a fine art and, when it has failed to balance supply and demand, National Grid has been forced to pay large sums of money just to maintain some kind of equilibrium. We are always hearing about the constraint payments to wind farms, the energy from which we all accept is intermittent, but it is not just renewable energy

generators that receive those payments—they go to power stations as well. For example, in 2012-13 National Grid paid out £170 million in constraint payments overall, of which wind generators received just £7 million.

Now the public is becoming aware, with some degree of alarm, of something called demand-side balancing reserve, whereby National Grid pays large industrial customers not to use power. Those payments also run into millions of pounds and are set to increase, although there seems to be considerable secrecy around them.

Meanwhile, the UK plans to address the crisis by spending billions doubling the interconnectors with the continent and investing in nuclear energy. It would be so much easier and cheaper to allow Scotland to develop its strengths in renewable energy and storage potential, but only this week we learned that Amber Rudd, while implementing policies that cut off investment in Scotland's renewables projects, is planning to pay to import renewable energy.

The UK Government and its regulator, the Office of Gas and Electricity Markets, are presiding over a system in which consumers are paying through the nose for a system that could have been invented by Lewis Carroll—it is quite simply absurd. One week we are paying firms to switch off, and the next week we are paying astronomical amounts to keep the lights on.

The Deputy Presiding Officer: You need to close, please.

Joan McAlpine: I am just finishing.

During last week's crisis, the price that National Grid paid to some generators reached £2,500 per megawatt hour when it is normally £50.

Investing in energy storage to overcome the issue of intermittence and ensure a smooth supply of green energy when we need it makes a lot more sense, and I very much hope that the UK Government soon sees sense on the matter.

The Deputy Presiding Officer: I must now ask members to keep to four minutes. Even if they do so, given the number of members who still wish to speak in the debate I am minded to accept a motion from Mike MacKenzie, under rule 8.14.3, that the debate be extended by up to 30 minutes.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Mike MacKenzie.*]

Motion agreed to.

17:23

Alex Johnstone (North East Scotland) (Con): One of the first things that I was ever taught in a

science class was that energy can never be created or destroyed; it can only be changed from one form to another. That is a lesson that we should all take to heart when we are thinking about the need to store energy because, too often, we go for the hi-tech solution when low tech is the right way to go.

Many people will remember how conditions in some areas of Africa were transformed when Trevor Baylis had the genius idea of putting a clockwork mechanism on a radio. Simple—and, in some cases, ancient—technology can serve a modern function. For that reason, we should always be careful not to go for the high-tech solution when the low-tech solution will deliver.

With regard to the energy storage solutions that are available, a number of members have already suggested that pumped storage or hydro is the way to go. We have certain difficulties in Scotland—for example, our mountains are not as high as those in Norway or the Urals, and the volume of water that is available is not as great as that in other countries—but using low-cost surplus electricity to pump water up a hill and then letting it back down through the turbines during times of demand and at a much higher price is a tremendous business model. We should always remember that, regardless of what Government can or cannot do, that business model already pays off handsomely for the company that operates such pumped storage schemes. We should seek to extend that technology wherever we can, because almost all of our current hydro schemes would be suitable for pumped storage.

Claudia Beamish (South Scotland) (Lab): Does the member agree that the kind of pumped storage scheme that I see on the Falls of Clyde and across Scotland is a much better model than the centralised nuclear energy model, which the member's party is arguing for, and the very expensive waste issue that comes with it?

Alex Johnstone: I might have time later to get on to the subject of diversity of energy sources, which is something that I believe in.

The other point that I wanted to make with regard to low-tech solutions is about compressed or liquefied air, which is also mentioned in the report that we are discussing. We can learn a great deal from work that is being done, particularly in India, on cars that are powered by liquid air. It is a wonderful way of storing energy; it is almost like a spring, and it can achieve great results.

In my last minute, I want to explain how our electricity system works. Our electricity is generated at 50 cycles per second, and we can test the load on the system at any moment from any socket in any wall simply by checking the rate

at which the current is oscillating. If it deviates by more than a few fractions of 1 per cent above or below that 50 cycles per second figure, someone in a control room somewhere is panicking and trying either to produce extra capacity or to shut capacity down. It is vital that, as we move towards a more environmentally based system, we have the means to change that capacity. That is why we pay for generators, including wind turbines, to be switched off; their value is greater if they are held in reserve than if they are used simply to displace something else.

If we put all our eggs in one basket—in any one form of energy production—we will put continuity of supply at risk. That is why, as I said in response to the earlier intervention, I will always campaign for diversity in our energy sources. Only through diversity can we have the consistency required to ensure that when we flick a switch the power comes on.

The Deputy Presiding Officer: Please close.

Alex Johnstone: If we fail to be diverse in our energy sources, we run a much greater risk of that power not coming on.

17:28

David Torrance (Kirkcaldy) (SNP): First of all, Presiding Officer, I must apologise to you and Mike MacKenzie for not being able to stay until the end of the debate.

I thank Mike MacKenzie for bringing this motion to Parliament, because I think that it addresses an interesting and important factor in Scotland's energy future. All of us in the chamber know that the Scottish Government has set progressive targets for and introduced initiatives to boost Scotland's renewable energy sector. For example, Scotland now meets more than 50 per cent of its electricity needs from renewable sources and we hope that, by 2020, we will be meeting 100 per cent of our electricity demands from such sources. We will continue to work towards that goal.

In order to help our energy industry to grow, we need to invest in new and developing technologies, and I believe that we need to look in particular at energy storage, which is a solution to one of the renewable energy sector's biggest problems. In many cases, excess energy that is generated by popular renewable sources such as wind turbines is lost because it cannot be stored effectively.

I am therefore proud to join my colleagues in support of Scottish Renewables and its publication of "Energy Storage: The Basics", which showcases some of the most successful new storage technologies in Scotland. New storage technologies will allow us to harness the maximum

amount of energy that is produced and to fuel our country through renewable sources at any time, not just when turbines are turning or the sun is shining.

As Mike MacKenzie has rightly pointed out, the energy storage industry alone will be worth roughly £20 billion globally by 2022. It is therefore essential that Scotland develops a strong energy storage sector and thereby assures a place for itself in that growing global market.

The continued development of efficient energy storage technology is particularly important to me, as the energy sector drives a great deal of industry in my Kirkcaldy constituency. I would therefore like to focus on one type of energy storage that is specific to my constituency: hydrogen fuel cells.

I was pleased that Scottish Renewables highlighted the work that is being carried out by the Hydrogen Office at Fife energy park, which is located in Methil, as a case study for the expansion of hydrogen fuel storage. The Hydrogen Office was founded in 2011 with funding from Scottish Renewables and other local energy-aware organisations, with the goal of promoting efficient renewable energy, specifically through hydrogen power. It now converts any excess energy that is produced by its wind turbine into hydrogen gas, which is stored in a high-pressure stainless steel tank.

That fuel can be transferred to a 10kW fuel cell and used to power the Hydrogen Office at the energy park at up to 80 per cent efficiency when the wind turbine does not provide enough real-time electricity to the facility. When full, the fuel cell can power the Hydrogen Office for up to two weeks. Perhaps the best benefit of using hydrogen to power the Hydrogen Office is that water is the only by-product of the process. By using hydrogen power, the Hydrogen Office has eliminated its carbon emissions entirely.

I reinforce for members that hydrogen fuel storage is not a technology that is feasible only for large-scale facilities. The Hydrogen Office's parent organisation, Bright Green Hydrogen, has created a pilot programme based in Levenmouth for the use of hydrogen fuel cells in vehicles. A fleet of 20 electric cars and vans plus two bin lorries use hydrogen fuel to continually charge their batteries. That allows cars to run for up to 200 miles without stopping.

The Hydrogen Office is only one venture in the grand scheme of Scotland's energy needs, but its success shows us that hydrogen fuel cells and new energy storage technologies in general have an increasingly important place in Scotland's energy industry. The expansion of hydrogen fuel cell technology into smaller projects, such as

powering cars, will help Scotland's transition to an increased reliance on renewable sources.

The conversion of renewable energy to hydrogen gas could replace petrol, coal and natural gas in the future, and it could eliminate entirely Scotland's need for non-renewable sources of energy. I am proud to say that an organisation in my constituency has been at the forefront of developing that new technology, and I know that it will soon be able to apply its new innovations across Scotland.

17:32

Liam McArthur (Orkney Islands) (LD): I, too, congratulate Mike MacKenzie on securing this important debate and I join him in acknowledging and welcoming the work that Scottish Renewables has done through the launch of its new storage network and the publication of "Energy Storage: The Basics".

As has been said, we pretty regularly debate in the Parliament the issue of energy, but the focus is invariably on generation—usually electricity generation—rather than the wider contribution of heat and transport. In turn, that has led to claims that demand reduction and energy efficiency are the Cinderella of the energy debate. However, I am not sure that energy storage does not have a more compelling claim to that dubious honour. Invariably, it is a postscript to a speech here and there. It is an apparent afterthought that is worthy of acknowledgment but of no serious discussion in the overall energy debate. That is a failing on our part, and I am pleased that we have an opportunity—albeit a brief one—to begin to redress the balance and give storage its proper place.

As others have said, storage is central to achieving our renewable energy ambitions. As we strive to meet ever-more challenging targets en route to decarbonising our energy system, storage solutions will play an ever-more critical role. WWF strongly emphasised that point in its briefing for the debate. WWF also legitimately argued that the United Kingdom energy market does not provide an adequate funding system for storage projects, which should be a priority for development. To be fair, that has been a failing of successive Governments north and south of the border, but we can ill afford to see it continue.

That is not to say that we are operating from a standing start. Scottish Renewables has helpfully set out a range of activity that is under way in Scotland, from the long-standing pumped water storage operations at Cruachan—a direct legacy of Tom Johnston, who has rightly been eulogised by many members—to a more recent project in my Orkney constituency, where collaboration between

Scottish Hydro Electric Power Distribution and Mitsubishi Heavy Industries has seen the UK's first large-scale battery connected to help to ease grid constraints and allow for more renewable generation. I am also excited by the progress of the surf and turf initiative on Eday, which is deploying renewables to generate hydrogen that is then used to provide electricity for ferries when they are tied up in the harbour. Those examples underscore the potential and the fundamental importance of storage in allowing us to connect more renewables capacity, deliver security of supply and empower communities and consumers.

Perhaps one of the reasons why there has been a tendency to overlook the contribution that storage can and must make in our efforts to decarbonise our energy system is the sheer range of storage types, which vary in scale and stage of development. Heriot-Watt University's energy academy, which was referred to earlier, illustrates the point well by explaining that

"heat and electricity storage will be required at timescales from seconds to years, and from small, battery scale, to grid-level solutions."

I was interested to read about the partnership approach that that academy is taking, which involves bringing together different disciplines and facilitating collaboration across industries, research centres and other organisations. After the visit to Orkney last week by Heriot-Watt's new principal, Professor Richard Williams, I hope that there is more that the team at the international centre for island technology can contribute to the academy's work, in conjunction with the world-class cluster of renewable energy-related businesses that are to be found in Orkney. Of particular interest is the academy's work on demand management systems, which could reduce the price of electricity, and the use of virtual power plants to integrate renewable energy resources and demand in remoter communities.

As we come to rely increasingly on renewable energy, we need to recognise that that reliance rests heavily on the flexibility and security that only storage solutions can provide. WWF calls on all political parties to embrace that vision, which the Scottish Liberal Democrats certainly do. It is time that Cinderella storage got her invitation to the green energy ball.

17:37

Nigel Don (Angus North and Mearns) (SNP): I, too, thank Mike MacKenzie for bringing this important debate to us. I also thank him for the history lesson about Tom Johnston. I have a family connection to that, because my grandfather was one of the civil engineers who did some of the heavy lifting, so to speak, in the work that was

done on hydroelectric power stations across Scotland in times past.

We all know that renewable energy is intermittent. It is not just that the wind does not always blow; although tides come and go, there are long slack periods in between. We readily recognise that storage is part of a power system.

I suspect that most MSPs have been to briefings by National Grid, so we know fine well that it is used to the idea of having to buy spare capacity and pay over the odds for it at peak times. National Grid has also bought opportunities to reduce demand, as has been pointed out—Joan McAlpine commented on that.

However, I do not recall National Grid ever talking about storage in any of our briefings. If it did so, storage was very much the Cinderella issue. Storage has obviously been somewhat off National Grid's radar, too, but it will have to come on to that radar. That is partly for reasons that members have mentioned and which I will not repeat, and partly because of a point that I do not think has been mentioned yet, which is that, although we have all spent our time talking about renewable electricity generation, the biggest part of our energy demand is for heat for domestic and business purposes.

If we are to use renewable energy to meet the heat demand, we will have to generate a great deal more electricity, but we will have to get it to where the heating is required and—this is the crucial bit—make sure that it is available when the heating is required, which might well be in the evenings and overnight rather than during the day, when the electricity might have been generated. Storage is therefore a crucial part of getting the heat balance across Scotland in connection with renewables.

We have always known that standard generating power stations waste heat. We have all seen the enormous cooling towers and wondered why they were there, but the laws of thermodynamics demand that they are there. If those power stations had been built in the middle of our big cities, we would not have needed the cooling towers, because we could have used the waste heat to warm our houses. District heating systems in various places have been known to do that.

That brings me to my next point, which is that we should store energy where it will be useful as heat. Many storage systems generate waste heat and, if we can use that for district heating, that must be far more efficient in overall energy terms.

If we can take energy out of the sky through wind turbines, the cost of that energy will not be terribly great but, given that we have to put enormous amounts of capital into the ground and

then into the wires that move the energy around, we want to have efficient systems. That is why it is important that we get our storage in the right place. It needs to be distributed, but that means that compressed air, liquid air and flywheel storage, which are in themselves relatively inefficient, can become more efficient if they are put in the right place. The waste is always heat but, if we can collect that and put it into a district heating system, it ceases to be wasted and becomes useful heat.

That point adds to the complexity of what is already a complex enough problem. I am grateful to Mike MacKenzie for bringing it before us.

17:41

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Other members have mentioned Tom Johnston, but one key aspiration that he had has not yet been referred to. He imagined that, with the building of hydroelectric schemes, we would get to a position where no charge was made for the electricity that was supplied, because there was no cost in the energy source from which it came. That sounds like fantasy, except that it is now happening in Texas.

In reading *The New York Times* on Sunday, I spotted that TXU Energy of Texas, which is the state in the United States with the highest proportion of installed wind energy, is now supplying to its customers at no charge whatsoever all the electricity that they can use between 9 o'clock at night and 6 o'clock in the morning. There is a future out there, if we get the infrastructure in the right place, that will enable us to do things that are both environmentally and practically favourable to energy consumers.

Of course, the electricity is free overnight because that is not when most people want it. That brings us neatly to the whole point of storage. I declare that I am a member of the Institution of Engineering and Technology. It has a monthly magazine that covers up-to-date projects, and the October edition described what is a very exciting project. It involves a lithium-oxygen battery that uses graphene—that is, single atom level graphite carbon—to protect the electrodes from corrosion in the pure oxygen environment that is required in such batteries. A demonstrator is working in the lab, which means that in 10 years' time, the technology might be available to us as consumers.

Weight for weight and volume for volume, that battery can store the same amount of energy as a tankful of petrol, and it is theoretically already able—in demonstrator mode—to enable us to travel 650km between Edinburgh and London for one fifth of the cost of present technology and one fifth of the weight. In other words, it is a direct and

genuine competitor with the petrol and diesel engines that we have in our cars today. We cannot guarantee that it will come out of the lab and end up as a commercial product, but the portents are really quite encouraging.

We have seen enormous changes taking place in the technology of batteries. The point is that, if someone has local generation—a turbine on their roof—and they can charge their car overnight and get a normal tankful of energy, that is pretty good, because the transmission cost is nil, they are in control of what is going on and there are huge environmental benefits.

I contrast that with what the *Financial Times* reported on Tuesday last week. It told us that the energy supply in the United Kingdom has been so ill managed that the UK Government is having to contract for diesel power stations. We now like diesel a lot less than we did a few months ago, before Volkswagen revealed to us how polluting it is, but the Government is going to spend £436 million to provide excess diesel capacity at precisely the point at which it is shutting down renewables. That disnae make sense.

This has been an excellent debate and I say well done to Mike MacKenzie. I look forward to hearing what the minister has to say.

17:45

The Minister for Business, Energy and Tourism (Fergus Ewing): It has been an excellent debate, and I thank Mike MacKenzie for securing it.

I very much welcome the Scottish Renewables paper “Energy Storage: The Basics”, which sets the context and repays a close reading. It begins by stating:

“Our demand for energy varies constantly throughout the days, weeks and months, and our energy system needs to be flexible and deliver electricity and heat at the right times.”

Traditionally, delivering those things was achieved primarily through a combination of fossil fuels, with some nuclear power. However, increasingly, delivering them will be achieved through a transition to low-carbon sources of energy—we all accept that. The transition needs to be practicable and managed, and it needs—as Mr Johnstone said—to incorporate a diversity and variety of supply, which is something for which I have always argued. Nevertheless, a transition there must be.

The transition to low-carbon renewable generation will not be straightforward, because renewable generation is variable—it depends on the weather—whereas nuclear generation is inflexible. That means that we need to be

innovative, and long-standing storage technologies to provide greater flexibility must be brought forward. Ultimately, storage used in conjunction with renewables can help to tackle climate change, decrease our reliance on fossil fuels and maintain our energy security.

I was also interested in the report from the Institution of Civil Engineers that was published at the end of last month, which highlighted the significant potential of storage to help to

“Ease the tightening of capacity margins ... Manage increasing peak demand and the intermittency of renewables ... Meet renewables and emissions targets”

and

“Extend aging infrastructure and stem increasing costs.”

The report makes two interesting recommendations. The first is to exempt storage operators from balancing services use of system charges, because pumped storage pays twice, in effect, for both drawing in and then expelling the energy, which is surely not fair. That is a very sensible suggestion indeed. The second recommendation is to classify storage as a specific activity for distribution network operators.

We heard from various members during the debate. David Torrance spoke about the championing of hydrogen techniques in Fife—we have heard before about the Aberdeen hydrogen bus experiment. Mr Don set out the need for more electricity generation, for storage solutions and for more storage as heat. Sarah Boyack talked about district heating, which 10,000 homes already have. I hope and believe that we will have another 16,000 homes in district heating networks by 2020, and there is an ambition for a further 14,000 homes to join them. Stewart Stevenson’s remarks reminded me of the truism that, no matter how well-informed, diligent and hard-working any energy minister may be, technological advances will always be far ahead of them—although not far ahead of Mr Stevenson.

I cannot beat the descriptions in various sections of the Scottish Renewables report. Under the heading “Pumped Hydro Storage”, we are told:

“How it works: Pumped storage schemes work by using electricity to pump water from a lower to a higher reservoir where it can be stored and then, when required, released to generate electricity, as a conventional hydroelectric power station would ... Energy release time: 10 seconds to 2 minutes”.

That would get rid of the £2,500 per megawatt hour cost that we saw when there was a spike on a day when the weather was not cold.

The benefits of pumped hydro storage have been considered against the high costs previously. One of the arguments that I put to Amber Rudd at a meeting several weeks ago was that because our electricity system in the UK increasingly has a

greater renewables component that is stochastic, the benefits of pumped storage become far greater than they used to be in the conventional fossil fuel model. We have therefore asked that the cost benefit analysis be reconsidered by experts in order to demonstrate that, although it is not cheap, it is not as expensive as National Grid believes. National Grid is supposed to be technology and energy-source neutral, so I hope that it will take that message on board. Indeed, I met Cordi O'Hara, its new chief executive, last week and delivered that message in person.

We have always argued that there should be more storage solutions. That is not a new point; I have been arguing it from the outset, and it is incorporated in our energy generation policy statement. Several years ago, I called for the establishment of an intergovernmental group between Scotland and the UK to look at pumped storage and find a means of making it work—in other words, to find something that is financeable. I suspect that Ed Davey was personally supportive of the idea but, sadly, he did not approve it. However, when I met Amber Rudd some weeks ago, I made an alternative proposal that there should be a UK Government and devolved Administration expert group.

Sarah Boyack: Will the minister take an intervention?

Fergus Ewing: I would really like to make these points. I am very sorry but I need to make progress.

That expert group should comprise senior officials and it should be specifically tasked with looking at flexibility, incorporating storage, interconnection and other methods of providing flexibility in the grid. In other words, it would look at the issue in the round.

As many members have indicated, the requirement for more storage will not be optional. It will prove to be essential—a sine qua non of a system that has more renewables and in which the capacity margin is parlously low, as we have seen of late. We will also need storage—not at the transmission level of pumped storage but, as members have said, at distribution and, indeed, household level. Members talked about battery storage and lithium batteries, liquid compressed air, hydro storage, domestic thermal storage and other forms of storage.

I refer again to the Scottish Renewables report because it refers to an East Lothian-based company, Sunamp. The report says that the company has

“developed the SunampPV system which is designed to store excess electricity from a solar PV array as heat. It can later deliver fast-flowing hot water on demand. Sunamp are set to install over 700 units of SunampPV and other

Sunamp heat battery products in over 1,000 homes across Falkirk, Edinburgh and the Lothians.”

I have previously described the company, which I have visited, as the Scottish answer to Tesla.

We have encouraged various activities through our local energy challenge fund, some in Mr Torrance's area, some in East Lothian and others throughout the country.

We need the UK Government to recognise the key role that storage has to play as we move forward. As Mr Stevenson said, it is absurd that we need 1.5GW of diesel power, at a cost of £436 million. That is a temporary and polluting solution that leaves no long-term legacy. We have the pumped storage resources in Scotland. Those should be used by the UK, which should find a method of incentivising that use. There are only 3GW of pumped storage in Britain; in comparison, Austria has 8GW and Germany and France have twice as much as the UK.

There have been useful contributions to the debate from across the chamber. It is a topic that we will come back to on many future occasions, and rightly so. I thank Mr MacKenzie again for bringing the debate to the chamber this evening.

Meeting closed at 17:54.

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