



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Tuesday 24 March 2020**

**Session 5**



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# Scottish Parliament

*Tuesday 24 March 2020*

*[The Presiding Officer opened the meeting at 13:30]*

## Time for Reflection

**The Presiding Officer (Ken Macintosh):** Good afternoon, and welcome to today's proceedings. As members will be aware, we are now practising social distancing throughout the building. We have removed chairs in the chamber to ensure that members are sitting a safe distance apart. It is very important that Parliament continues to function at this time but that it does so while we observe the vital public health message of keeping a safe distance. Those rules apply to me, here on the podium, so I apologise to colleagues on the left-hand side of the chamber who cannot quite catch my eye.

The rules also apply to our time for reflection leader, who has been asked to deliver his message from the Presiding Officer's gallery. I welcome the Rev Iain May, the minister of south Leith parish church in Edinburgh.

**The Rev Iain May (Minister, South Leith Parish Church, Edinburgh):** I am speaking to you from on high. *[Laughter.]*

Presiding Officer and members of the Scottish Parliament, thank you for the opportunity to address you this afternoon. Recently, I was talking to the students and staff of Leith academy, in my parish of south Leith, here in Edinburgh, as they ended their term. I said that they need to look after their own wellbeing and the wellbeing of their school and the community in which they live, especially in these challenging times due to the coronavirus pandemic.

In seeking that, I asked them to treat themselves and their physical body with care—to treat their body and what they put into it with the same respect as they would have for any special or sacred space. In the Christian tradition, as in most faith traditions, God expects us to do so. In Christianity, we are asked to see our bodies as a sacred temple—a place that is special and should not be abused or treated with disrespect.

That made me think of this special place. This seat of government is, indeed, a special place. This place, if you do not mind my saying so, is a temple—a temple of responsibility, wisdom and decisions. I hope and pray that what is said and what is decided in this place will always have a positive effect on those within it and, more important, on those outside, in our community and

in our nation. If we believe that that is the case, we must treat ourselves, our colleagues and our fellow members with respect. Then we, as individuals, the body of Parliament and those whom this temple represents will, indeed, flourish.

Regardless of whether you have a faith or no faith, we all need to flourish. I ask you, as members of the Scottish Parliament, to think about what you will absorb and take in from your debates this day. Think about all that you have taken in over the years that many of you have spent in this place. Reflect on the many wise—and, unfortunately, at times, unwise—words that might have been said in this place. Use those memories and words to become the body of wisdom and responsibility that you are asked to be by those who sent you here.

I hope and pray that you will flourish, that this special place will flourish and that our nation and all within it will flourish as well.

Thank you.

## Business Motions

13:34

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of business motion S5M-21331, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on referral of the Local Government Finance (Scotland) Order 2020.

*Motion moved,*

That the Parliament agrees that the Local Government Finance (Scotland) Order 2020 [draft] be considered by the Parliament.—[Liz Smith]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S5M-21332, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out changes to this week's business. The motion condenses parliamentary business into one day—we will be meeting today, but we will not meet tomorrow or the next day.

*Motion moved,*

That the Parliament agrees the following revisions to the programme of business on:

(a) Tuesday 24 March 2020—

delete

*followed by* Ministerial Statement: Justice (COVID-19)

*followed by* Legislative Consent Motion: UK Coronavirus Bill

*followed by* Ministerial Statement: Health (COVID-19)

*followed by* Legislative Consent Motion: Air Traffic Management and Unmanned Aircraft Bill - UK Legislation

6.00 pm Decision Time

insert

*followed by* Ministerial Statement: First Minister

*followed by* Ministerial Statement: Justice (COVID-19)

*followed by* Legislative Consent Motion: UK Coronavirus Bill - UK Legislation

*followed by* Scottish Government Debate: Local Government Finance (Scotland) Order 2020

*followed by* Legislative Consent Motion: Air Traffic Management and Unmanned Aircraft Bill - UK Legislation

*followed by* Scottish Parliamentary Corporate Body Motion: Reimbursement of Members' Expenses Scheme

4.45 pm Decision Time

(b) Wednesday 25 March 2020—

delete

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:  
Education and Skills;  
Health and Sport

*followed by* Stage 3 Proceedings: Consumer (Scotland) Bill

5.00 pm Decision Time

(c) Thursday 26 March 2020—

delete

11:40 am Parliamentary Bureau Motions

11:40 am General Questions

12:00 pm Ministerial Statement: First Minister

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions:  
Communities and Local Government

*followed by* Stage 1 Debate: Agriculture (Retained EU Law and Data) (Scotland) Bill

*followed by* Financial Resolution: Agriculture (Retained EU Law and Data) (Scotland) Bill

5.00 pm Decision Time

(d) Wednesday 1 April 2020—

delete

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions

*followed by* Scottish Government Business

5.00 pm Decision Time

and insert

9.30 am Stage 1 Debate: COVID-19 Emergency Legislation

11:30 am Ministerial Statement: COVID-19: Social Security

12.00 pm Ministerial Statement: First Minister

2.00 pm Stage 2: COVID-19 Emergency Legislation

*followed by* Stage 3 Proceedings: COVID-19 Emergency Legislation

6.00 pm Decision Time—[Liz Smith]

*Motion agreed to.*

## Covid-19

**The Presiding Officer (Ken Macintosh):** The next item of business is a statement by the First Minister on the coronavirus Covid-19. Her statement will be followed by one from the Cabinet Secretary for Health and Sport, Jeane Freeman. The First Minister and the Cabinet will then take questions on Covid-19.

13:36

**The First Minister (Nicola Sturgeon):** Thank you for the opportunity to give an update on our response to the Covid-19 pandemic.

I can confirm that, as of 9 o'clock this morning, there have been 584 confirmed cases, which is an increase of 85 from yesterday. As always, I make it clear that those numbers will be an underestimate. It is with sadness that I can also report that there have been two more deaths of patients who had tested positive for Covid-19, taking the total number of deaths in Scotland to 16. I extend my condolences to all those who have lost loved ones, and I again thank our national health service staff who continue to care for people suffering from the virus.

The Cabinet Secretary for Health and Sport will provide a more detailed briefing in a few minutes, but I will begin with an update on some key points. As everyone knows, last night we announced significant new measures to slow the spread of Covid-19. I will quickly reiterate what those are, because I want people across Scotland to be very clear about what is now expected of us all.

In effect, Scotland is now in lockdown. People had already been told that they must stay at home. We have now set more stringent limits to that. The only permissible reasons for people leaving their homes are: to shop for basic necessities, but only once a day, at the most; to take exercise—again, that should be done no more than once a day—which people should do alone or with their household, not in groups; for personal medical reasons or to provide care to or support for a vulnerable person; or to travel to essential work, if that work absolutely cannot be done from home.

All social events are now banned, and public gatherings of two or more people—excluding households, or for essential work-related purposes—are also prohibited. Communal places such as libraries and playgrounds must close. Places of worship should also close, other than for funerals, which—I am deeply sorry to say—must be restricted to immediate family.

I know that there have been questions about families who live apart. Children under 18 can continue to move between households but, in

doing so, they should take hygiene and social distancing precautions.

I also want to confirm that people who have caring responsibilities, or who work in care, should continue to carry out those responsibilities. Again, they should follow social distancing measures as much as possible and hand hygiene at all times.

The overall message is very clear: people must stay at home. I know how hard that is for everybody, but people should not be meeting friends and they should not be meeting family members who live outside their home. As I have said previously, for all of us, life should not be feeling normal. If it does feel normal for someone, that person is almost certainly not sticking to the rules that we are asking people to abide by.

I am confident that the vast majority of people will comply with the rules, and I thank everyone in advance for doing that. However, later this week the emergency legislation that Parliament will discuss shortly will give us powers of enforcement. I want to be very clear that we will use those powers, if necessary.

I will say a bit more about the implications of the current situation for businesses. Since I addressed Parliament last week, the United Kingdom Government has taken helpful and significant steps to support wages. I know that the measures do not come into force until the beginning of April, but I hope that, by working with lenders, businesses will now be able to do the right thing and not lay off staff unnecessarily.

I can also confirm that the application process for the small business grant scheme, which the Cabinet Secretary for Finance announced here last week, is now live. Details of how businesses can access and apply for that are available on the [mygov.scot](https://mygov.scot) website.

I can also assure self-employed and freelance people that the Scottish Government continues to argue for the UK Government to put in place support for them. The Cabinet Secretary for Finance and the Cabinet Secretary for Economy, Fair Work and Culture wrote to the Treasury on that matter again yesterday and, from the signals that the UK Government has given, I am hopeful that positive announcements will soon be made.

I now turn to the issue of work and the closing of business premises. I want to start by acknowledging that businesses face very acute challenges, and I thank the vast majority of them for taking a very responsible approach to protect the health and wellbeing of their workforces.

However, I know that some concern remains that businesses and employers do not know what advice to follow, so I want to be clear about what the Scottish Government is expecting. First, I

stress that it is employers who should make such decisions; it should not be up to employees to anguish over whether they should go into work.

I am sure that people will appreciate that it will not be possible for us to make a decision or offer bespoke guidance for every business in Scotland—the situation is difficult for everyone—but I hope that the guidance that I am about to set out, when it is stripped back, will help businesses to navigate those difficult decisions.

It is clear that some categories of business have already been told to close. On Friday, those included pubs, restaurants, cafes, cinemas and gyms. Yesterday, we published a list of essential and non-essential retail. Non-essential retail premises are now required to close, and shopping for basic necessities should be kept to a minimum. That list is being updated to include other forms of establishments and those that are critical for civil contingencies. In particular, it is important that key strategic sites, which are vital to economic resilience and which cannot easily be shut down—such as the steelworks at Dalzell—can continue to work so long as they can maintain the minimum number of required staff and the social distancing requirements.

However, I am aware that many businesses out there do not neatly fit into any of those categories, such as manufacturers and food producers. The advice for those businesses—based on the precautionary principle, given that our priority is the protection of health—is broadly as follows. First, they should allow their staff to work from home if they can do so. Secondly, if their staff cannot work from home, they should ask themselves whether their business is contributing something that is essential to the fight against coronavirus—for example, by making medical supplies or manufacturing essential items—or to the wellbeing of the nation, such as food supplies. We want businesses that are doing so to keep going, if possible, but they must ask themselves whether they can operate their business in line with safe social distancing practice and their normal health and safety requirements. If they cannot answer yes to those questions, in our view they should not continue to be open.

We have been asked specifically about construction sites in Scotland. Our current advice, on the basis of the precautionary principle, is that we expect them to be closed, unless the building that is being worked on is essential, such as a hospital.

We know that some people, such as self-employed gardeners and window cleaners, do not have contact with other people; we would encourage them to go about their business if they can do so safely, as that can be good for the community. Many people are looking to volunteer

and help out in their communities; advice on how to do so safely is available on [www.readyscotland.org](http://www.readyscotland.org).

It will of course continue to be vital that local authorities put in place arrangements for the children of key workers and vulnerable children. The teachers and other education staff who provide that service are themselves key workers. I want to thank those who have followed the advice so far and, in particular, all the parents who are now looking after their children at home, and the teachers and early years workers who are caring for vulnerable children and those of key workers. We will have indicative numbers on attendance later today; initial reports show that the vast majority of parents are not seeking to send their children to school.

As the Presiding Officer indicated, Parliament is rightly changing how it operates. Although all members—I make this point very strongly—must continue to perform their important scrutiny role at such a time, it has been agreed that Parliament will now meet for only one day per week, rather than three, until the Easter recess at least.

I want to conclude with a basic point. The measures that have been announced in recent days—from the school closures last week to last night's lockdown—are really difficult for every individual, business and organisation around the country. The reason that we are taking such truly unprecedented measures is that the challenge that we face is unprecedented. As I have said before, this is by far the biggest challenge that our country has faced in our lifetimes, so the measures that we take to deal with it and mitigate its impact must reflect its magnitude.

The changes that we are asking people to make to their lives—difficult though they are—are absolutely essential. They are essential to help us to slow down the spread of the virus as much as we can; to reduce its peak impact; to avoid our NHS becoming overwhelmed, so that it can continue to provide treatment to all those who need it; and to save lives.

The daily reality that we face is quite stark. If we all comply with the measures, many fewer of us will die of the virus than would otherwise be the case. That will mean that many more of us will come out the other side of this and, perhaps more quickly than otherwise, we can resume the lifestyles that we have for so long cherished and taken for granted.

For now, I hope that we all show solidarity for one another, even as we stay apart, by staying in touch with those we care about and by helping one another as best we can. However, collectively, as a Parliament, I want us to be crystal clear that staying at home has become the only way of

slowing the spread of the virus, of giving our NHS a chance to cope and of saving lives. Right now, that must be the priority of each and every one of us.

13:46

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** The virus does not spread on its own; it is spread by people. What needs to happen is absolutely clear: please stay at home to save lives, to protect our health and social care services and to avoid unnecessary deaths.

The response of our health and social care staff has been extraordinary. Every single one of them—from consultant to cleaner, from carer to nurse, to driver, to maintenance worker, to paramedic—is vital. Every single one of them matters. We owe it to them all to stick to the rules and stay at home.

Even with the unprecedented measures that are now in place, we will not escape the impact of Covid-19. Having placed Scotland's NHS on an emergency footing, we have now received mobilisation plans from all our health boards. They set out in detail how the boards will maximise intensive care capacity while seeking to maintain essential services, such as emergency, cancer and maternity care. We are well advanced in our work to double our intensive care unit capacity to 360 beds. Facilities have been repurposed, staff are being trained and beds are being freed up.

Our response—to double our ICU capacity—is the international standard for response to a pandemic, but given the scale of the challenge, we are now planning to quadruple our ICU capacity to more than 700 beds as quickly as possible. A pipeline of ventilators coming to Scotland is slated over the coming weeks to enable that increase, and we are working with suppliers to do all that we can so that they are brought here as quickly as is humanly possible.

We are also mobilising our community services, with a new community pathway for Covid-19. As of yesterday, people with symptoms should not call their general practice, but should first seek advice from NHS 24 or the [www.nhsinform.scot](http://www.nhsinform.scot) website, and they should stay at home for seven days. Only if they do not get the advice that they need, or their condition deteriorates, should they call the 111 helpline. Callers to 111 will be assessed and called back by new local community hubs, if that is clinically required. In each hub, senior clinicians are ready to take calls.

In some cases, patients will need to be seen face to face. Covid-19 assessment centres are being deployed rapidly around the country, with an initial 50 centres planned for this week. That new dedicated pathway frees up our general

practitioner service to continue to deliver important non-Covid-19 healthcare to patients.

It is not only our NHS that is integral to the response to the virus; so, too, is social care. With the Convention of Scottish Local Authorities, integration joint authorities and providers, we are working to prioritise social care support to the most vulnerable people, in the current circumstances. Front-line social care workers are key workers who will have access to childcare, if necessary, in order that they can carry out their critical roles.

Through NHS National Services Scotland, a triage centre for urgent supplies of personal protective equipment for registered social care providers went live last week. It has been taking hundreds of calls and delivering thousands of face masks, disposable aprons and disposable gloves to providers across the country.

Targeted and clinical advice about Covid-19 has also been produced with respect to nursing home and residential care home residents, and is now available from Health Protection Scotland. Yesterday, with Councillor Currie, who is the lead in the Convention of Scottish Local Authorities on health and social care, I wrote to all local authorities setting out my agreement that the costs of additional social care would be met. That is an important assurance that people who require vital social care support should not have it removed in order to cope with the Covid-19 challenge.

We need to ensure that our health and social care workforce is safe and protected, so we are working to procure and distribute the necessary supplies of the types and levels of PPE that are required to safeguard front-line health and social care workers. We now have clear distribution workstreams, and clear advice and daily updates to our boards and to the other parts of the service for which we are providing PPE.

It is essential that front-line health and social care staff can remain at work. To help to save lives, we must continue to prioritise testing in hospitals. All remaining capacity must be used to ensure that critical staff can return to work as soon as possible. Today, I am publishing guidance for the NHS to support use of the testing capacity in our laboratories, in so far as it is not needed for essential care, in order to enable health and social care staff to be back at work when that is safe. NHS boards will prioritise testing, based on where the pressure is felt most in their workforce and in social care.

As well as our work to rapidly scale up testing in Scotland, we are working closely across the United Kingdom to increase testing capacity significantly. I can advise members that an

announcement on that is due shortly, and will include Scotland's role in that effort.

There has been a tremendous response to the call that was made by the chief nursing officer last week for nurses and other health professionals to return to help in the current emergency. By yesterday, there had been nearly 3,300 individual queries. People are contacting our national recruitment hub on 0141 278 2719, and are making direct contact with their health boards.

In addition, all final-year nursing and midwifery students will be put on placement for the final six months of their degree programme, which will enable them to undertake paid work in the NHS during that period and still complete their degrees on time. Final-year allied health professionals and biomedical science students will complete their clinical hours, and will then be able to go on to the emergency register and be deployed in the workforce. Second-year nursing and midwifery students will also have their education changed, so that they can undertake paid work in health and social care settings throughout Scotland, while continuing their courses. Discussions are on-going on use of second-year and third-year allied health professional students, but I hope that we can agree similar arrangements. All first-year students will be able to undertake paid work, if they wish to do so.

I very much welcome medical students' willingness to volunteer to support our services at this time, and I welcome the steps that are being taken by the regulator to support their being entered on the register. We will ensure that all those volunteers are deployed in the safest and most appropriate way. I am sure that every member is truly grateful to all of them for stepping forward to serve us at this time.

We cannot have barriers to staff working in the NHS. Last week, I said that I would act, if I could, to remove parking charges from private finance initiative car parks in our hospital settings. From Monday 30 March, car parking charges will be removed from Ninewells hospital in Dundee, Glasgow royal infirmary and the Royal infirmary of Edinburgh, for the next three months.

Given the figures that we know we are dealing with, it is even more critical that we protect and support the people in our communities who are at the highest risk. That is why we have asked the 200,000 or so people who are at the highest clinical risk from Covid-19 to self-isolate for the next 12 weeks, which includes their being as far as possible from other members of their households. That group includes people who have received solid organ transplants, people who have specific cancers, people who have rare diseases, people who are on immunosuppression therapies, and people who have severe respiratory

conditions. That is incredibly hard for them. We are, therefore, writing to those individuals setting out what they and their families need to do to stay safe, and how they will be helped.

Many people will have family and friends who can support them over the next 12 weeks, but others will not. For those people, we are putting in place a package of support. To co-ordinate that work, the Deputy First Minister and Cabinet Secretary for Education and Skills has ordered the establishment, as soon as possible, of humanitarian assistance centres across the country. Working through general practitioners and local resilience partnerships, we will provide help with managing medical conditions and with arrangements for delivering medicines and services, including carers. Crucially, that help will also include grocery deliveries through a new national contract that is currently being negotiated.

The key to saving lives—to avoiding unnecessary deaths—is that we all comply with the measures that have been set out by our First Minister, and across the United Kingdom. I know that it is hard, and that life seems to be unsettling and strange, but it is vital that we all accept—now, today, and tomorrow—that that is how it must be. This is how we all honour the hard work of our NHS and social care staff; this is how we go beyond warm words and how we really, truly thank them for their courage and their care: we stay at home and we follow the rules.

**The Presiding Officer:** The First Minister, the Cabinet Secretary for Health and Sport and the other members of the Cabinet are now willing to take questions.

**Jackson Carlaw (Eastwood) (Con):** On behalf of my party, I offer our condolences to the families of all those who have suffered bereavement since last week.

As the Prime Minister and the First Minister have made clear, we are living through a national emergency. The clear duty that is on us all is to accept and apply the advice that we are given; where clarity is required, to seek that clarity rationally; and where detail remains to be made public, to accept that that detail will be forthcoming.

Our leaders in Scotland, just as at Westminster, are applying themselves with every endeavour to steer the country through this crisis. They need our support, our forbearance and our gratitude. However, that is as nothing to the debt of gratitude that we owe to every last one of those working in our emergency services and, above all, in our NHS, where they are working—and where others are now volunteering to return to work—to keep us all safe.

Last Friday, I endured an exploratory procedure at Glasgow's Victoria hospital. Thankfully, all was well. However, more appositely, and in the most humbling of ways, NHS workers approached me to say, "We will not let the country down." I never doubted it, and I am so proud of every one of them. However, that pride in all those working in our national health service—a pride that I hope is felt by every last man, woman and child in Scotland—deserves to be backed up by not just our words but our actions. So, let me repeat: people should stay at home and abide by the guidance that has been given. It is common sense. Although it is true that the problem with common sense is that it is not often very common, people should listen, and listen good. Stay safe, protect our NHS and help to save lives.

I ask the First Minister to do all that she can to work in conjunction with the Prime Minister to ensure that we achieve maximum clarity and, wherever possible, a consistent message. More than anything else, people are seeking clarity. Although I know that both Governments are responding to evolving events, any confusion on messaging is naturally unhelpful and the source of many inquiries that could be rendered unnecessary. Today, that centres on who should be going to work, particularly in relation to those in the construction sector, with the Prime Minister and the Secretary of State for Housing, Communities and Local Government seeming to give slightly different directions on whether those in the construction sector should be going to work.

I understand from my own local authority in East Renfrewshire that the uptake at schools by critical workers has been low and manageable. However, I also know that the variable sector inclusion on the key worker list between Scotland and the rest of the UK remains troubling to key sectors in Scotland, particularly food processing and distribution and agriculture, as does the further variable application by individual local authorities. Our priority must be to have as few children at school as possible, and only as a last resort. Will the First Minister update members on the current uptake and the discretionary position across Scotland?

My final question is about myriad issues such as vehicles that need immediate MOTs and the burden of compliance with freedom of information requests on local authorities that have reduced and refocused staff complements. Where should general inquiries of a practical consequence about other issues be directed?

As Churchill observed,

"it is not enough to do our best; we must do what is required."

I offer again the support of my party to the First Minister and her colleagues as they do what is required.

**The First Minister:** I thank Jackson Carlaw for his comments and his exhortation to the population to follow the advice to stay at home. It is important that we all consistently, coherently and unequivocally advise the public to do exactly that.

A number of points of detail have been raised, and I shall cover them as quickly and as generally as possible. If there are points that I do not cover here, we will come back with a detailed answer later.

With regard to the NHS, members know that I spent five years as health secretary and I feel this as First Minister: there is not a day goes by when I am not in awe of the contribution of those who are on the front line, particularly in our NHS, and of everybody who works in our health and social care services. I am acutely aware every day just now that we will never owe them more than we will owe them in the weeks to come. I want to make sure that the Government is doing everything that we can reasonably and possibly do to support them. That is why the car parking charge announcement that has been made by the health secretary is so important.

I understand that we are working hard to resolve issues that have arisen around the distribution of protective equipment. Those are examples of how we will absolutely do everything that we can to support our front-line workers.

Most of us will be able to cite examples of that. My sister works on the front line of the health service. She was in a hospital ward yesterday morning, she was in a hospital ward this morning, and she will be there again tomorrow morning, so I know first hand the pressures that those staff are under right now and I know my responsibility and that of the Government to support them. The thing that we can all do to support them most is to follow the advice. That is what will help, if not to alleviate pressure in the weeks to come, to keep it at manageable levels, so that the people who need treatment can get it.

On co-ordination across the UK, I know that we are working very hard to do that—not just the Scottish Government but the UK Government and the Welsh and Northern Irish Governments, too. We are being very successful in co-ordinating our response and our messaging. The overall response is the same in all parts of the UK in terms of the advice that we are giving to the public. Last night on the Cobra call before the lockdown measures were announced, we agreed to co-ordinate the timing and the content of our messaging; that is important. I have always said

that there will be operational differences, and people can understand that. The structure of our NHS is not the same, so the way in which we are contacting the most vulnerable people will be slightly different. We also have a responsibility to make sure that the overall approach is translated into the advice that we think is appropriate.

I cannot speak for other Administrations on some of those operational issues. We will try to make sure that the advice is as consistent as possible. On construction, for example, my judgment, based on the advice that I have, is that right now the safest and most precautionary principle is for construction sites not to continue. We have undertaken to look at whether guidance can be put in place for the safe operation of construction sites, taking all the social distancing advice into account. If we think that that can be done, of course we will share that and amend the position if we think it appropriate. We will continue to be as consistent as possible, taking account of those operational differences.

Similarly, on schools, we have to remember that they are closed for health reasons. The experts have told us that it will help to delay the spread of the virus not to have large numbers of children congregating. We defeat the purpose of that if large numbers of children congregate in other ways. We have had to be very rigorous about key workers and vulnerable children. The priority has to be those who are on the front line of the NHS, but we have said that we will seek to accommodate others as and when we can, based on rigorous prioritisation. The Scottish Government is applying a brokerage function to that issue.

I said in my statement that we do not yet have figures for uptake, but when we do, we will share them. Our evidence so far shows that the majority of parents have not been sending their children to school, which might give us some more—limited—capacity to look at other areas.

The points about FOI requests have been covered in our emergency legislation. On the point about general inquiries, I will endeavour—I undertake—to give advice to MSPs, particularly given that we will not be sitting as often as normal, about the best route for inquiries and questions and for the many offers of help that MSPs are also getting from across their constituencies.

**Richard Leonard (Central Scotland) (Lab):** I express the condolences of Scottish Labour to the families who have lost loved ones through Covid-19 in the last few days.

At a time of national emergency, we think that this national Parliament should not go into Easter recess but should continue to scrutinise what is happening in the midst of this emergency. We

think that that is our job, and we genuinely think that that is what the people who sent us here would want us to do. Therefore, I ask all parties to consider whether we should go into recess. We do not think that we should.

I pay tribute again to all NHS and social care workers, not just for what they have done, but for what they are about to do. Nobody knows what the future holds—it is unwritten—but one thing is certain. We will all be reliant for our health and our safety, and some even for our lives, on their skills and their judgment. We will all be forever in their debt. That is why, now more than ever, we must give them our total and unflinching support and must recognise and exercise our full duty of care to them, as they exercise their duty of care to us.

We must listen to their calls and give them the best personal protective equipment when they need it, which is now. We must give them the reassurance of access to testing when they have any symptoms. Also, because many of them are working in the community—home care workers, community nurses, ambulance crews—I ask, indeed implore, the First Minister to give them an undertaking that she will reconsider the case for community testing. It is the case that was made by the World Health Organization: the case for community testing and then tracing and tracking to help slow down the spread of the virus and to keep people safe. Will the First Minister hear that call?

**The First Minister:** I thank Richard Leonard for his comments and for all his questions, which I will take in turn.

First, it is not up to me when Parliament sits; that is up to the Parliamentary Bureau. I do not expect to have an Easter recess, so in a sense it makes no difference to me whether Parliament is sitting—I will be working, as I am sure all of us will be. However, our practices must reflect the guidance that has been issued to the general public, and I think that today they do. Cutting down the sittings this week does that. I am sure that the bureau will keep that matter under review.

I have said it consistently, but at a time like this, we absolutely come to understand, even more than we do normally, how important the function of scrutiny is. We are living through unprecedented times, when we are asking people to do unprecedented things. In a democracy, there must be scrutiny of that. There must be regular scrutiny of that. I said last week and I will say again that we in Government are trying to think of everything right now. We are trying to make sure that we have all bases covered, but we will miss things or there might be things that we are not doing as well as we could. Therefore, the questions that are being asked are really important. I would only say that the way that that scrutiny happens has to

change, because of the guidance that has been given, but the fact of the scrutiny does not have to change. If anything, it is more important than ever. I mean that absolutely sincerely.

The duty of care that we owe to NHS staff is one that I feel acutely and personally every single day, not just during these periods, but particularly during this period. We are listening. Concerns were raised about the Ambulance Service and PPE, and the health secretary met the Ambulance Service last week to resolve those issues. We will do that systematically: if concerns are raised during this difficult, challenging, uncertain period, we will address them as far as we possibly can.

I return to the issue of testing. We slow down the spread of the virus by staying at home and following the advice. We are ramping up testing capacity. We have set three key objectives for our testing capacity and they are the right ones, given the stage of the spread of the infection that we are at—I am saying that not from my own knowledge as a politician, but from what I have been advised by our chief medical officer and other experts.

The key objectives of our testing are, first, to make sure that we are dealing with those who are most seriously unwell, which is why patients in hospital will be tested; secondly, key workers—the announcement that the health secretary indicated will be coming soon will have a significant impact on key worker testing; and thirdly, surveillance. Over the weeks to come, surveillance testing will be critical in ensuring that our judgments about whether more measures are necessary or, indeed, whether or when we can start to lift some of those measures, are based on what the infection is doing, how fast it is spreading and where it is in the country. That is why surveillance testing is so important.

All of that involves considerably increasing the capacity of our testing facilities. That work is under way in a variety of strands right now and Parliament will be kept updated on that.

**Patrick Harvie (Glasgow) (Green):** First, I echo the comments of others: all our thoughts are with those who have been directly affected by the virus, having lost a loved one or, indeed, being unwell at the moment. We wish them a speedy recovery. Our thoughts are also with the very many dedicated professionals who are helping people through the crisis in every way possible in our public services and elsewhere.

None of us in Parliament expected to be here to deal with a situation like this, or to pass the kind of emergency powers that are being contemplated, and I am sure that no one in the Government wants to be in a position of issuing the kind of instructions to the public that were given last night. However, this response is clearly necessary, so

the Government will have the support of the Scottish Green Party in ensuring that the advice is heard and heeded so that we all stay at home and save lives.

In order to do that, of course, we need to have a home. I am sure that I am not alone in hearing, on a daily basis, from people in the private rented sector who are being given notice to quit by landlords for a range of grounds that are not always connected with rent arrears, or being given demands for on-going rent payments, sometimes from landlords who are enjoying a mortgage holiday. I know that there are good landlords out there who are being as responsible and as flexible as they can be in supporting their tenants, but sadly, that is not always the case. We need to ensure that there is a more robust response to protect private rented tenants.

How does the First Minister respond to the proposals from the National Union of Students, which come in five parts: clear public health advice for landlords and tenants; every landlord offering a no-penalty release from tenancy contracts; Government banning evictions for all tenants for the duration of the crisis; ensuring that tenants who are financially impacted by the crisis have their rent subsidised, reduced or waived for the next three months, with the option to renew; and finally, a universal restriction on rent increases for the next 12 months.

Surely we need to take the opportunity afforded by the emergency legislation that is being brought forward by the Scottish Government later this week to ensure that we give the maximum possible protection so that no one loses their home as a result of this crisis in what are in deeply dangerous circumstances.

**The First Minister:** I thank Patrick Harvie for those points and questions. I am very clear that the emergency powers are necessary, but that they should be used only if and when we deem it necessary and they should exist only for as long as they are needed. I go back to the point that I made earlier: at a time when we are taking emergency powers and we are asking the public to do things that restrict the liberty of all of us, scrutiny is absolutely essential and we should all reflect on that in how we operate in the weeks to come.

On the private rented sector, I am very happy to look closely at the NUS plan. I will ask Michael Russell, who is overseeing the emergency legislation, to look quickly at whether there is material from that, or suggestions in that, that we can include in the legislation, or even whether there are aspects of that that we could undertake without emergency legislation. Aileen Campbell will be involved in that process.

I am clear—I was clear last week at First Minister's question time and I will be clear again today—that nobody should be evicted from their home as a result of this crisis. I will make that clear at every opportunity. We have already indicated that we will make a legislative change to expand to six months the three-month period during which people cannot be evicted due to rent arrears, and we will continue to look at how we can give people additional security over and above that.

I hope that it is helpful that we will look urgently at the suggestions from the NUS and seek to incorporate them as far as possible. We will also look for other opportunities to send a very clear message, not just to private sector landlords but to landlords across all tenures.

**Willie Rennie (North East Fife) (LD):** My sympathies, too, are with those who have lost family, friends and neighbours. I do not know anybody who has been afflicted by this disease yet, but I think that, when we know someone affected, it becomes much more real and, in some quarters, people might take the disease a bit more seriously. When it comes, it will hit hard, which is why it is important that people heed the advice of the First Minister to stay at home to protect the NHS and save lives.

I commend the Government and the civil service. We are effectively creating a new government system within the space of two or three weeks. As the First Minister said, we will make mistakes. Today is about helping the Government to try to mend some of those mistakes.

First, there seems to be an issue about who childminders can accept. Is it vulnerable children and the children of key workers, or is it a broader group? I have been speaking to some of the First Minister's colleagues about that, but it would be helpful to have some clarity on that now.

As I was driving to work today down the M90, a whole suite of vans was going up the motorway to building sites. Those vans were sometimes packed full of workers, who were obviously not complying with the social distancing guidance. I would hope that we could send a special message to those workers that they, too need to comply with the guidance if we are going to halt the spread of this condition. If those workers are self-employed, they may be worried that they need to go to work to earn an income. The UK Government needs to come forward with a self-employment package to take the pressure off workers in that sector and give them something to live on.

I appreciate the clarity on factories and workplaces, and the difference between essential

and non-essential. While I have been in the chamber, I have had businesses contacting me about that, because they are still a bit unclear about what is essential to make society work. Perhaps the First Minister could say more about what we mean on that front.

On PPE supply, I continue to hear a lot of concern, not just from NHS workers but from social care and nursing homes, about the lack of PPE equipment. I would like to understand where the problem is. Is it in the distribution mechanism, or is it in sourcing PPE equipment in the first place?

There are a lot of questions there, but I hope that the First Minister can address a few of them.

**The First Minister:** I thank Willie Rennie for that range of questions. I will try to give an overview now, but I will come back on any points of detail if necessary.

Willie Rennie is right about people taking this seriously. My impression—it is impressionistic—is that people are taking this seriously in the main, but I guess that a situation such as this can feel surreal. The majority of us have not come into contact with somebody who has the virus. That will change, but my message would be that the best way to continue to reduce and minimise the number of people who have the virus is to do the right things now.

Although the global estimate and the data that we have here indicate that the mortality rate from the virus is perhaps around 1 per cent, we know that the percentage increases steeply as people's age increases, and is much higher than 1 per cent for the over-70 and over-80 age groups. However, it is a mistake for young people—not that I am calling myself a young person—to think that they are not affected, that they will not get the virus or that they will get only mild symptoms. There is no guarantee of that, but even if that were true, if young people do not follow the advice, they are taking the risk of infecting an older loved relative who is potentially at significant risk. We have all got to think about our responsibilities here.

We are reconfiguring an entire Government and everything that sits behind the Government. I put on record my huge thanks to the civil service. I have already given my most important thanks to the NHS and will continue to do so. The civil service has been working at pace and is doing a very good job. The burdens and challenges that it will face in the weeks to come are considerable, too. The chief medical officer, the deputy chief medical officer and the ubiquitous Jason Leitch, who is our national clinical director, are all doing an incredibly good job and I want to thank them for that.

We have not been overly prescriptive on the issue of childminders. I will consider whether we need to give a bit of guidance to childminders on the parameters in which they should be operating.

On construction, what Willie Rennie witnessed on his way here this morning is why it is right to take a precautionary approach. My advice is that construction sites, apart from essential sites such as hospitals, should not be operating. If we can put in place guidance and rules that would satisfy us that safe working on a construction site is possible, we may change that in the future. That is a general principle; we do not want to stop things happening if it is not unsafe for them to happen but, at the moment, it is important that we take that precautionary approach, because this is about protecting health.

Supplies of PPE are getting through. If people feel that they are not getting the supplies that they need, they should let us know. There is a global pressure on those supplies right now. Ivan McKee is leading work for us to look at whether we can repurpose some manufacturing to improve and increase those supplies, but there are supplies in the country and we are working hard to get them where they are needed. MSPs should continue to tell us if they hear of problems with that.

I have been inundated, as I am sure we all have, with very worried emails from self-employed people and freelance workers. I believe that the UK Government is taking the issue seriously and is working on something, and I hope that it comes soon. I reiterate how important it is that we see something for self-employed people that is similar to the wage subsidy that we have seen, because without that those people will be in significant difficulty. I may have missed one or two points of detail and, if I have, I will review the *Official Report* and come back to Willie Rennie at a later point.

**The Presiding Officer:** More than 30 members wish to ask questions or raise issues. We will try to get through as many as possible. As I did last week, I urge members to indicate which cabinet secretary they would like to hear from when they ask their question. That would be very helpful.

**George Adam (Paisley) (SNP):** Last weekend, I was approached by many self-employed people in Paisley—particularly those who work in the leisure and entertainment industry—about how this will affect them financially. I know that we are in talks with the UK Government on the issue. Can the First Minister provide an update on the engagement with the UK Government that the Scottish Government has had and on any financial protection for self-employed and freelance workers in leisure and entertainment?

**The First Minister:** I will hand over to the Cabinet Secretary for Finance, Kate Forbes, in a

second. We have been pressing the UK Government and, as I said earlier, I am very optimistic that we will see a solution to that, and I hope that it comes soon. Kate Forbes can update members on the correspondence and other conversations.

**The Cabinet Secretary for Finance (Kate Forbes):** George Adam is right: there are about 330,000 self-employed workers in Scotland and they are critical to the economy. The Cabinet Secretary for Economy, Fair Work and Culture, Fiona Hyslop, and I have had a number of calls with our respective counterparts in the UK Government, and I believe that the UK Government understands the issue and is looking at delivery mechanisms. Our point, which we most recently made in a letter on Sunday, which we both signed, was that, although things such as the minimum income floor have been removed, it does not go far enough to support the self-employed. Action that has been taken in other countries suggests that there are critical mechanisms to support self-employed people—for example, in Norway and Denmark, wage support schemes have been extended and we believe that that should also be the case here in the UK.

**Liam Kerr (North East Scotland) (Con):** My question is for the Cabinet Secretary for Justice. Many Scots will wonder to what extent the police will enforce what is in effect a lockdown. Keeping things to a practical level and to emphasise the importance of compliance, can the cabinet secretary help people to understand what they might expect to be asked by the police if challenged, and can he outline what powers Police Scotland have already—before the emergency legislation is passed—to ensure that these essential restrictions are obeyed?

**The Cabinet Secretary for Justice (Humza Yousaf):** I reiterate the approach that the chief constable has outlined over the past few days. First and foremost, we thank the majority of the Scottish public, who have complied with the guidance that has been forthcoming from the UK and Scottish Governments. I heard the chief constable saying on the radio this morning that the vast majority of people are complying.

The chief constable has also made a point about his operational responsibility and independence. He has a responsibility to keep the public safe and, where he has enforcement powers, he will certainly use them. We saw that when closure notices were forthcoming for the pubs and premises that did not comply with the order to close.

There are existing public health measures that apply in Scotland, and there are similar measures across the UK. They already permit, for example, court orders to quarantine persons who are

suffering from an infectious disease. However, as the member will be aware, the emergency legislation that is going through respective parliamentary processes will give the police powers that are more stringent and can be used on the spot, rather than requiring court orders.

Of course, we are appealing to people to heed the advice not only for their safety but for the safety of the public at large. The police will continue to take that approach with the public, but the chief constable has already demonstrated that, where it is necessary that he uses enforcement powers, he will do so.

**Monica Lennon (Central Scotland) (Lab):** I have a question for the health secretary, then a brief one for the communities secretary.

On the letters that are going out to high-risk individuals, can the health secretary say when people can expect to get them? We have heard today that there are almost 600 confirmed cases in Scotland. What is community surveillance telling us about what the number of cases is likely to be?

Last week, there was the very welcome announcement of the £50 million wellbeing fund. Charities and others are waiting to hear when they can access that money. This will not be a unique example, but Barnardo's Scotland has told me that it has identified more than 2,000 children who could be doing with that money right now, and it can get that out to those families. Can we have an update on how quickly charities such as Barnardo's Scotland and others can access that critical fund?

**The Presiding Officer:** I ask members to restrict themselves to one question from now on.

**Jeane Freeman:** The direct information for that group of 200,000 patients began to go out today, and it is going out by various means. Some of the groups are easier to contact directly; for others, the contact is through their GP. I am happy to write to Ms Lennon to explain the detail of that. We anticipate that all that work, through all those routes, will be completed within a week.

At this point, it is too early to answer the question about community surveillance with any sense of definiteness or robustness. As the surveillance data comes in and we get that additional information, we will, as the First Minister described, keep Parliament up to date with what it is telling us.

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** I am aware of the situation that Barnardo's described to Monica Lennon. It is using its own funds to support the families that it has identified as being at risk. We have its submission, and there will continue to be discussion with our officials about that, but we

want to work at pace to get the support out to the communities that we know require it and the community groups that are emerging to support the resilience of their communities. We are working with our third sector and local authority partners to get the right balance and blend, so that that very local support gets through to the local level, alongside the bigger, broader and more thematic work that organisations such as Barnardo's can provide.

We should also make sure that anyone who is facing financial hardship looks to the welfare system to receive the support that they are entitled to and puts their claims in so that they can overcome any financial challenges that they have been plunged into as a result of the pandemic.

We are certainly aware of Barnardo's ask, and we are working on it. That has been happening over the past couple of days.

**Joan McAlpine (South Scotland) (SNP):** My question is for the First Minister. I have been contacted by a number of self-isolating elderly and vulnerable people who cannot get food delivered by the supermarkets, which in many cases have all their delivery slots booked until mid-April. Those people feel that the shopping hours that have been set aside by supermarkets, although well intentioned, are not safe, because going shopping contradicts the self-isolation advice. Are there any plans for the Government to work with the supermarkets to prioritise deliveries to vulnerable people?

Will the First Minister also clarify whether, in off-grid areas, suppliers of wood fuel and biomass are essential services that people can continue to use in order to heat their homes?

**The First Minister:** With regard to elderly people, the advice that we have now given is that everybody should stay at home, although they can go out for basic necessities, preferably no more than once a day. That is also the case for an elderly person, if they are able—unless they have symptoms or are in one of the groups that require to take more of an isolation approach. I want to make that point clear.

We have been in dialogue with the supermarkets—Fergus Ewing has had conversations with them—and I know that they are working hard to have supplies flowing and to make sure that people who are the biggest priority get the earliest and most prioritised access to them. The supermarkets continue to work hard to make sure that that is the case.

I take this opportunity to send another general message to the public about not panic buying and stockpiling, because that, and not any underlying shortage, is what is causing supply issues. There is no shortage of food in the country, so if people

act, shop and buy responsibly, such issues should not arise.

Our resilience partnerships are working locally, and local authorities are doing everything that they can to identify any particularly vulnerable people who are not able to get the supplies that they need themselves or through their family networks. That work is really important.

I am happy to take the biomass point away and give an answer that is based on proper advice. However, I repeat the general advice that we have given to businesses. We have given information on those that should definitely be closed and on those that should definitely be open because of the essential nature of the work that they are doing. For those that are in between, we have provided some key checkpoints on whether they can operate safely. There will always be a number of specific questions—I am certainly getting lots today—and we will not be able to answer every single question with specific bespoke advice. However, we will do our best to give every company and sector the detail and guidance that they need to make the right decisions.

**Miles Briggs (Lothian) (Con):** This is a question for the Cabinet Secretary for Health and Sport. For the 200,000 of our fellow Scots who will receive letters this week, it will be a deeply concerning time, but for those who are currently going through or are about to commence cancer treatment, it is a terrifying time. I know that from the emails that I have been receiving. When will the Government update the Parliament on the cancer action plan that the Cabinet Secretary for Health and Sport announced last week, so that we can continue to deliver cancer treatments throughout this public health emergency?

**Jeane Freeman:** I am happy to make every effort to update Parliament next week on the cancer action plan. It is important that we recognise that our national health service is not only stepping up to address the particular challenge of the virus but is continuing to treat patients and provide emergency and urgent care, which includes cancer and maternity care.

I appreciate that this is a worrying time for everyone—particularly that group of people, whom we strongly urge to isolate in their own homes for three months. It is a very stringent measure because they are most at risk of becoming seriously ill if they contract the virus. There is much for those people to worry about, but many of them already know all the steps that they need to take in normal course to protect themselves, due to the condition that they suffer from.

I am happy to set this out in more detail for members in the coming days, through a letter or by some other means, but, as I tried to outline,

those people really need to know that the additional support that they need will be provided. In cases in which that support—which needs to be provided very carefully in terms of the contact that is made—cannot be provided by family or friends, we will make sure that, as far as possible, additional support is provided by our local authorities through the resilience partnerships along with an army of volunteers.

**David Stewart (Highlands and Islands) (Lab):** My question is for the Cabinet Secretary for Health and Sport. In previous statements, the First Minister rightly referred to the crucial role of ventilators and ICUs and the critical shortage of them worldwide. Does the Cabinet Secretary for Health and Sport welcome the breaking news of the development of rapidly manufactured ventilation systems, which are lightweight and robust and require no more than 30 minutes of training for our hard-working medical staff to use?

**Jeane Freeman:** Mr Stewart is absolutely right. He and I have talked about the ventilator situation more than once; indeed, we did so only this morning in the Health and Sport Committee. Any innovation that is robust, that we know is evidenced and that exists is to be welcomed. My colleague Mr McKee has a very focused group that is looking at manufacturing those innovations and testing them with a degree of expertise and skill in order to advise me, as the health secretary, whether there is a genuine opportunity for us to actively pursue them. That cross-Government look at how to acquire the equipment that we need to address the particular challenge is really important, and I very much welcome it.

**Sandra White (Glasgow Kelvin) (SNP):** I thank the First Minister for her statement. My question is for the Cabinet Secretary for Education and Skills.

I have received numerous pieces of correspondence from foreign students who have been told that they have to go home and that they have to pay their rent until August. Other students were working but are not working now and cannot afford to pay the rent for their student accommodation, although they have been told that they have to pay it. Can the Student Awards Agency for Scotland or another organisation give them some form of financial help in this situation?

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** Those issues are under active discussion between the Minister for Further Education, Higher Education and Science, Richard Lochhead, and a number of providers. A lot of the accommodation to which Sandra White referred is in the private sector and, obviously, we are working to protect the interests of students who face increased costs as a consequence of the situation that they face. The furthest that I can go

today is to say that we are actively pursuing the issue, that we recognise its seriousness as it affects individual students and that we will, of course, update members and, in particular, Sandra White, on the progress that is made in those discussions.

**Jamie Greene (West Scotland) (Con):** Many parents are grateful for the work of local authorities, which have, in just a few short days, set up provisions for schooling and childcare for those who most need them. Many other parents are doing their best to teach and care at home in very difficult circumstances.

My question is for the Cabinet Secretary for Education and Skills. What role is Education Scotland playing to assist COSLA and local authorities to support parents and equip them with the resources that they might need to best teach at home? More important, when will the Scottish Qualifications Authority be forthcoming with detailed advice on the completion and submission of course work and the new process for awarding qualifications?

**John Swinney:** On Mr Greene's question about the SQA, I ask members to be patient and to understand that we are having to move to a significantly new way of working in a very short space of time. I expect the SQA to make a statement this afternoon on course work, which I hope will clarify the position. Obviously, the material that I set out to Parliament last week in relation to the certification approach is being actively developed. I appreciate that there is anxiety and nervousness, but we have to take time to get that correct, because young people's qualifications will rest on it.

On the availability of online learning, a huge amount of outstanding work is being done by teachers around the country. Yesterday morning, the Swinney household was involved in an online physical education lesson, with all members of the household—except its oldest member—taking part.

A lot of really good work is being undertaken, and Education Scotland is actively working with individual local authorities and schools to support that work. Schools have done a really good job in trying to ensure that they have digital connectivity with young people and students, and Education Scotland is supporting the development of any appropriate resources that are required as part of that process.

**Neil Findlay (Lothian) (Lab):** I do not envy the Government's position. The First Minister has said that the Government will make mistakes, and we all accept that. However, does she recognise that some Scottish professors of global health are saying that we are making a mistake now by not

following the World Health Organization advice to trace, to test and to isolate every case?

**The First Minister:** I will address that point in detail, as I have asked my advisers many questions about it. The WHO advice—I am not qualified to second guess it—is, as I understand it, for the contain phase of an infection outbreak. We are in the delay phase.

To be blunt, based on what I have been told, the UK, and Scotland within it, probably has the greatest testing capacity of any country in the world proportionately, per head of population, but we could not test every person with symptoms. That would overwhelm not only our testing capacity but the overall resources of our NHS. We are significantly ramping up testing capacity in our labs. The health secretary and I have both alluded to another significant announcement that will substantially add to UK testing capacity. However, we will still have to prioritise where that testing capacity has greatest effect, and that is in the three areas that I have set out.

I understand Neil Findlay's question about testing, tracing and isolating. I have set out the position on testing. We are asking anybody with symptoms to isolate. That is the point of the advice that has been given. If people have any symptoms indicative of coronavirus—for the avoidance of doubt, that is a new persistent cough or a fever—they should stay at home for seven days. Those who are in the household of somebody with those symptoms should all stay at home for 14 days. If we had the capacity to test everybody with symptoms and we found positive cases, the advice that we would give to those positive cases is exactly the same as the advice that we are giving to those with symptoms.

We are in the delay phase. That is why the approach to testing and all the advice that we are giving is, in the opinion of the experts who advise me, the health secretary and the Government, the appropriate action to take. I repeat that that is testing for those who are most seriously ill, testing for key workers and testing to allow us to monitor the spread of the infection and how it is behaving. That is similar to what we do every year with flu, but on a bigger scale.

**Emma Harper (South Scotland) (SNP):** The First Minister said that she is aware of the incredible work that is being carried out across our health service during what is a difficult time for our NHS staff, many of whom are my former colleagues. Can she or the health secretary provide assurances that mental health support will be available to NHS staff should they need it?

**Jeane Freeman:** That is an important issue. As the First Minister, the chief medical officer and I have said, with all the measures that are now in

place, we are attempting to reduce the peak level of cases so that our health service can cope and so that we can reduce the number of avoidable deaths. However, that means that our health service will be working under significant pressure for longer, so the health and wellbeing of our NHS and social care staff is really important. That is why Ms Haughey, the Minister for Mental Health, is leading a piece of national work with individual health boards and extending to local authorities and social care providers to look at what more we can do—in addition to what they are doing—to assist them to ensure that support is available to staff in situations of high stress and anxiety.

There is practical support such as the provision of rest areas, which give the ability to make a cup of tea and take five or 10 minutes out. Other support is available online or directly, depending on what makes most sense or is of most use to staff. As that work consolidates across the country, we will be happy to ensure that members understand what we are doing and to hear from members if they think that we can do more. Please be assured that we take that issue very seriously.

**Maurice Golden (West Scotland) (Con):** My question is on roadside recovery. I am happy for the most relevant cabinet secretary to respond.

Will further guidance and support be issued for the roadside recovery industry to allow it to continue to provide essential emergency response during this period?

**The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson):** I am aware that the sector has raised a number of concerns about the challenges that it faces in relation to its ability to provide the level of resilience that is necessary in roadside recovery, particularly in helping to support our logistics and haulage industry, in relation to which the sector plays a critical role in helping to maintain essential links. We are in discussion with the UK Department for Transport with regard to further measures that could be put in place to support the industry during what is a challenging time.

It is, of course, essential that we maintain our transport and logistics network at this crucial time. The essential work that the recovery services play within that is fully recognised by the Scottish Government, and, from the discussions that I have had with the UK Government, I know that it recognises that, too. I assure the member that we are aware of the issue and that we will continue to work with the UK Government to try to resolve some of the concerns that the sector has.

**Pauline McNeill (Glasgow) (Lab):** My question is to the cabinet secretary with responsibility for housing. I thank the First Minister for her statement that there should be no evictions, which

she made in response to Patrick Harvie's question. However, will the Government legislate as soon as possible for that? The Government's previous announcement in that regard was extremely narrow. There are 17 grounds for eviction, and we need to remove them all.

Rough sleepers are among the most vulnerable people and are unable to self-isolate. Can the Government ensure that they are not criminalised in any way, and can the cabinet secretary give details of any package that the Government intends to announce to help rough sleepers?

**Aileen Campbell:** We have been clear that nobody should lose their house as a result of measures to cope with this pandemic. There should be no evictions as a result of Covid. Our emergency legislation will have provisions to ensure that there can be no evictions from the private rented sector or the social rented sector for six months. Aside from the legislation, I have had assurances from the Scottish Federation of Housing Associations that its members will not evict anyone during this time. However, of course, we will still take forward the legislative packages.

Under the old tenancies—the assured and short assured tenancies—there are 17 grounds for eviction; the new tenancy has 18. We are looking to extend the notice period in relation to the majority of those grounds. We will continue to explore with the member any issues that she wishes to raise in relation to the issue, but I hope that I have been able to give her some certainty that we are taking action in relation to not only arrears but the grounds for notice of eviction. The extension of the notice period for the majority of those grounds to six months is in order to give effect to our desire for no one to lose their house over the actions that are being taken in our attempts to cope with the pandemic.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** My question is for the Cabinet Secretary for Communities and Local Government.

I welcome the announcement about the potential grocery contract to get food to the most vulnerable 200,000 people, to whom the First Minister referred. What clear and practical advice is being given to the people who are addressing food need in our communities now or who will be doing so imminently? I am thinking about people who go to food banks or food hubs to make a donation or to receive support, because there are safety issues in that regard, or who volunteer at food hubs to prepare and supply food to people, which sometimes involves co-ordinating home delivery. It is important that that service can function but also that people are as safe as possible and that they exercise sensible social distancing so that they do not inadvertently spread

the coronavirus as a result of that vital on-the-ground strategy.

**Aileen Campbell:** Bob Doris makes a range of good points. The First Minister mentioned the [readyscotland.org](http://readyscotland.org) website. Bob Doris should direct queries to that website, which gives people good guidance about how to keep themselves, and everyone who wants to volunteer and play their part, safe.

We are continuing to work with FareShare Scotland, which is one way of distributing food and support to food banks, but we also know that there are food banks that are facing particular pressure. Again, with the £17 million that we announced last week, we want to ensure that there continues to be an adequate food supply for people who require it or who face financial hardship. We are also working with Social Bite in relation to people who are homeless. At the moment, Social Bite is distributing food to people who are particularly vulnerable.

Among all that, there is also scope for local initiatives to ask for support if they require it, so that they can help with the resilience of their communities. Bob Doris's point is well made: we need to ensure that there is a balance between people staying at home and people receiving the advice and support that they require to ensure that volunteering efforts can continue.

**Murdo Fraser (Mid Scotland and Fife) (Con):** I have a question about food supply and food security that I think should go to the Cabinet Secretary for Rural Economy and Tourism but, as I do not think that he is here, I will let the First Minister decide who will answer it.

Soft fruit growers in my region of Perthshire and Fife are very concerned about the availability of labour to harvest crops in the summer season, because the migrant workers on whom they normally depend might not be able to travel to the United Kingdom. What advice would the First Minister give to those who are looking to plant crops at the present time? What assistance can the Scottish Government give to the sector on accessing the labour that it needs?

**The First Minister:** Rather than give advice, right now, that might not be the right or the best advice, I undertake to take those questions away and to come back to Murdo Fraser very quickly with advice. We will then disseminate that advice to the wider sector, because it is an important point that we want people to do the right things now in order that they do not compound issues for themselves in the future.

**Jackie Baillie (Dumbarton) (Lab):** I want to ask the Deputy First Minister about the designation of key workers. Police officers, who are considered to be category 2 workers, are

being denied childcare, which is severely compromising their ability to do their job. Pharmacy and food retail workers, who have been working really hard, are defined by the Scottish Government as being part of the "critical national infrastructure". Can he confirm that those workers are also in category 2 of the key worker definition, because in some areas they are being denied support? Will he therefore ensure that the guidance to local authorities is clarified in order to avoid a myriad of different approaches being taken, so that our category 2 key workers receive the childcare support that they need?

**John Swinney:** I understand the seriousness of the issues that Jackie Baillie raises, but there is an important point that must be borne in mind, which is that we have to minimise the number of children who are brought into learning and childcare settings. If we do not do that, we will defeat the public health advice that is driving this exercise. I am sorry if that sounds hard, but we must be conscious of the need to limit the number of children who come into such settings. That is why I appeal to employers and families to follow the tiered guidance that we have put in place, which is about trying to find alternative solutions for childcare before trying to secure places in childcare settings through local authority provision.

Jackie Baillie asked for clarity about the guidance, and I confirm the points that she made about the composition of category 2 workers. We have deliberately left flexibility in the hands of local authorities, so that they can take into account the circumstances that they are presented with. Some sectors are more prevalent in some parts of the country than they are in others. If we specify a uniform national approach, we will just create a different set of anomalies from those that Jackie Baillie has raised. We need to allow the key workers whom we need to contribute to the national effort to be able to get childcare support. That is the objective that we jointly share with our local authority partners.

**Kenneth Gibson (Cunninghame North) (SNP):** My question is for the finance secretary. Last week, the Bank of England cut the base rate to a record low of 0.1 per cent, but few banks have passed that on to borrowers, and many have actually increased loan and overdraft charges. For example, HSBC has increased charges on unauthorised overdrafts from 9.9 per cent to 39.9 per cent. Does the Scottish Government agree with former pensions minister Baroness Altmann that credit card charges should be cut to 0.5 per cent for the next 12 months? Will the cabinet secretary raise the issue of loans, overdrafts and credit cards with the Financial Conduct Authority?

**Kate Forbes:** Fiona Hyslop and I are in regular contact with banks and the wider financial

industry. I would be more than delighted to raise particular areas of concern directly with the banking industry.

All the available support—whether that be banking support, Government support or support through the welfare system—is designed to allow people to continue to pay bills, to feed themselves and to go about their daily business. Any form of Government support is designed to be supportive to people's cash-flow issues right now, in the light of the redundancies and other situations that they face.

The expectation on banks is that they look favourably on any request whatsoever from individuals about payment deferrals, and that they reduce their costs, not increase them. Where there are specific issues, please raise them with us; those should be passed on, so that we can raise them with the banks directly.

**Alison Johnstone (Lothian) (Green):** I welcome the health secretary's pledge to expand testing for NHS staff, but the current guidance tells NHS staff with symptoms that they will not be tested. Will that message—which has been sent out on a daily basis and again this afternoon—be updated to ensure that the concerns of front-line NHS staff and, indeed, the concerns about sustainability, are addressed as a matter of urgency?

**Jeane Freeman:** Yes, the message will be updated. There was no point in telling people that they would be tested until we had in place the processes and systems to do that. Now that we have, to begin that work—in the way that I have described—we will update the guidance, but it needs to be very clear about how we are testing to the capacity. As the capacity increases, we will be able to increase testing.

**Bruce Crawford (Stirling) (SNP):** This question is for the Cabinet Secretary for Transport, Infrastructure and Connectivity. Can he advise on the position that a front-line ambulance driver finds himself in? His car's MOT runs out at the end of the month, his garage is now closed, he cannot get another MOT appointment and the hospital where he works is 30 miles from where he lives.

I am not necessarily expecting an answer today, but that person will not be the only emergency worker in such circumstances. Is there a case for the Driver and Vehicle Licensing Agency waiving MOTs in the circumstances, or is there another way forward for such important workers?

**Michael Matheson:** The member has raised a very important issue: the growing challenge of individual car owners accessing an MOT. Naturally, that can have an impact on their being able to tax their vehicle, and no longer having a valid MOT will invalidate their insurance.

The member might be aware that the Northern Ireland Assembly, which has powers in that area, has given a three-month exemption certificate for heavy goods vehicles, buses and trailers, although it has not yet done so for cars. That is because we are in discussion with the Department for Transport to identify whether there is a means by which we can provide a UK-wide exemption for a limited period for those who own a car that is four years old or older.

I recognise the specific challenge that the situation is creating. We have raised the matter with the Department for Transport. The obvious solution would be to give people an exemption certificate for three months, which would allow their insurance to be renewed, if necessary, or to remain valid; it would also allow them to renew their tax disc, if necessary.

I recognise the issue, and I will continue to press the DFT on the matter with a view to obtaining a quick resolution.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** The First Minister will recognise the tremendous upsurge in community spirit, with mutual aid groups, neighbours doing favours for neighbours and thousands of seemingly tiny acts of community service.

An example of that goodwill can be seen in the hot meals that are being safely prepared and delivered free of charge to vulnerable people in self-isolation. I highlight two organisations operating in my constituency—Scran Academy and the Torfin pub—which will deliver more than 1,000 meals this week alone. They are concerned that, when the police begin to enforce the lockdown, their drivers and cooks might be prevented from providing that vital service. Can the First Minister reassure them that their work will be allowed to continue during the lockdown? Will she explain the system that will operate to allow key workers to move freely during the lockdown period?

**The First Minister:** First, I take the opportunity to thank the countless numbers of people across the country who are stepping up to volunteer and contribute. I have seen lots of examples of that, and I have had many emails from people offering their help. I am not at the stage where it is possible to put a silver lining on this horrible cloud, but we are seeing examples of the best of people and the best of communities. That is certainly something to hold on to and be inspired by.

On the member's question, we are very clear that we want the voluntary effort to continue. We want people who are caring for others to be able to continue doing that. I am confident that the police will not have to carry out enforcement,

because the majority of people will comply with the rules with which we are asking them to comply.

We have good, community-based policing by consent in this country. I spoke to the chief constable last night, after Cobra took its decisions, and he is confident that he and his officers will be able to police the situation appropriately, and that any enforcement will be for the minority of cases—I expect it to be a tiny minority of cases—in which people flagrantly breach the rules, with no consideration for others. I know that the chief constable and the police are mindful of the need to allow the voluntary caring effort to continue, because we all need it to continue.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** I am still getting messages from worried constituents who are being dragged into work by employers who are not in the key categories that the First Minister mentioned. What enforcement powers will be used to force such employers to close, to protect their staff and the wider public?

**The First Minister:** I want all employers to behave responsibly and I think that the vast majority of employers are doing so.

If someone is running a business of the type that has already been told to close—pubs, restaurants and non-essential retail—closure will be enforced if necessary. The police did so over the weekend with closure notices, and the new emergency powers are coming into force. However, I fervently hope that that will not be necessary.

At the other end of the spectrum, there are categories of business that we know have to continue, because they are vital to the effort to fight coronavirus as well as being vital to wellbeing and to keeping the country going—I am talking about food supplies and energy to keep the lights on.

There is a difficult group of business in between, and we cannot give a categoric answer for every single one, on a bespoke basis. That is why I am trying hard and will continue to try hard to set out clear guiding principles.

The first principle is that employers should take responsible decisions, based on the precautionary principle. If an employer is in any doubt about whether what they are doing is in any way putting the health of their workforce at risk, they should not do it and they should not be open. That is the first principle.

Secondly, employers should be allowing staff to work at home whenever possible. The nature of some businesses is such that that is not possible, so if people consider themselves to be doing essential work they must ask whether they are able to have safe social distancing, obviously

while complying with all the normal health and safety requirements.

For a business, if the answer to any of those questions is no, the business should not continue as normal and the employer should not continue to expect its workers to come to work. In addition to giving that guidance, we will do our best to offer specific guidance to sectors or companies, as these issues arise.

The overall point is that, just as we are saying to the public, “Do the right thing for the right reasons”, I have to say to businesses, “Please do the right thing for the right reasons.” This is a horrendously difficult situation for everybody—nobody doubts that—and I do not doubt for a minute that businesses are having to take really difficult decisions. However, I come back to the central point. These measures have been put in place to save lives.

I say this to everyone: whenever we are feeling frustrated about all the inconveniences and disruption to our daily lives—individual lives and business lives—we must remember that what we do now will ultimately determine how many people die from this virus. The more that individuals and businesses do the right thing, the fewer people will die. That should be the motivation for each and every one of us.

**The Presiding Officer:** I am conscious that we will not be able to get through every member. However, with members’ understanding, I will extend this part of the meeting until 3.10.

**Mark McDonald (Aberdeen Donside) (Ind):** My question is for the Cabinet Secretary for Health and Sport.

There are individuals with addiction issues who, until now, have been receiving treatment from the NHS or support from groups such as Narcotics Anonymous, Alcoholics Anonymous and Gamblers Anonymous. There are individuals with addiction issues who might not yet have sought treatment and who face the possibility of three weeks of being unable to feed their addictions while living in a household with family members who might not be aware that they are living with an addict.

Those are three very different categories of people who require very different advice, support and reassurance. Will the cabinet secretary say whether that is under active consideration? What steps will the Scottish Government take to support such individuals and their family members, who might be supporting them through their addiction or might not yet be aware that they have an addict in their household?

**Jeane Freeman:** I am grateful to Mark McDonald for raising that important issue. Joe FitzPatrick and I have been discussing it, and what

we might do is under active consideration. Because of the nature and ethos of some of the organisations that Mark McDonald mentioned, they will want to be self-contained and to maintain social distancing as they continue their work. They are actively looking at the means by which they can do that. We will ensure that they have our offer of support should they wish to take it.

How we might offer support to the final group that Mark McDonald mentioned is particularly hard for us to work through. The problem is not to do with individuals who have addictions and related difficulties managing to isolate or stay at home; it arises when their families do not know about those problems. We are giving that active consideration.

I would welcome any specific propositions on the issue that members think the Government should be considering. As we make progress, I will be happy to ensure that members are updated.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** I have a question for the Cabinet Secretary for Health and Sport. Is there an update on when the antibody test that was previously talked about will be available? Will that be a crucial test in identifying who has had the virus, and will it be particularly important for those in the front line?

**Jeane Freeman:** Fulton MacGregor raises an important question. When the test is available, it will be an important one for us. Our current understanding—and our hope—is that it will be available in the near future. I recognise that that is completely without specificity but, as the First Minister said, it is better to give members accurate answers that we are confident about. Unfortunately, at this point, all that I can say is that we are hopeful that the test will be available in the near future.

**Brian Whittle (South Scotland) (Con):** I have a question for the Cabinet Secretary for Communities and Local Government. She is of course aware that the third sector is under a lot of pressure just now while working with the most vulnerable in society, including those with poor mental health, addictions or Alzheimer's disease, and the homeless, for whom isolation has traditionally been seen as the enemy, yet now the advice is completely the opposite. What support or advice can the cabinet secretary give third sector organisations that are trying to work through this difficult time?

**Aileen Campbell:** I pay tribute to the third sector, which is fundamental and crucial to the country's pandemic response. My officials are actively working with some organisations that cover the issues that Brian Whittle raised. Last week, we announced a general resilience fund to help the third sector to continue to function and

provide support to communities, and to reprioritise some of its existing work so that it can cope with the demand that is placed on it.

Officials are working with a number of organisations, including the Scottish Council for Voluntary Organisations, the Corra Foundation, the Hunter Foundation and similar organisations, to get resources to the right place as quickly as we can to support the need that Brian Whittle recognises.

**Anas Sarwar (Glasgow) (Lab):** I thank the First Minister, all other ministers and their officials for their positive engagement.

Yesterday, I heard the cabinet secretary say that the minor ailment service will be expanded, which will put more pressure on pharmacies. What actions have been taken to ensure that personal protective equipment is being supplied to pharmacies?

A number of opticians, dentists, dental nurses and other medical professionals have skills that can be used by the national health service. What is being done to draft them in to support existing NHS staff?

On a sensitive issue, a number of doctors, for a variety of reasons, have opted out of the Scottish Public Pensions Agency scheme, meaning that if they were to contract the virus and die of it, their families would not get a death-in-service payment. What immediate action has been taken to reassure those individuals that their families would receive such a payment? After all, they are the heroes at the front line in this crisis.

**Jeane Freeman:** I will start with Anas Sarwar's final question. At the moment, we are actively looking at what we can do in such circumstances. I fully take on board the points that he makes. We are in discussions with the UK Government and the Scottish Public Pensions Agency in that regard.

As has been said, we have 1,257 community pharmacies and 2,500 community pharmacists around Scotland. That is a huge resource that is keen to be actively involved in the extension of the minor ailment service. Community pharmacists' access to the emergency care record came as a direct result of our meeting last week. I am grateful to our chief pharmaceutical officer for ensuring that that happened in the space of days. That is a huge resource for healthcare in the community. We have also had discussions with community pharmacists about their particular PPE requirements, and other requirements. I am confident that that will make a significant difference.

Anas Sarwar is absolutely right about the other professionals that he described. Dentists in

particular, and the others, all have significant skills. I am pleased that many of them have been in touch to ask how they can help and what more they can do, given that they are undertaking emergency treatment only as a result of guidance from the chief dental officer. He is actively looking at how we can harness that particular workforce.

Optometry professionals will be able to provide significant support and emergency eye treatment. To ensure that their businesses will be sustainable throughout the period, we have reached an agreement with them about the sustainability of their funding while they are not able to undertake some of the work that they normally do and are paid for, and they will continue to undertake that emergency eye treatment.

All of that is fed into NHS 24 and others, so that people can be pointed in the right direction for the care that they need.

**The Presiding Officer:** Thank you very much.

A number of members have sat patiently through the session, waiting to ask questions; I am afraid that I cannot take any more, as there are two substantial statements coming up from the Lord Advocate and the Cabinet Secretary for Justice, as well as emergency legislation and the Local Government Finance (Scotland) Order. We therefore have to move on to the next item of business. I thank members and ministers for their understanding.

## Covid-19 (Justice)

15:12

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business are statements by the Lord Advocate and Humza Yousaf, Cabinet Secretary for Justice, on justice and Covid-19. The Lord Advocate and the cabinet secretary will take questions at the end of their statements, so there should be no interventions or interruptions.

**The Lord Advocate (Rt Hon James Wolfe QC):** In the past 10 days, all of us have had to respond to one overriding imperative: to follow the Government's public health advice which, as the First Minister has just reminded us, is designed to save lives. That required an immediate response from the justice system. Last Tuesday, the Lord President announced that no new jury trials would commence until further notice. He was right to take that step, which was entirely consistent with the public health advice.

Since Thursday, the Crown, in co-operation with the court, has been taking steps to adjourn most summary trials—trials that are dealt with by a sheriff or justice of the peace without a jury—until June. The only business going through the criminal court at this time will be essential custody business.

Those steps will have a profound impact. They involve putting on hold almost all criminal trials, but they were, and are, necessary steps, which will help all of us—staff working in the justice system and citizens alike—to comply with the public health imperatives.

As we take those steps to address the urgent public health advice, I am committed to maintaining the rule of law and the fair administration of justice; to respecting the rights of the defence; and to fulfilling our obligations under the European convention on human rights.

In the steps that I, as head of the system of prosecution, am taking in response to the current situation, my watchword is, and will continue to be, the safety of the public. Last week, the chief constable and I set out our shared commitment to keeping people safe from harm and to dealing effectively with those who do not comply with the law.

The police will continue to respond to crime and to report cases to the procurator fiscal. Where individual or public safety justifies that course, accused persons will, in accordance with the guidelines that I issued on Friday, continue to be taken into custody, and prosecutors will continue to take action in accordance with the Scottish

prosecution code. Where there is sufficient evidence and the public interest requires a prosecution, prosecutions will be initiated.

We will seek where we can to resolve and progress cases with the minimum need for appearance at court. Where a hearing requires to take place and the accused is in custody, the accused will, where possible, attend by videolink. Where cases cannot be resolved, and the case is one of the very small number of summary cases where a trial can, and should, take place, we will keep the number of witnesses whom we require to attend to the minimum that is necessary.

Where a trial cannot take place—I have to be frank that that will be the great majority of cases that cannot otherwise be resolved—we will have no option but to defer that trial until the public health guidance allows business to resume, even if that means that the accused has to remain in custody meantime, if public safety demands it. We will need where necessary to seek extensions of the statutory time limits that apply.

Let me turn from the prosecution of crime to add that adjustments are also being made at this time to the system for the investigation of deaths, with a view to relieving pressures on the medical profession.

I thank all those who are involved in delivering justice across Scotland for their response over the past 10 days and—in anticipation—for their continued support during what will undoubtedly be a challenging period ahead. I express my appreciation of the staff of the Crown Office and Procurator Fiscal Service, who have been working enormously hard to do what has been required of them. I also publicly thank the wider legal profession for its understanding and support in relation to necessary measures that will have a significant effect on many practitioners.

The administration of justice is a collective endeavour in which all those involved have an essential part to play and in which mutual respect for our distinctive functions goes along with our shared responsibility to deliver justice to the community that we serve. Never more so than at this extraordinary time will we need that sense of collective endeavour in the service of justice while doing what we all must do collectively to minimise the loss of life.

15:17

**The Cabinet Secretary for Justice (Humza Yousaf):** The word “unprecedented” has been used many times over the past few weeks but, frankly, it simply does not do justice to the times that we find ourselves in. Our justice agencies, front-line professionals and other staff deal with emergency situations and unexpected events, day

in, day out. However, even for them, the challenges that are raised by the Covid-19 outbreak have never been seen before. I cannot praise enough the work that has been undertaken by those agencies and individual staff in both planning for and responding to the Covid-19 outbreak.

I will set out this afternoon the approach that we in the Government, along with our key justice partners, are adopting, broadly under the three headings of maintaining public confidence and safety; supporting and responding to the health advice; and, finally, taking necessary but difficult decisions.

On maintaining public confidence and safety, which is the first of those themes, we heard the Lord Advocate set out his and the chief constable’s priorities. He emphasised the continuing commitment to keeping people safe from harm and dealing effectively with those who break the law. Let me reassure the chamber and the people of Scotland that, alongside the essential work of our health professionals, Police Scotland, the Scottish Fire and Rescue Service and our wider partners will continue their work to protect the public and communities in their homes.

While our justice agencies continue to fulfil their essential role, it is important that they, like all of us, follow the health advice to help contain and reduce the spread of the Covid-19 virus. That is not easy, as many of our justice interactions take place in public and require people to come together in particular locations. However, it is vital that we do not place at inappropriate risk those who work for our justice agencies, undermining the impact of the public health advice.

Last week, following agreement between the Lord President and the Lord Advocate, the Scottish Courts and Tribunals Service announced a programme of immediate changes to the operation of the criminal courts, some of which we just heard from the Lord Advocate. A range of criminal or civil business will proceed administratively, through correspondence or by telephone conference. We will use digital means where possible to take cases forward. It is clear, as the Lord Advocate has set out, that the measures that have been brought forward by the Scottish Courts and Tribunals Service will impact on court business.

The Minister for Community Safety is considering the impact of those changes, including to court programmes, for solicitors and advocates, and has been working proactively with the Scottish Legal Aid Board—I thank the board for thus far showing a great degree of flexibility in the support that it has already announced. Further measures are being proactively explored.

We know that this will be an anxious time for victims. Generally on the approach to a potential court proceeding, anxiety can follow for victims of crime, and that is even more so in the circumstances in which we find ourselves. The Government has been proactive in speaking to organisations that help to support victims, such as Victim Support Scotland, Rape Crisis Scotland and Scottish Women's Aid. We are working closely with them.

Our prison service has in place robust contingency plans for dealing with emergency situations. The Scottish Prison Service's national pandemic plan has been implemented and is being overseen by its national coronavirus response group. Local governors in charge are overseeing the delivery of their own plans, which are tailored to the needs of individual establishments and informed by the latest medical advice.

As in the community, effective communication is vital in preventing the further spread of the virus. The SPS has communicated with every single prisoner telling them how to avoid infection and advising how the outbreak will impact on their daily routine. Those people in custody who are displaying any of the symptoms of Covid-19 are self-isolating, as are prison staff. The SPS has established clinically led protocols for testing, and I have been assured that our prisons have secured sufficient access to personal protective equipment for staff, consistent with those protocols.

During this fast-moving situation, the Prison Service has considered all the necessary steps that need to be taken to reduce the risk of the virus spreading. Effective from today, the Prison Service has suspended visits to our prisons. That decision was not taken lightly with our Prison Service, and it was communicated to all staff, prisoners and partners yesterday evening.

We recognise that maintaining family contact, perhaps more so now than ever, is crucial during these challenging times. As a matter of urgency, the SPS is working on other options with which we can support and maintain family relationships, including establishing a dedicated family helpline, and we will of course look at all digital and telecommunication solutions. More difficult operational decisions may lie ahead and we are working urgently with the SPS and other partners to help to mitigate, where at all possible, the impact of those changes. I express my personal thanks to front-line prison officers and national health service staff and others who work in our prisons for their efforts in what is always a challenging and complex environment, but even more so in the face of the Covid-19 outbreak.

With regard to taking difficult decisions, part of what makes the current situation so unsettling and

difficult is the escalating nature and scale of the challenge. For many people, there is also an extreme sense of uncertainty about how long the disruption to normal life may last. Part of the function of our justice system is to provide clarity and stability for individuals and communities, especially in times of uncertainty. That is especially important when the capacity of our front-line services will themselves be impacted by the measures that have been introduced to prevent the spread of the Covid-19 virus.

As members are aware, and as we discussed in the previous item of business, the United Kingdom Government has published an emergency bill to provide additional powers to protect lives and respond effectively to the Covid-19 outbreak. Following dialogue between the four UK Administrations and joint advice from the four chief medical officers, many of the provisions apply on a UK-wide basis. The legislative consent motion for those provisions will of course be considered by members today.

The bill includes powers allowing police in Scotland to support and enforce public health measures, including powers to detain people and put them in appropriate isolation facilities if necessary to protect public health. The bill also gives the Scottish ministers the powers to restrict or prohibit events or gatherings where the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health.

I hope that good citizenship and the continued co-operation of event organisers will mean that we will have little cause to invoke such powers. Crucially, there are sufficient safeguards to ensure that any requirements or restrictions placed on individuals through those powers must be necessary and proportionate. The measures will also be time limited.

Thankfully, the UK bill is likely to be just the first tranche of measures to enable our key services to change and respond in an effective manner to deal with the outbreak.

The bill also gives the Scottish ministers the power to make public health regulations to enforce the measures that the First Minister announced last night. Breaching the restrictions will be a criminal offence that could lead to a fine or other enforcement actions.

These measures are unprecedented, but we must take this action now to save lives. We do not do so lightly. We do not want to use the new powers, and we are working on the basis that most people will act in compliance with what we have set out.

Over recent days, we have been engaging closely with key justice organisations and other

partners to consider what further legislative measures might be required that would be specific to devolved services in Scotland. Further information about such measures will be shared in the future.

The measures will be limited to ones that we in Government and our partners consider absolutely necessary in order to respond effectively and promptly to the particular exceptional circumstances of the outbreak. Our clear intention is that the measures will be subject to appropriate scrutiny by the Parliament and will be time limited. However, let me be clear that all measures that are necessary to keep our citizens safe—be they in or outwith our prisons—will have to be considered. Underpinning our approach will be our continuing absolute commitment to the rule of law and to protecting individuals and our communities from harm.

I am confident that members will join me in expressing our continuing thanks for those who work in our justice system. At this time of significant and unprecedented challenge, we will continue to work with them to provide the support and capability that they need to protect lives and, crucially, to maintain confidence in Scotland's justice system.

**The Deputy Presiding Officer:** The Lord Advocate and the cabinet secretary will take questions on the issues that were raised in their statements.

Members will have noticed that the statements went over time. I cannot allow any more than 20 minutes for questions. We are oversubscribed and time is very tight, so brevity will be required for the sake of fairness.

I call Liam Kerr. Please indicate to whom you wish to address your question.

**Liam Kerr (North East Scotland) (Con):** Thank you, Presiding Officer. I thank both the cabinet secretary and the Lord Advocate for advance sight of their statements, and especially for the approach that they and their justice teams are taking, which I think will be very reassuring.

Time is unexpectedly restricted, so I will move on to my three questions—two for the cabinet secretary and one for the Lord Advocate.

Prisons are undoubtedly a difficult environment in which to stop the spread of the virus, and I understand that protocols are in place. First, what contingency has the cabinet secretary considered in the event of a critical number of staff being absent? What more is being done, and can be done, to limit the spread, especially in prisons such as Barlinnie, where prisoners are in double cells?

Secondly, the Lord Advocate has said that he will seek extension of statutory time limits in relation to remand. I understand the intention, but I wonder: how long can he do that, and are alternatives that he is prepared to tell us about being explored?

Finally, with regard to our police, is the cabinet secretary fully satisfied that our brave officers who are charged with enforcing the lockdown have enough PPE to keep them safe? Can he reassure the public that there are enough officers to enforce the lockdown?

**Humza Yousaf:** I thank Liam Kerr also for his approach, which I have appreciated during our very constructive dialogue over the past few weeks.

Liam Kerr is right that prisons are a very difficult environment. The Scottish Prison Service is following the public health advice to a T, but I will be honest and frank and say that every option must be explored. If, for example, staff absences in the SPS continue to increase because of public health advice, we will have to consider every possible measure.

Let me be clear: just as the UK Government has considered releasing prisoners and increasing the number who are on home detention curfew, we in Scotland cannot rule out releasing prisoners if doing so is in the best interests of keeping our establishments and those who work in them safe. That measure will be actively explored.

With respect to the questions about the police, I talked this morning to the chief constable. I understand that an order of PPE is due to come in, which I hope will reassure Liam Kerr about the safety of officers. On officer numbers, he will note that an appeal has gone out to special constables and to their employers, asking them to free up their time to work more with the police. There are also about 350 recruits to Police Scotland starting at Tulliallan as we speak.

**The Lord Advocate:** I am grateful for the question. In the current legal framework within which we operate, we cannot bring cases to trial in the solemn courts, or in most summary cases. It will therefore be necessary for us to extend time limits.

One of the tensions and challenges that we will face will be the need for individuals to be detained on remand where public safety requires it. The guidelines that I have issued to the police focus decisions about custody firmly on the question of public safety, so that individuals will be taken into custody where public safety demands it, but not unnecessarily.

Beyond that, a range of measures are being considered with the Government, but at this stage it is perhaps not for me to outline what they are.

**James Kelly (Glasgow) (Lab):** I thank the Lord Advocate and the cabinet secretary for their statements. Due to the Covid-19 outbreak, we live in unprecedented times, so it is important that we work together. However, Parliament also exists as an essential platform for members of Parliament to bring issues to Government ministers and the Lord Advocate, so that the response is as comprehensive as possible.

I have two questions for the Cabinet Secretary for Justice. First, prisons are a sensitive area. There have been reports about an incident at Addiewell prison yesterday, which underlines the importance of staff having appropriate PPE. It has also been drawn to my attention that staff in the prisoner escort service do not have appropriate equipment at the moment. When will that be supplied and will the equipment be up to date?

Secondly, what action will be taken to ensure that governance arrangements are in place so that local police decisions fit in with the priority of the local community in relation to the on-going outbreak?

**Humza Yousaf:** I take James Kelly's point that this is a chance for us to inform, but also to be scrutinised, and I welcome that approach. He is right that there was an incident at Addiewell. The SPS briefed me regularly throughout the day on it, and it was resolved last night. That is just one example of the difficult and challenging circumstances that we find in prisons across the country at any time, let alone in these most challenging times.

I am not saying that it is specifically related to the Addiewell incident, but there has been anxiety among people that visits were continuing, so the decision to suspend visits is correct, in line with public health guidance. However, if all family contact was cut and there was no family contact by means of digital or telecommunications, that would have an adverse reaction, too, so the SPS is working urgently and proactively to see how we can continue family contact.

I will look into the issue of PPE in relation to the contract that we have with GEOAmeY to provide prisoner escort services. Lack of PPE has not been raised with me as a concern, but I will speak to James Kelly offline to see whether he has more information. After this meeting, I will speak to my officials about the GEOAmeY contract and PPE, because prisoner escort staff do an important job.

I will leave local policing to the chief constable, as an operational matter, but I know that he greatly values the relationship that divisional commanders have with local authorities. Of

course, James Kelly is right to allude to the fact that the response to the outbreak might differ in different geographies and parts of the country. The chief constable is absolutely clear that his commitment is to making sure that people are kept safe throughout the pandemic, and that that might involve dealing with issues that are directly related to the pandemic, but also with issues that are substantially important to communities but are unrelated to the pandemic.

**The Deputy Presiding Officer:** We move now to open questions. I ask members who wish to ask questions to press their request-to-speak buttons. I remind members of the need for brevity, and for them to direct their questions appropriately.

**John Finnie (Highlands and Islands) (Green):** I thank the Lord Advocate and the cabinet secretary. Not for the first time, I commend the important role that cleaning staff play in our public services. That role could not be more important as we face the current situation.

Trade unions have claimed that a number of private companies, including Serco and Sodexo, are refusing to pay cleaners who are self-isolating or who cannot attend work because of childcare commitments. Can the cabinet secretary say what discussions he has had with those companies regarding staff at private prisons, and will he confirm that all staff at those sites, and across the Scottish Prison Service, will be paid and tested?

**The Deputy Presiding Officer:** I do not think that that question is particularly relevant to the statement. However, the cabinet secretary may respond, if he wishes to do so.

**Humza Yousaf:** I will give a very quick response, because the question relates to our private prisons, in particular.

I have not been made aware of that situation in respect of cleaners. If that is the case, I will be deeply disappointed, because it is not the message that has come from this Government or the UK Government. I will follow up the issue particularly, as John Finnie mentioned, in relation to private prisons.

**Willie Rennie (North East Fife) (LD):** I am concerned about a potential rise in domestic abuse as we endure this period of lockdown. How can we ensure that there is support for potential victims and that there are enough escape routes, especially if a person is confined to their home? How do we ensure that people are not being left to their own devices?

**Humza Yousaf:** I look to the Lord Advocate, who can ensure that I am right on this. Domestic abuse cases will not be deprioritised; the Scottish Courts and Tribunals Service has also said that. I hope that that reassures people who are fearful

from having lived in an abusive relationship and are waiting for their case to come to court.

We are very aware of the matter: it has been raised directly with me by organisations including Victim Support Scotland and Scottish Women's Aid. Police Scotland is also aware of the situation, and is liaising with those organisations and using its local intelligence. The Domestic Abuse (Scotland) Act 2018 came into force only after the vast majority of police officers had had enhanced domestic abuse training.

I give Willie Rennie as much assurance as I can. We in Government are aware of the issue, as are the police. The courts will continue to prioritise domestic abuse cases.

**George Adam (Paisley) (SNP):** What is the cabinet secretary's response to Police Scotland's call for employers to consider making paid leave available to members of staff who volunteer as special constables in order to allow them to support the national effort to tackle the coronavirus?

**Humza Yousaf:** In short, we support that call. We know the impact that Covid-19 is having on staff across the justice sector and more widely, and Police Scotland is not immune to that. It has put out a call for the employers of special constables to give them paid leave so that they can do more work as special constables, which will help to bolster our police force. I add my weight to that call to employers. I ask them to be sensitive to it and heed it, and I hope that it will help us all in the national endeavour to combat the virus.

**Maurice Corry (West Scotland) (Con):** I address my question to the Lord Advocate. Will prosecutors be required to attend court for the few trials that are proceeding? If so, what steps have been taken to protect them?

**The Lord Advocate:** In the past week, the prosecution service has taken steps to maximise working remotely and working from home. In the management of court business, where cases can be progressed without anyone appearing in court, they will be progressed in that way. It is hoped that judicial case management and proactive engagement between the Crown and the defence will maximise the potential for progressing cases in that way.

In the very small number of trials that will continue, there will be no option but for those who are required to attend to be at court. Local arrangements should seek to ensure that there is social distancing as far as possible.

The starting point is the steps that have been taken to minimise the need for people to attend court at this time. If court business has to take

place, local arrangements will be put in place to respect the social distancing requirements.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** My question is for the Cabinet Secretary for Justice. In relation to the maintenance of family contact, can the cabinet secretary give an approximate timescale for when new measures will be available, such as a helpline?

**Humza Yousaf:** All that I can say to Rona Mackay at this stage is that the decision was taken last night and I will look to make sure that we have solutions in place in days, as opposed to weeks.

Some measures can already be deployed. We are actively looking at a range of measures, and the helpline is one of them. We know that technology exists elsewhere in relation to mobile phones that have restricted call lists, and we are looking at other measures such as videoconferencing and so on. We are looking at a suite of packages to retain family contact.

Equally, of course, we have to understand the environment that we are working in, so appropriate risk assessment must be in place. However, I give Rona Mackay and other members in the chamber an absolute assurance that that is being done as a matter of urgency.

**Daniel Johnson (Edinburgh Southern) (Lab):** The Cabinet Secretary for Justice acknowledged that the new restrictions and their enforcement will place real pressures on the capacity and availability of police officers and staff. However, just this afternoon, the Unison Police Scotland staff branch stated that key staff roles have yet to be identified by the police. Will the cabinet secretary say what communication he has had with the chief constable about that? More generally, what steps are being taken to maximise the availability of police officers and staff at this time?

**Humza Yousaf:** Daniel Johnson raises an important point on police staff. To give a direct answer to his question, I note that I raised that very issue yesterday afternoon with the chief constable. I mentioned to him that I had also heard that—not directly from the union, which I tend to meet regularly, but from a number of police staff who had been in touch directly. He was surprised that that was coming in, and he absolutely gave me a reassurance that he would turn his urgent attention to the staffing issue.

The chief constable's communication to me was very clearly that the Government's guidelines are being followed, so anybody who is able to work at home should be working at home. We recognise that, for some staff, that will simply not be possible, but the chief constable is of the opinion that, where it is possible, he expects it to happen. I raised the matter with the chief constable

yesterday afternoon and I am sure that he is working hard on the matter.

**Sandra White (Glasgow Kelvin) (SNP):** Some officers who have contacted me and other MSPs are worried that vulnerable members of the police force are being encouraged to continue to work if they are symptom free. Will the cabinet secretary clarify what advice senior staff should be giving to vulnerable and at-risk members of the police force?

**Humza Yousaf:** The advice from Government has been very clear in relation to who should be working, but also who should be working at home. The advice can be found on our NHS inform website, but also in myriad other places. It covers people who are deemed to be at high risk and the precautions that should be taken for them. On the back of both Daniel Johnson's question and Sandra White's question, I will again ensure that the matter is raised directly with Police Scotland.

**Anas Sarwar (Glasgow) (Lab):** My question is for the justice secretary. Will the Scottish Government provide guidance to funeral operators, and particularly community-organised funeral operators? Muslim and Jewish burials are done with a ritual of washing of the body before the burial takes place. Will there be guidance on what should happen with Covid-19 patients in those circumstances? If that is to be done by those community organisations, will the Government help them to acquire PPE so that they can keep themselves safe at this really difficult time?

**The Deputy Presiding Officer:** Again, I am not sure that that is entirely relevant to the issues that were raised in Humza Yousaf's statement, but if he would like to answer, he can.

**Humza Yousaf:** I am happy to answer the question. It perhaps does not fall within the remit of the justice secretary, but I work closely with my colleagues in public health, and Joe FitzPatrick in particular. In addition, Anas Sarwar will understand, as I do, that on matters relating to the Muslim community, he and I will often be approached regardless of what our official remits are or are not.

To answer the question directly, I note that guidance has been provided to Glasgow central mosque, which does the vast majority of such funerals in the west of Scotland, but I have been told that it has also been passed to the Muslim Council of Scotland, which will disseminate it across mosques. In relation to the Jewish community, I will have to look that up, but I will ensure that advice is sent to all communities on the specific rituals that they have in dealing with the deceased.

The point about PPE has not yet been raised with me by the likes of Glasgow central mosque. People there are never shy to be on the phone to me if there is a matter of concern, so I will pick up the phone to them. If the Government can assist through the work that we are doing in relation to PPE, we will try to be as helpful as we can be in that regard.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** I ask the cabinet secretary for reassurance about the safety of the staff and prisoners at Bowhouse prison, near Kilmarnock, given the positive confirmation last week of two cases of the coronavirus among the inmates.

**Humza Yousaf:** I give an assurance that, when it comes to our policies, regardless of whether the prison is in the public sector or is run by a private company, the strict public health guidelines and clinical protocols are being followed. In relation to the two positive cases at HMP Kilmarnock, I can confirm that the correct protocols were followed.

However, the matter does give me cause for concern. We know that infections and viruses can spread rapidly in a prison setting, and therefore, as I intimated in my response to Liam Kerr's question, we will have to explore a range of measures. We have the powers to enact some of those now, but we might have to think about the matters over which we do not have powers and whether we will have to return to Parliament in that regard.

**Claire Baker (Mid Scotland and Fife) (Lab):** The cancellation of jury trials will have an impact on those who are the victims of rape and sexual assault and, as has already been raised, there are serious concerns about a potential increase in domestic violence. Will the Government keep a close watch on the situation and provide whatever resource is necessary to protect and support women and children, some of whom are in the midst of very stressful and upsetting court cases?

**The Lord Advocate:** I will comment first, and then the cabinet secretary may wish to add his response. I am acutely conscious of the matters that Claire Baker refers to. Specifically in relation to domestic abuse, I can elaborate on what the cabinet secretary said a few moments ago. The rigorous approach to domestic abuse that is set out in the protocol between the Crown and the police on domestic abuse will continue to apply. Where there is a substantial risk of harm to an individual, the police will continue to take the accused into custody. The guidelines that I mentioned earlier enjoin the police to be mindful of the particular issues that arise in the context of domestic abuse. Indeed, if an accused is not taken into custody, the police are enjoined to consider the use of conditions to protect public and individual safety.

Of course, courts will continue to make decisions about remanding accused in custody—it is important that we emphasise that. Ultimately, in this difficult situation, decisions on remand will be for courts. Where an accused is not remanded, the Crown will seek appropriate conditions of bail to protect public and individual safety.

In relation to jury trials generally, the current legal framework does not allow us to bring a solemn case to trial other than before a jury. Accordingly, at this time, there is no option but to defer those trials unless and until the public health guidance allows us safely to recommence the empanelling of juries.

**The Deputy Presiding Officer:** The cabinet secretary is desperate to add something. Please be quick.

**Humza Yousaf:** I was trying to indicate the opposite, Presiding Officer. I simply say to Claire Baker that we will continue our engagement with victims' organisations and if there is anything further that the Government can do in this regard—we understand that domestic abuse could be more prevalent during the outbreak—we will do it.

**The Deputy Presiding Officer:** That concludes questions on the justice statement in relation to Covid-19. I apologise to those members who would have liked to take part but whom I could not reach.

## Coronavirus Bill

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a debate on legislative consent motion S5M-21322, in the name of Michael Russell, on the United Kingdom Coronavirus Bill.

15:49

**The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell):** Less than a week ago, I updated members in the chamber on the introduction by the United Kingdom Government of the Coronavirus Bill and set out the measures contained in the bill and how it will assist and support our responses to the current pandemic.

On Friday, the Scottish Government lodged a legislative consent motion in respect of the bill with the Parliament, and, this afternoon, members will debate the motion and will be asked to give consent to the bill on the recommendation of the Scottish Government.

In my statement last week, I acknowledged that the timings around the development, introduction and scrutiny of the bill had been, and will continue to be, extremely challenging. The UK Government's stated ambition was to have the bill receive royal assent by the end of this month. That has now been accelerated in view of the current scenario, and the intention is that all stages of the bill will be completed by tomorrow, when royal assent will hopefully be given.

Last week, I gave a commitment to the Scottish Government that, after discussion across the Parliament, we will institute appropriate reporting on how and when the powers in the bill have been used by the Scottish Parliament. In addition, for our own further emergency coronavirus legislation next week, I intend to embed in law such reporting and renewal every six months, including our use of UK provisions in the UK bill. Since our discussions last week, I am glad to say that the UK Government has heeded the concerns that have been widely raised on the six months issue, and I understand that it is implementing such a provision in its bill.

The bill is the result of a great deal of intensive work between the UK Government and the devolved Administrations. We must continue that mutual co-operation as we work collectively, as part of our four-nations approach, to confront the extraordinary public health and economic challenges that are posed by the coronavirus pandemic. Nevertheless, we will also take the actions that we regard as necessary for the special circumstances in Scotland. It is to those actions that I now turn.

As the First Minister has made clear, in creating the additional powers in this bill, we did not—and do not—mean to use them automatically. We will be guided by decisions at the appropriate time, and any enforcement action that we take will be taken as a result of the situation that pertains here, in Scotland. Of course, since I gave the statement last Thursday, the Prime Minister and the First Minister have, as part of our response to the virus, set out further social distancing measures, the latest to have been implemented with immediate effect from midnight last night. The restrictions that are now in place will be difficult, sometimes distressing, and they will always be strange to us. However, the new measures are for the protection of us all and they are essential if we are to slow down the spread of the virus.

From today, the message to all our citizens is clear: people must now stay at home. The more people who comply, the less impact there will be on the national health service, and fewer people will die. We are now clearly telling citizens those facts, and there is a very restricted list of permitted activities. Leaving the house is permitted in order to go shopping and for one form of exercise a day, but the exercise must be severely restricted and is expected to be undertaken alone or with a person's household.

Leaving the house is permitted for any medical need, to provide care or to help a vulnerable person, and for travelling to and from work if it is absolutely necessary—I stress that it must be absolutely necessary—and the work cannot be done from home. We have been explicitly clear that, beyond those permitted activities, heavy restrictions now apply. All non-essential retail outlets will no longer be allowed to open; all social events, weddings, baptisms and other ceremonies are no longer permitted; and communal places such as libraries, playgrounds and places of worship will close. Funerals must be restricted to immediate family.

We will shortly issue a list of premises that are covered by the new measures, but we urge everyone to do the right thing now. Most have, but—I stress this again—we are committed to using the powers that are available to us, and we will do so. Therefore, as part of our response, we have taken the decision to commence, upon royal assent, the powers in the bill that will ensure that all necessary enforcement action can be taken to implement social distancing and restrictions on gatherings, events and operation of business activity without further delay. To do so, following the point at which the bill completes the parliamentary process and receives royal assent, which is likely to be tomorrow, we will immediately make regulations under the emergency procedure of the Parliament.

The regulations will be made under what is now schedule 19 of the bill, which confers the same powers on the Scottish Government that the UK Government already has under section 45C of the Public Health (Control of Disease) Act 1984. Those powers allow us to make emergency regulations if we believe that there is an urgent need for them. We believe that there is an urgent need, and we will make those regulations now. That means that the regulations will come into force immediately and will remain in force provided that they are approved by Parliament within 28 days of being made. We will therefore seek parliamentary approval for that timetable as soon as possible.

We will, of course, keep the regulations under constant review, in line with our scientific advice, and we will ensure that Parliament is kept informed of our legislative approach as things progress. I think that I am meeting Opposition spokespeople later this afternoon to talk about the next bill that we intend to introduce.

When I addressed members last week, I said that we must put in place what we need to

“do the right thing for everyone. We must take action to protect, enhance and strengthen not only our response but ourselves.”—[*Official Report*, 19 March 2020; c 62.]

The measures that we are taking are proportionate and essential.

Last week, I also drew attention to the fact that pandemics have been experienced before. Each time, there is fear, there is dread, there are difficult decisions, and—yes—there is death. However, there is also courage, hope and determination. We learn from those who have gone before us, because they made it through and they told the tale. We intend to do the same.

I move,

That the Parliament agrees that the relevant provisions of the Coronavirus Bill, introduced in the House of Commons on 19 March 2020, so far as they fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

**The Deputy Presiding Officer:** I call Bruce Crawford to speak on behalf of the Finance and Constitution Committee for up to five minutes, please.

15:56

**Bruce Crawford (Stirling) (SNP):** We find ourselves in exceptional circumstances. We are considering a bill and a legislative consent memorandum that seek extraordinary powers in an effort to keep our communities and families—all of us—safe.

We all know that Governments would normally seek such powers only in times of war. We also know that, right now, we are in a war against an unseen and deadly enemy. As a result, MSPs and MPs are, understandably, being inundated by emails and calls from constituents who are anxious, concerned and scared about the impact that Covid-19 might have on their health, their families, their friends and their livelihoods.

The bill and its accompanying LCM aim to help Governments to support and protect us at this time of great need by increasing the available health and social care workforce; easing the burden on front-line staff; containing and slowing the virus; managing the deceased with respect and dignity; supporting people; and maintaining the food chain.

In view of the wide range of powers in the LCM, the Finance and Constitution Committee was designated as the lead committee. We considered the Coronavirus Bill LCM this morning, and I can confirm that the committee has recommended to Parliament that it should agree the draft motion as it is set out in the LCM. We have written to the Scottish Government to confirm our decision.

The LCM covers a wide range of policy areas including health, social care, justice and business, and it identifies that the powers will become operational in a variety of ways. In some areas, existing legislation will be amended so that powers will come into force upon enactment; in other areas, the powers will become operational only once certain conditions are met. For example, the Scottish ministers will be able to give directions to impose restrictions in relation to events, gatherings and premises. On areas in which the powers may be more reactive to changing circumstances, I would welcome information on how the Scottish Government is working with others, such as local government and the police, to inform its decisions on when to implement the powers.

In the committee this morning, the cabinet secretary dealt with a significant range of issues and was able to respond concisely and with clarity on matters ranging from who a key worker is to the security of food supplies, and from the impact on the vulnerable to the need for employers to act responsibly.

As the cabinet secretary explained last week, creating these powers does not automatically mean that they will be used—he repeated that today—or that all the powers will be implemented at the same time as the bill gains royal assent. The bill treads a fine line between allowing a flexible public health response and ensuring that human rights and civil liberties are not unnecessarily infringed upon. The transparency with which these additional powers are exercised in practice will be key to ensuring that that balance

remains appropriate. As the cabinet secretary said in our meeting earlier, now is the time for democratic process to be stepped up.

The LCM seeks to enable the Government and to allow it to react quickly to protect us, particularly those who are most vulnerable to this terrible virus. It seeks a wide range of powers, but these are unprecedented times. I urge members to support the motion. Let us give our Governments the powers to win the war against this unseen and deadly enemy.

I say to the people of Scotland: stay safe, keep well, let our marvellous NHS staff do all in their power to save us and, please, stay at home when you can.

16:01

**Bill Bowman (North East Scotland) (Con):** I speak as the convener of the Delegated Powers and Law Reform Committee. We discussed the bill at our meeting this morning, although, given the urgency of the situation, our consideration was limited.

The committee is interested in the bill in relation to the powers that are being delegated to Scottish ministers to make legislation. Of those, the power that the committee considered to be the most significant is the one that allows

“Scottish ministers to make regulations for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence of, or spread of, infection or contamination”.

That power is necessarily broad given the wide range of responses that may be required to control an outbreak. However, the bill puts in place important and appropriate restrictions on the use of that power.

The committee is also reassured that the affirmative procedure, or the made affirmative procedure in urgent cases, will apply. We think that that strikes the right balance between allowing the Government to act quickly and allowing the Parliament to scrutinise those actions.

The bill also delegates significant direction-making powers to the Scottish ministers. Although that is not something that the committee must consider in relation to LCMs, it is something that the committee would have liked to explore more under ordinary circumstances. We are, however, mindful of the extreme circumstances in which we are operating and of the need for the Government to act swiftly.

The committee notes that the substantial powers—both legislative and direction making—that are being delivered by the bill are appropriately time limited to a specified emergency period. That will allow the Government

to act to address this unprecedented situation but not allow the powers to be retained indefinitely. The committee considers that to be an appropriate balance.

These are unprecedented times, and we hope that these powers can help the Government in addressing the pandemic.

16:03

**Murdo Fraser (Mid Scotland and Fife) (Con):** I will make a brief contribution on behalf of the Scottish Conservatives and say at the outset that we will support the legislative consent motion at decision time.

It is essential that both the UK and Scottish Governments have the emergency powers that they need to tackle the unprecedented national crisis that we are facing. The UK Parliament bill that the LCM relates to aims to protect the nation's public health and to ensure that NHS and social care staff are supported to deal with significant extra pressure. It also contains a number of measures to ensure that the public are protected.

As Bruce Crawford said, in normal times there would be concerns about the reach of some of the measures before us. There would be perfectly legitimate concerns about civil liberties; I fully recognise and understand those concerns. Under normal circumstances, many of the powers contained in the legislation would not be deemed acceptable. However, we are not dealing with normal circumstances. We are dealing with exceptional circumstances, and it is right for Governments to have the powers contained in the bill—powers that, in a liberal democracy, we would normally believe go too far in the balance between individual freedom and the power of Government.

A good example of that is what the cabinet secretary just signalled in terms of the emergency powers that he intends to take to restrict public gatherings to avoid the spread of infection. In normal times, we would regard that as overreach by Government; in these times it is a necessary step to take to protect the public.

The measures in the bill fall into five categories: containing and stopping the virus; easing legislative and regulatory requirements; enhancing capacity across essential services; managing the deceased in a dignified way; and supporting and protecting the public.

It is important to state that there are many powers that Government already has to deal with the situation that we are now in, where legislation is not required. It is also important to state that the bill is time limited. Initially, it was proposed that there would be a two-year time limit, and there were quite legitimate concerns about whether that

period was appropriate. Like the cabinet secretary, I am pleased that the UK Government has now agreed that that period should be reduced to six months, with a provision that that should be extended if possible. That is a welcome approach that shows that the Government has been listening to the concerns that were raised.

Crucially, the bill respects the devolution settlement, and it has been drawn up with the full agreement of and in consultation with the Scottish Government and the other devolved Administrations.

There is a great deal that I could say about the detail of the bill, but what we have already heard in this debate from the speakers before me gives us a flavour of the measures that are required. They are, in my view, appropriate and proportionate and are only to be used when strictly necessary. Those principles should also underline our legislation in this Parliament, which the cabinet secretary will introduce next week. It needs to be proportionate, evidenced based, as tightly drawn as possible and time limited. That is important, given the lack of opportunity that there will be for detailed parliamentary scrutiny and for external consultation about the impact of the measures that are being proposed.

A priority in the bill is the protection of life and ensuring that NHS and social care staff are supported to deal with the significant extra pressure that they are under. We need to remove the bureaucratic hurdles that stand in the way of bringing new people into the NHS, including those who are recently retired, and ensure that hospital space is freed up and front-line staff are given the space to focus on caring for the sick.

I said at the outset that we are living in unprecedented times. They require an unprecedented response, with the whole of the United Kingdom working together to tackle the crisis before us. It is essential that the peak of the virus is delayed, preferably until the summer months, when the NHS is typically under less pressure. The measures in the bill today will help to achieve that outcome. For all those reasons, I believe that Parliament should unanimously pass the legislative consent motion that is before us.

16:07

**Alex Rowley (Mid Scotland and Fife) (Lab):** Labour, too, will support the Government today. I put on record my thanks to the cabinet secretary for the cross-party dialogue that has taken place today regarding the bill. It is important that, as he brings forward the Scottish Government's bill, that approach continues. I know that that is his intention.

As the First Minister said earlier, given the type of legislation that we are dealing with and the speed at which we are doing that, scrutiny will now be more important than ever. That is why, although we are not calling for additional meetings to take place in this Parliament, Richard Leonard is right to say that the idea that this Parliament would go off on a two-week recess in the middle of this crisis would not be viewed well by the public. We should be able to hold the Government to account, in whatever form or shape that might need to take. For the powers that be, that is an important message that we need to send.

I believe that there is still a lot of uncertainty out there with regard to who is designated as a key worker. It is important that we continue to monitor that issue. I accept that everything that is happening is happening with the best intentions, in order to tackle the crisis. That said, we need to be able to keep on top of things and quickly address things that are not working.

This morning, I said to the cabinet secretary that I have been contacted by the joint trade unions in Fife, which are very concerned that their members on the front line of health and social care do not have the proper protection and resources to be able to do their job. As the trade unions pointed out, that is a risk for their members, the vulnerable people they care for and all their families, so that issue needs to be addressed.

We also need to understand the issues relating to the supply chain and to know who is ensuring that there is co-ordination. It is right that every elected member in the chamber is able to ask those questions and to raise concerns directly when such issues come up.

I was pleased that, this morning, the cabinet secretary said that the Cabinet Secretary for Health and Sport has already reached a deal with the private sector and private hospitals in Scotland. If that is the case, that is good, because all of Scotland's resources need to be pulled together.

The bill includes powers, such as those relating to the food chain emergency liaison group, that we need to keep an eye on. In the past few weeks, people have been panic buying. If that does not stop, we need to be clear that we are willing to take whatever action is necessary to put a stop to it.

We need to have a good relationship with the supermarkets. A number of elderly people have emailed me to say that they are having difficulty in accessing food. A priority delivery scheme could be introduced with supermarkets, and further resources could, if necessary, be provided by councils to make that happen. That would mean that most people who are self-isolating would be

able to access food. It is not that lots of those people do not have the money to buy food; they just cannot access it. Practical measures can be taken to address such issues if we sit down with the supermarkets, push them and work with them.

I am pleased with the cross-party working that is taking place, so let us keep it up. Let us get the message out to people that we should act collectively and sensibly.

16:12

**Patrick Harvie (Glasgow) (Green):** The Greens will also support the legislative consent motion. I say that as someone who has a long-standing grievance—I know that that word is sometimes used pejoratively—with the legislative consent process, which has been made relatively meaningless in recent years. However, in these circumstances, we have a responsibility to take the legislation seriously, and we will agree to the legislative consent motion. I do not think that any of us should be happy about doing so. The bill is not the kind that any of us would wish to be consenting to, but it is necessary.

I do not pretend that the bill is ideal, even in these circumstances. When I saw it for the first time, I found that much of what I had been looking for was not there. I wanted not just an expansion in the eligibility for statutory sick pay but an increase in the level of pay to that which is closer to being liveable and which a lot of our neighbouring countries already have. Better still would have been the introduction of a universal basic income, which would be the clearest and simplest way to give everybody a basic safety net in these emergency circumstances. Such provision is not included, and I urge anyone who has colleagues at Westminster—I have one colleague in the House of Commons—to make the case for improvements to the bill on this and other matters.

I was surprised to see that, on food supplies, there are provisions only in relation to providing information. I do not know whether, in the coming weeks, public authorities will need to have the power to acquire stocks of food or other emergency supplies, such as hygiene supplies, so that they can distribute them to the public. However, it is possible that we might need such powers. There is certainly a need for measures to prevent those who control such supplies from taking part in price gouging and exploitation. At the moment, I do not think that that applies to the big retailers, but we have all seen examples of prices for critical supplies being hiked up in some places.

Previously, I have referred to the emergency volunteer provisions in the bill. There is a commitment that there will be remuneration for

loss of earnings for those who sign up as emergency volunteers. However, we know that there are people who have already lost their jobs and who will be available and willing—they will potentially have the skills and talents—to be emergency volunteers. Nothing in the bill allows for their remuneration. Providing that would meet their economic need, and the social need for those volunteers to be available.

I know that this is not part of the devolved aspects that are covered in the LCM, but I encourage the Scottish Government, in its discussions with the UK Government, to make the case to ensure that our asylum seekers in Scotland, and elsewhere, are protected. Detention and deportation are, frankly, intolerable in the current circumstances. Doing that would be deeply dangerous. It would also be intolerable for anyone in asylum accommodation to be faced—as they have been in recent months—with the prospect of lock-change evictions.

I agree that there are welcome changes to the renewal period, but there are other potential unintended consequences of that. Members will know that the Children and Young People's Commissioner Scotland, many disability and care organisations and others have talked about the fears that are being generated. None of us knows how long the emergency powers will last for. Those people, including many disabled people, whose quality of life is directly dependent on how the law deals with those issues, have genuine fears about what is to come, and the Scottish Government must address and allay those fears.

I warmly welcome Aileen Campbell's announcement earlier today that the devolved emergency legislation will include provisions to ensure that evictions in the private rented sector and elsewhere do not take place. We will work with the Scottish Government to improve those provisions, if we can. This is not just about the accrual of arrears. We do not want people coming out of the process with unpayable debts. We want to make sure that people are protected in relation to their rents and that they have a secure home to live in in these dangerous times.

16:16

**Willie Rennie (North East Fife) (LD):** Bruce Crawford summed up the situation well when he said that

“we are in a war against an unseen and deadly enemy”,

and that we need to work in partnership to defeat it. The slogan “Stay at home. Protect the NHS. Save lives” will become part of our daily language during the next few months.

We need proportionate powers, and we agree that the powers in the bill are proportionate, considering the crisis. As a liberal, I am nervous about the extent of powers in normal times but, considering the challenge, the powers in the bill are necessary. It is not about wielding a big stick to the population; it is about ensuring that life is possible and that the reckless few cannot threaten the lives of the many.

It is therefore reassuring that the cabinet secretary will seek the six-month renewal process and that the Scottish Government will use the powers only when it determines that it is absolutely necessary to do so in Scotland's circumstances. That is reassuring, as is the fact that the cabinet secretary will come back regularly to report on how the powers are being exercised. I welcome the UK Government's announcement yesterday to go for the six-month renewal, too. That was a sensible compromise, and an indication of the partnership approach that we have among the parties and Parliaments across the United Kingdom to address the crisis.

In addition to the measures to protect us from the reckless few, the legislation is about adopting more flexibility in how government works and about improving standards. I ask the cabinet secretary to address the concerns of organisations such as Inclusion Scotland, which is anxious about care assessments. I know that support packages can proceed without care assessments, but those take place for a purpose—they provide a comprehensive assessment of all the individual needs of vulnerable people. I hope that the cabinet secretary will encourage those who normally apply care assessments to continue to do so if possible. We understand that those people will be under inordinate pressure during the next few months, but everybody would benefit from that process taking place.

The Scotland-specific bill will come next week. I appreciate the minister's engagement and the discussion that we had last week about what will be in it. Does the minister think that that bill will provide a process to address any emerging flaws in the UK legislation? I understand that other legislation may be introduced in future weeks. If we adopt a learning approach and we discover that improvements can be made, we can perhaps include those in future legislation.

I look forward to the day when we can repeal the legislation so that we can return to the freedoms that we all enjoy. During this oppressive period, it is important to understand that we have enjoyed those freedoms for a long time and that, the sooner we get back to them, the better.

16:20

**Joan McAlpine (South Scotland) (SNP):** To anyone who has any doubts that the bill is necessary, I would just say one word: Italy. Italy has an excellent health service—not unlike our NHS—and, at the latest tally, the country reported a total of 6,078 deaths from 63,928 infections. However, the headline figures do not tell the whole story. The people who die in Italy die alone, among strangers, without the comfort of their loving families, as they will do here if our NHS is overwhelmed. For some people, dying alone is a prospect more frightening than death itself, but that is the inevitable consequence of our not taking action. We must stay at home and those who do not should be compelled to do so.

The bill is extensive and I cannot address each part of it, so I will quickly touch on three areas. I commend the measures to enable the registration of doctors and other health professionals. I draw attention to the British Medical Association's briefing on that part of the bill. The BMA wrote to 15,000 doctors to let them know that it expects the Government to use its powers to ask the BMA to temporarily register them, and 1,500 of those doctors have a registered address in Scotland.

We need to look at that in the context of Italy, where 14 doctors have already died and 3,700 doctors and nurses have already been infected while on duty. I want to say one thing to the doctors and nurses who are going to register again and to those who are already in our NHS: thank you so much. The cabinet secretary said that we will not necessarily use all the powers that the bill enables, but ministers need to use the powers that protect those workers and the Parliament must support them.

I want to touch on the powers related to food security, which I think focus on the sharing of information. I welcome that but, as I said in my earlier question to the First Minister, there is a real concern about getting food to elderly and vulnerable people, particularly through home deliveries. If we need to use powers to enable ministers to intervene in that area—if indeed such powers are in the bill—I would support their use, as would other members, judging from their comments, to ensure that the food goes to the people who need it.

One aspect of the bill that concerns me and other members who have mentioned the issue relates to the care of the most vulnerable. Clauses 15 and 16 of the bill as introduced are intended to increase flexibility for social care decision making during the period in which the provision is in force by allowing local authorities not to comply with particular assessment duties where complying would not be practical. The briefing from Inclusion Scotland, which represents people with

disabilities, warns that, in reality, the removal of those duties may result in many disabled people receiving social care support that is inadequate to meet their needs; receiving care that is inappropriate or in inappropriate settings; or maybe even receiving no social care at all. We are already hearing anecdotal evidence about the knock-on effects of the current crisis on social care packages. I implore ministers to keep a close eye on those and on other unintended consequences that could affect the most vulnerable.

There are human rights implications, but the European convention on human rights allows exceptions when those are proportionate. I am pleased that the amendment proposing that the legislation should be revised in six months went through. I do not underestimate the profound implications for our human rights, but the bill is necessary at a time of national emergency, and this is such a time. Bruce Crawford compared the current situation to a time of war, and I agree with that. The bill is designed to protect our front-line troops in that war, which is why I support it.

16:24

**Ruth Davidson (Edinburgh Central) (Con):** For me, this debate on the bill and the legislative consent motion is about one thing only: trust. It is about trusting the UK and Scottish Governments to make decisions on our behalf. Further, it is about handing unprecedented power to the current inhabitants of Bute House and number 10 and trusting them to wield it wisely. It is about trusting our police, when handed enormous powers of shut-down, penalty and arrest at a time of reduced scrutiny, to wield those powers virtuously, and it is about trusting individual officers to practise self-restraint when far fewer external checks are placed on them.

We are asking the public to trust their politicians at a time when, pre-Covid-19, trust was a vanishing commodity, and when the Ipsos MORI veracity index recorded politicians as the least trusted profession of all, behind bankers, journalists and estate agents. It is about recognising that, behind the job title, politicians are people who are every bit as worried for their families, concerned for the nation and desperate to keep the death toll to a minimum. Further, it is about recognising that the trust that the public puts in politicians does not exist in a vacuum.

In turn, those politicians are having to trust one another. Boris Johnson, Nicola Sturgeon, Mark Drakeford, Arlene Foster and Michelle O'Neill: five people from five parties and five conflicting political heritages who have put old enmities aside to ensure that we pull together with a four-nation strategy to have the best chance of getting through the situation. Their trust in the decisions

that they are having to make is reinforced by the trust that they have in the people who are advising them: the chief medical officers, Chris Whitty and Catherine Calderwood; the chief scientific adviser, Sir Patrick Vallance; and the national clinical director, Jason Leitch.

The measures that we are trusting Governments to take go far beyond what, in normal times, we believe are appropriate for western liberal democracies to take and still be called such. However, these are not normal times. One reason why I am a Conservative is that I believe in the agency of individuals and that, in a democracy, sentient adults should enjoy the freedom to make the decisions that they feel are best for themselves and their families, as long as they accept responsibility for those decisions. I do not accept the creeping hand of state bureaucracy into every area of my life, stifling and suffocating free expression. In a world of competing philosophies, I find myself closer in personality, belief and conviction to Mill's harm principle, whereby the state should not intervene except to prevent harm to others.

However, all that is suspended as we turn to face the enormous invisible wave that is about to wash over us all. It is no longer a time to argue for the exercise of individual freedoms; it is a time to accept that the best route to the greatest freedom of all—life—is utilitarianism. The only moral position that we can have is that decisions that are taken in the weeks to come can be made only on the basis of what will produce the greatest good for the greatest number of people. When a threat is so great and overwhelming, the state is the only actor that is big enough to co-opt, co-ordinate, compel and direct all the multicoloured strands of our response. We have to purposefully and willingly give over to the Government our freedoms and trust it to keep us safe. After the great wave has receded, we have to trust the Government to hand back those freedoms.

I thank the ministers of both Governments for the work that they are doing on our behalf. I trust them to exercise the power and agency that I judiciously hand them as a citizen of this country. I ask them to please do their best work and to keep our families and communities safe.

16:29

**Pauline McNeill (Glasgow) (Lab):** I begin with my heartfelt thanks to the committee, the First Minister, all Scottish Government ministers and Aileen Campbell, in particular, who made the right decision on evictions.

As Joan McAlpine said earlier, we live in the starkest of times, so we need the fullest extent of our powers, our resources and our joint working.

As we have heard, some people are still going to work and disobeying the guidance. The message must get through loud and clear: they can no longer do that.

If I could add one power to prevent further chaos, it would be to prevent traders from escalating the prices of basic goods such as hand sanitiser and toilet rolls, as a small number of traders are doing during an unprecedented crisis. Would it be possible to consider that? State intervention would be justified, in my view.

As Ruth Davidson says, the legislation must be clear and reviewed constantly, because we live in difficult times. The minister rightly says that we are acting as four nations working together across parties. The public expects clarity. It expects to understand why there is a three-week lockdown. We need emergency powers, and new powers, to ensure that we can function in these difficult times.

Despite all the pressures and burdens on ministers and officials, we need regular updates and reports on a number of things, including some of the legislation that has been talked about—mental health orders, for example. Transparency in planning and in contingency decisions are paramount to retaining public trust. The third sector has put out a particular plea, as it is very concerned about resources, and the Health and Social Care Alliance Scotland has put out an important briefing. Let us not forget the important work that our third sector does.

The bill contains powers to close schools, to apply quarantine to school boarding accommodation, and to prohibit access to educational establishments for public health protection. It confers powers on constables and immigration officers, who can be enlisted to remove potentially infected persons to a suitable place for screening. There can be a period of detention for up to 24 hours, and the person must be informed of the reason for their detention. That can apply to a child, in which case the requirement rests on a responsible adult. A person commits an offence if they fail without reasonable excuse to comply with any of the directions or reasonable instructions, and they can be forced to do so.

Scottish ministers may give directions relating to events, gatherings and premises, as we have heard, but it is important to get across to the public that those powers can only be used in this public health crisis. Ruth Davidson made a really important point: we must reassure the public that it is a temporary measure until we are over this, and that, at the end of it, normal society will continue.

Clause 34 of the bill as introduced modifies section 40 of the National Health Service (Scotland) Act 1978, replacing the requirement for vaccinations and immunisations to be

administered by medical practitioners or persons under their direction with a reference to the Scottish ministers. The purpose of that provision is to broaden the arrangements that Scottish ministers can make, if necessary, to decide who can immunise and vaccinate people.

As Bruce Crawford says, the bill treads a fine line between protecting lives and normal freedoms and human rights. We hope and believe that that will be temporary, and that normal life will resume if we all work together, believe together, stay at home, and support our medical services in doing amazing work during the crisis.

16:33

**Anas Sarwar (Glasgow) (Lab):** Time is short, so I will be brief. I want to raise some concerns with the minister.

Labour members support the legislation. However, it should be subject to a full review after three months—we should not wait until the end of six months.

Secondly, the minister will have seen that concerns were raised, particularly in England and Wales, about the proposal on forced cremations. I am glad that there has been an amendment to that. Will he give a commitment—a guarantee—that in Scotland there will be no circumstances under which any deceased person will be cremated against their family's will? Such reassurance would be welcome.

Thirdly, I welcome the food chain emergency liaison group that is part of the legislation, although, as Patrick Harvey has pointed out, it is about communication rather than forcing supply chains to stay open. Will the Scottish Government and Scottish associations be part of that food chain emergency liaison group, to make sure that there is a free flow of supply to Scotland?

Fourthly, there are issues around human rights in relation to the sectioning of individuals; the Mental Health (Care and Treatment) (Scotland) Act 2003; what is reported to the procurator fiscal when there is a death in an NHS setting; the emergency registration of health workers; and the fast-tracking of Disclosure Scotland applications—and the load that might be put on to all of that. What work is being done to make sure that we safeguard and maintain human rights when we are asking people to do so much more with a smaller workforce? If there is a real increase in the number of applications to Disclosure Scotland, what backup measures have been put in place to make sure that there is enough of a workforce to do that important work so that we can get people on to the front line as quickly as possible?

I note again that we do not want this legislation and that we wish that we did not have to introduce it. However, it is nonetheless important legislation to make sure that we have the right response to this crisis. I hope that—as has been the case until now—we continue to have active dialogue between members of this Parliament and the Scottish Government, and between the Scottish Government and the UK Government, so that if any unintended consequences were to result from the legislation, they could be addressed appropriately.

16:35

**Monica Lennon (Central Scotland) (Lab):** The cabinet secretary opened the debate by saying that the restrictions that came into effect at midnight last night will feel difficult and strange to many of us. Nonetheless, I agree with him that those measures and the powers in the bill are essential to slow down the virus. Responding for Scottish Labour, Alex Rowley made clear that the Government has our full support in the battle against Covid-19.

In recent weeks, I know that many of us in the public eye have talked about possible draconian measures and lockdown as something scary. However, Willie Rennie expressed it really well on behalf of the Liberal Democrats when he said that it is not about wielding a big stick, but about making sure that life is possible.

I thank Bruce Crawford and the committee for their work. Bruce Crawford was right to say that these are extraordinary powers, and that our democratic processes need to be stepped up at this time. He is also right that the bill treads a fine line between public health and our civil liberties not being infringed upon. Other members have talked about trust, transparency and scrutiny to make sure that we get this right. Ruth Davidson was right to say that these are unprecedented powers, but that we all understand why and support the Government's endeavours. Murdo Fraser was right when said that the bill is about supporting the NHS and our social care staff by making sure that they can deal with the significant additional pressures that are coming their way.

I agree with other members that, in normal times, the bill would be overreach, but these are not normal times. In addition, there are safeguards; the bill is time limited and will be renewed every six months. Colleagues talked about their willingness to uphold our democracy and to be involved in that important scrutiny work, and we will continue to ask questions. A number of colleagues touched on the questions and concerns that have been raised outside the chamber, including by the Health and Social Care Alliance Scotland, Scottish Care, and many mental

health charities. We know that we cannot take our eye off the ball.

The emergency legislation covers a range of areas, because the health service alone cannot solve this crisis. The purpose of the legislation is to relieve pressure on our health service so that as many lives as possible can be saved. However, although that is the driving force of the bill, it is clear that we need a collective approach to the crisis that will require every part of Government to work together, and all of us to support that work.

I know that time is short, Presiding Officer. I note that many colleagues touched on really important issues. For example, just a moment ago, Anas Sarwar sought clarity and reassurance for some people in our community who are concerned about the provisions in the bill that change burials and funerals as we know them. The bill and the measures that are being taken will change life as we know it, from cradle to grave. Baptisms are on hold, weddings are being postponed, and attendance at funerals and those final farewells will be restricted to a few loved ones. These are extraordinary powers and unprecedented times, but our job here is to do everything that we can to support our NHS, to uphold democracy, and to provide that on-going scrutiny. Our NHS needs us like never before, we need our NHS like never before, and we all need one another like never before. My appeal to my constituents, and to my friends and family, is this: please stay at home to protect your loved ones and help save lives.

16:39

**Adam Tomkins (Glasgow) (Con):** I will reflect in my remarks on the nature of emergency power and human rights.

Ruth Davidson spoke about John Stuart Mill; I will go even further back and start with Cicero. In times of emergency, necessity becomes the only test against which we judge the laws. Our usual standards of reasonableness or proportionality do not apply. If there really is an emergency, we do what is necessary to defeat its causes and to manage its consequences. When I say “we”, I do not mean only the Government; I mean all of us. Every citizen has a duty to do what is needed—in the old language, in defence of the realm. In short, all of us do what we need to do for the public good.

All that applies only if there is a genuine emergency. Unfortunately, we are all too familiar with Governments claiming the need for emergency powers when there is no emergency at all, but just an opportunity. That is emphatically not the case now. There is no doubt that we face the gravest threat to public health, and to our

economic health and wellbeing, that we have seen in our lifetimes.

There is, of course, concern about the scope of the extraordinary powers in the bill. Powers to ban events and public gatherings will impede our freedom of movement, and powers to detain people who are suspected of being infectious represent significant interference with our right to liberty. Freedom of movement, freedom of public assembly and the right to liberty are modern human rights.

Are our ancient conventions that come from Cicero, about necessity and emergency powers, negated by modern human rights law? No, they are not; they are accommodated in our modern human rights law. If they are properly understood, there need be no conflict between emergency powers and human rights.

For example, one of our most fundamental human rights is the right to life. It is in article 2 of the European convention on human rights, and it is enshrined in the United Kingdom’s Human Rights Act 1998. It is a powerful right, because it imposes broad-ranging and wide-sweeping duties on Governments and public authorities—duties to protect life. In an emergency such as we are in, if it is necessary to detain infectious persons in order to protect life, so be it. Likewise, if it is necessary to ban events or public gatherings in order to protect life, so be it. In a public health emergency, those are best understood not as interferences with human rights, but as steps that are necessary in order to preserve the fundamental right to life itself.

None of that means that there is no more rule of law or that we should throw our critical faculties out the window and stop scrutinising Government. None of it means that ministers, or anyone else, have licence to act arbitrarily. However, it does mean that the standard against which we must judge the legality, the prudence or the propriety of Government actions and decisions changes. In a crisis—in an emergency such as this—that standard is strict necessity. The question is not whether this is a reasonable thing for a Government ordinarily to do. The question is this: does the Government need this power?

Seen in that light, the issue of how long the extraordinary powers should last becomes somewhat axiomatic. They will last for as long as they are needed. If they are necessary, they will persist, but as soon as they cease to be necessary, they must lapse and be repealed. None of us knows how long the coronavirus crisis will last, so let us not get overly fixated on sunset provisions or arbitrary time limits on the statutory powers. The powers are necessary now, and they are necessary for the time being. They will continue to be necessary for as long as the crisis

endures. For all those reasons, we should all back the bill today.

**The Deputy Presiding Officer:** Before I call the cabinet secretary, I say that I should have said earlier that members should note that decision time has been delayed; you might have noticed already. It should be at about 5 o'clock. I call Michael Russell to wind up the debate.

16:44

**Michael Russell:** Thank you, Presiding Officer. I also thank members for the very constructive nature of the debate. I will try to get through a number of the points that have been raised, if members will bear with me.

I thank Bruce Crawford and the Finance and Constitution Committee for taking evidence this morning. I am sure that all of us, as members, were faced this weekend with a tidal wave of concern from the constituents whom we represent. There will have been different concerns for each of us according to our constituency. For me, it was access by ferry to the 23 islands that I represent. I know that others have been dealing with issues to do with mobile homes, staff accommodation and protective gear. Our job is to provide information, so we will continue to do that in the weeks and months ahead.

However, our real job is to give leadership; it is to ensure that we are leaders in this situation and that people are not merely comforted or reassured, but are given what they need by those whom they have elected.

I was struck by the speeches by Ruth Davidson, Adam Tomkins and Willie Rennie. I rarely speak of being struck by their contributions, except in a negative sense, but on this occasion I will be very positive about them. They talked about trust, which Ruth Davidson spoke about extensively. They talked about the appropriate responses that we will make. Adam Tomkins talked about the necessity of the job that we are undertaking and how we must undertake it.

I think that Willie Rennie had the last word on that—I know that he loves to have the last word, so he will be very pleased—when he said that he looks forward to the time when we do not need the legislation. It is important that, as leaders and as a Government, we say very clearly that we wish to let go of the legislation at the very first appropriate moment, but not a moment too soon. Therefore, “necessity” has to be the watchword. We must have the legislation for the period for which we need it. We will all have to live up to the trust that the people of Scotland and our individual constituents will put in us, and are putting in us now by watching and listening to what we are saying.

I will respond to some detailed points that have been raised. There were a huge number, so I will not get through them all. If members have more points to make, they should get in touch with me by email. All Government ministers are willing to respond; Jeane Freeman, for example, has said that she will be happy to respond to Alex Rowley on the detailed points that he raised.

On Bruce Crawford’s point about switching on and off of the powers, schedule 22, for example, clearly says that the switching on of the power occurs with the declaration that

“the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health”.

That is the trigger. The trigger for switching it off will be when the threat no longer exists, advice on which must come from the chief medical officer. Throughout the bill the triggers and switches are mentioned. We need to be aware of them.

With regard to parliamentary scrutiny, we need to ensure that it is built in to the new bill and will be done retrospectively on the legislation. I am not in favour of a three-month reporting period.

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

**Michael Russell:** No. I am sorry, but I do not have time. I have to get through this.

I am in favour of a two-month reporting period, and I commit myself to that and will put it in the bill. I have already said to officials—who have been working incredibly hard on the bill, as has Jenny Gilruth—that we must ensure that we have a reporting schedule such that people understand what we are reporting, why we are reporting it and what it means.

With respect to the food-stock matters that were raised by Patrick Harvie and Pauline McNeill, I wish we had the power to deal with price gouging. However, I am pretty certain that that power is reserved to Westminster, as part of trading standards. However, we have the power—as Mr Harvie pointed out in committee this morning—to purchase food if we require it. We already do so for food banks. I will check that, but I hope that that power already exists. If there are such powers already in statute, we should tell people that they exist and are available if we need them.

On Willie Rennie’s point about care assessments, I reassure him that the provision in the bill is not an excuse for local authorities not to act. It enables them to act more quickly than they might otherwise do under existing legislation. That is a power that we need to keep an eye on, because no authority should use it as an opportunity not to act.

I have dealt with escalating prices, on which Anas Sarwar raised not one point, but five—or six; I probably missed one. I acknowledge his industry as well as his inquiring mind. The reporting period will be two months. The legislation on cremation already requires that the people who are involved in a cremation must take account of the faith or belief of the person who is to be cremated. The bill emphasises that point and does not change it. I heard Mr Sarwar's earlier question to the Cabinet Secretary for Justice on the issue. I think that we can give reassurance on that.

We will be involved in the UK action on supply chains—I heard the Scottish Grocers Federation make that point on Radio Scotland this morning.

We must act very sparingly in relation to mental health legislation. The provisions are extensive and many of us are uncomfortable with them. I know that Angela Constance, with her experience in the mental health profession, raised that issue in the Finance and Constitution Committee today. We will ensure that the powers are used sparingly and we will make sure that we report on their use, so that people know about them.

We have spoken with the Scottish Human Rights Commission and we are continuing to listen to it as we discuss best practice in drafting the new bill, which we will discuss with Opposition spokespeople this evening—and we will continue to discuss the bill with them as it progresses. We will also keep the protection of vulnerable groups scheme under review. That is a sensitive issue and, as the former Cabinet Secretary for Education, I am aware that the scheme is a vital service that keeps children safe. There is no intention to weaken the service, but we might have to streamline it; that could eventually be where we end up.

The Coronavirus Bill is a difficult bill; it is full of detail and it is required now. I will go back to where I started. I look forward very much to the day when the legislation is no longer necessary and we can put it behind us, but necessity will drive us. In the circumstances, I hope that everybody will support it.

I hope, moreover, that parties will continue to work with the Scottish Government—because the offer exists, as Alex Rowley acknowledged—to make sure not only that we get the emergency bill that we are already working on, and which we hope to bring to the chamber for a single day next week, through Parliament, but that we can progress other legislation, as gaps occur.

This will be the third time that I have referred warmly to Willie Rennie, so I think that this will be the end of it, for today, but I want to make the point that he made. We need to look at the legislation and its operation to see whether there

are things that we did not get right, or that we need to build on. We will try to do that in further legislation, as required.

## Local Government Finance (Scotland) Order 2020 [Draft]

**The Presiding Officer (Ken Macintosh):** The next item of business is a debate on motion S5M-21327, in the name of Ben Macpherson, on the Local Government Finance (Scotland) Order 2020.

16:52

**The Minister for Public Finance and Migration (Ben Macpherson):** The purpose of today's short debate on the Local Government Finance (Scotland) Order 2020 is to seek Parliament's approval to update the guaranteed allocations of revenue funding to individual local authorities for 2020-21 that were originally approved by Parliament on 10 March.

Last week, the Scottish Government—recognising the challenges that were faced by businesses as a result of the Covid-19 outbreak—took immediate action by announcing a package of support worth £2.2 billion to limit the impact on Scotland's business community. That package of measures includes 100 per cent rates relief for all retail, hospitality and leisure properties, which will result in Scotland's local authorities collecting significantly less non-domestic rates income than they could have expected. Legislation dictates that the distributable non-domestic rates income cannot be changed after 1 April, which is why we are having to rush through the debate on the order this afternoon. Any additional funding that is provided to local government as a result of the Covid-19 outbreak will be provided separately and is not included in the order.

It is important to note that the Scottish Government will continue to guarantee each local authority the combined general revenue grant plus non-domestic rates income. In view of that, the purpose of the order is to reduce the distributable non-domestic rates income by the £972 million that is being provided by the Scottish Government to Scotland's businesses through a corresponding increase in general revenue grant. I can also confirm that any additional loss of non-domestic rates income resulting from the adverse impact of the Covid-19 outbreak will be compensated for by the same increase in the general revenue grant and therefore at no detriment to local government.

The order seeks Parliament's approval for the distribution and payment of the same £9.9 billion that was debated on 10 March. That £9.9 billion is a combination of general revenue grant that has been increased to £8 billion and the distributable amount of non-domestic rates income, which has now been set at £1.9 billion.

The total amount of funding that the Scottish Government will provide to local government next year remains at £11.4 billion, but the split between general revenue grant and distributable non-domestic rates income has changed considerably. The key point is that each local authority will receive exactly the same guaranteed total funding package as was approved by Parliament on 10 March.

I move,

That the Parliament agrees that the Local Government Finance (Scotland) Order 2020 [draft] be approved.

16:55

**Graham Simpson (Central Scotland) (Con):** When I saw that the order was coming up, it felt like groundhog day. I thought, "We've already debated this, haven't we?" I recall that it was an unexpectedly entertaining debate, which was all about the overall funding package for local government. We have covered that ground but, as the minister has explained, the order is before us for an important technical reason, which is to do with Covid-19 and providing the flexibility to give local government the same amount that it would have got, but in a different way.

Presiding Officer, you will be pleased to hear that I will not take up any more of your time. The order is not controversial, and we will support it.

16:56

**Sarah Boyack (Lothian) (Lab):** I was told that we had three minutes for our speeches, so in time-honoured tradition, my speech is probably five minutes long.

I, too, support the order. It is absolutely crucial that our local authorities continue to have the funding that they need to enable them to deliver services in what is an unprecedented crisis. I thank our local government colleagues for the feedback that they have given me over the past few days. I know that they have lots of concerns about ensuring that the social care sector is supported. There is particular concern about social workers—there is a specific issue with access to personal protective equipment for social workers. I put on record the fact that we would be keen to get feedback from the Scottish Government on what it can do to assist local authorities. I do not expect the minister to give an answer now; I would have made that request to the First Minister earlier.

I have also been made aware of Inclusion Scotland's concern about the fact that vulnerable and disabled people and their carers have already lost their social care support with no notice as a result of the coronavirus.

This guarantee of funding is absolutely crucial for our local authorities, because it will enable them not just to continue to provide key services that we take for granted, such as waste services and education services, but to put in place new services and to work with the third sector to support our constituents over the next few weeks and months of the crisis.

Finally, I ask the minister to confirm that he will work with his colleague Kevin Stewart, the Minister for Local Government, Housing and Planning, to respond to local authorities when they ask for help, to review progress and to ensure that vital services continue, alongside the new support that is being developed for the third sector, which was announced in the statement on support for communities last Wednesday.

We very much welcome the order, and we will support it at decision time. If the minister cannot answer my question today, I would be grateful for an update afterwards.

**The Presiding Officer:** Thank you for that five-minute contribution.

17:58

**Andy Wightman (Lothian) (Green):** I will be brief, too. As the minister acknowledges, the order is a technical requirement that, obviously, we will support.

I want to use the opportunity to say a very big thank you to all those who are working in local government. This has been a big surprise for them—quite a shock to the system. Local government operates a complex network of services on the front line for the public in Scotland. Logistically, Covid-19 is posing huge challenges, so I pay tribute to everyone who is working extremely hard in these difficult circumstances.

I also note the emotional toll that those circumstances are taking on public service workers across the public sector, because of course they are, at the same time, increasingly dealing with family issues, whether that is children out of school, loved ones who are ill or relatives who need care.

Of course, we will all face substantial financial challenges over the next months. I really have nothing more to say, as this is not really a debate. We will support the motion at decision time.

17:00

**Willie Rennie (North East Fife) (LD):** We support this emergency measure. Councils need the finance to deliver the new policies and laws that are being passed at a great pace by the Scottish Government and the Scottish Parliament.

The rate that new Government policy is being developed is astonishing and we have to commend the officials for the work that they do to develop it and the councils that have to make sure that sometimes incomplete policies are delivered in practice. A number of issues will be thrown up as those new policies are developed into practice.

Businesses that have a rateable value of between £15,000 and £18,000 and might in England have looked forward to grants of £25,000 will find that they are going to get only £10,000 in Scotland. That is not a massive issue in the context of the scale of the crisis that we are dealing with, but it is something that I hope the minister will be able to reflect on in due course.

Some businesses that work in the hospitality sector have discovered that they are not considered as hospitality, such as the Kingsbarns Distillery in my constituency, and will perhaps lose out on significant support that would keep them going. A number of issues are being thrown up—for example, key workers wonder whether they will have their childcare costs covered in full as a result of the policies that are being passed: something that I am sure they would find comforting if that was to be the case.

At the end of this crisis, we will have to deal with the financial legacy that will need to be cleaned up. We are going to have to find a way of paying for all this. I hope that there is a review mechanism for local government so that when we look at the end of this crisis at how different parts of government have fared we consider whether local government got the right finances at the right time. Councils need to make the right decisions now without worrying about whether they have all the money that they need to make them happen. I hope that there is a review process to consider those important decisions.

17:02

**Ben Macpherson:** The pandemic that we face is disrupting lives like never before. A key priority and focus of the Scottish Government in partnership with local government will be to ensure our communities are supported and protected as much as possible under the current circumstances and I, too, thank local government.

In the local government finance settlement, the Scottish Government will provide local authorities with a total package worth £11.4 billion, as I said, but as we now know that is only part of the overall funding that we will provide to our local government partners and the wider business community.

We have already announced an additional £350 million fund to support our communities, alongside the £2.2 billion package of support for the

business community. Working with local authorities and the UK Government, we will continue to respond at scale and at pace to provide further support to the people of Scotland, particularly those who are most at risk.

I thank parliamentary colleagues for their unanimous support for the Local Government Finance (Scotland) Order 2020, which will help to show our local government partners and the wider Scottish community that the whole Parliament is working together through this unprecedented crisis to ensure that our local authorities can continue to support and protect our local communities in the coming weeks and months.

**The Presiding Officer:** That concludes the debate on the Local Government Finance (Scotland) Order 2020.

We have a number of orders and motions to proceed through but, before we come to decision time, I would like to say a few words to members. Colleagues here will have seen the reduced parliamentary business schedule that we are about to vote on, which means that, after today, Parliament will not sit until next Wednesday. Parliamentary committees are similarly reducing their schedules. That is the right thing to do as we implement the public health advice and play our part in fighting Covid-19 and keeping our staff and constituents safe.

However, I reassure members that the situation is being kept under constant review, and my officials and I will continue to liaise closely with the Scottish Government and all the political parties to keep you fully updated.

I also make the point that parliamentary scrutiny will continue. Just as I know that you all remain available to your constituents via telephone, email and other channels, I remain contactable by members directly and through my private office.

We will take all necessary steps to keep members safe, but we will also, as members and as a Parliament, continue to function at this vital time.

## Air Traffic Management and Unmanned Aircraft Bill

17:05

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of a legislative consent motion. I ask Humza Yousaf to move motion S5M-21315, on the Air Traffic Management and Unmanned Aircraft Bill.

*Motion moved,*

That the Parliament agrees that the relevant provisions of the Air Traffic Management and Unmanned Aircraft Bill, introduced in the House of Lords on 9 January 2020, so far as they fall within the legislative competence of the Scottish Parliament or alter the executive competence of Scottish Ministers, should be considered by the UK Parliament.—  
[Humza Yousaf]

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

## Scottish Parliamentary Corporate Body Motion

**The Presiding Officer (Ken Macintosh):** The next item is consideration of Scottish Parliamentary Corporate Body motion S5M-21330, on reimbursement of members' expenses scheme. I ask Andy Wightman, on behalf of the SPCB, to speak to and move the motion.

17:05

**Andy Wightman (Lothian) (Green):** This Scottish Parliamentary Corporate Body motion provides for an amendment to the members' expenses scheme, which will provide to the corporate body additional flexibility in order to support members as much as possible in these exceptional circumstances.

I move,

That the Parliament, in exercise of the powers conferred by sections 81(2) and (5)(b) and 83(5) of the Scotland Act 1998, determines that the Reimbursement of Members' Expenses Scheme, which was agreed to by resolution of the Parliament on 12 June 2008 and last amended by resolution of the Parliament on 18 March 2020, be amended to insert after paragraph 7.2.2 "7.2.3 The SPCB may, in exceptional circumstances, approve exceptional expenses incurred by members where the Scheme does not otherwise provide for reimbursement."

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

## Business Motions

17:06

**The Presiding Officer (Ken Macintosh):** The next item is consideration of business motion S5M-21343, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out changes to next week's business.

*Motion moved,*

That the Parliament agrees the following revisions to the programme of business on:

(a) Tuesday 31 March 2020—

delete

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions

*followed by* Stage 3 Proceedings: Scottish Elections (Reform) Bill

5.00 pm Decision Time

(b) Thursday 2 April 2020—

delete

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Business

5.00 pm Decision Time—[*Graeme Dey*]

*Motion agreed to.*

**The Presiding Officer:** The next item is consideration of business motions S5M-21333 and S5M-21334, on the extension of a stage 1 timetable for two bills.

*Motions moved,*

That the Parliament agrees that consideration of the Agriculture (Retained EU Law and Data) (Scotland) Bill at stage 1 be extended to 8 May 2020.

That the Parliament agrees that consideration of the Children (Scotland) Bill at stage 1 be extended to 8 May 2020.—[*Graeme Dey*]

*Motions agreed to.*

## Parliamentary Bureau Motions

17:07

**The Presiding Officer (Ken Macintosh):** The next item is consideration of seven Parliamentary Bureau motions. I ask Graeme Dey, on behalf of the bureau, to move motions S5M-21335, on designation of a lead committee, and S5M-21336 to S5M-21341, on approval of Scottish statutory instruments.

*Motions moved,*

That the Parliament agrees that the Justice Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Domestic Abuse Bill (UK Legislation).

That the Parliament agrees that the National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Amendment Order 2020 [draft] be approved.

That the Parliament agrees that the Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Right to Buy Land to Further Sustainable Development (Eligible Land, Specified Types of Area and Restrictions on Transfers, Assignations and Dealing) (Scotland) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Carer's Allowance Up-rating (Scotland) Order 2020 [draft] be approved.

That the Parliament agrees that the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 (Success Fee Agreements) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Funeral Expense Assistance and Young Carer Grants (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2020 [draft] be approved.—[*Graeme Dey*]

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

## Decision Time

17:07

**The Presiding Officer (Ken Macintosh):** The first question is, that motion S5M-21322, in the name of Michael Russell, on the Coronavirus Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the relevant provisions of the Coronavirus Bill, introduced in the House of Commons on 19 March 2020, so far as they fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

**The Presiding Officer:** The next question is, that motion S5M-21327, in the name of Ben Macpherson, on the draft Local Government Finance (Scotland) Order 2020, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Local Government Finance (Scotland) Order 2020 [draft] be approved.

**The Presiding Officer:** The next question is, that motion S5M-21315, in the name of Humza Yousaf, on the Air Traffic Management and Unmanned Aircraft Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the relevant provisions of the Air Traffic Management and Unmanned Aircraft Bill, introduced in the House of Lords on 9 January 2020, so far as they fall within the legislative competence of the Scottish Parliament or alter the executive competence of Scottish Ministers, should be considered by the UK Parliament.

**The Presiding Officer:** The next question is, that motion S5M-21330, in the name of Andy Wightman, on reimbursement of members' expenses scheme, be agreed to.

*Motion agreed to,*

That the Parliament, in exercise of the powers conferred by sections 81(2) and (5)(b) and 83(5) of the Scotland Act 1998, determines that the Reimbursement of Members' Expenses Scheme, which was agreed to by resolution of the Parliament on 12 June 2008 and last amended by resolution of the Parliament on 18 March 2020, be amended to insert after paragraph 7.2.2 "7.2.3 The SPCB may, in exceptional circumstances, approve exceptional expenses incurred by members where the Scheme does not otherwise provide for reimbursement."

**The Presiding Officer:** The final question is, that motions S5M-21334 to S5M-21341, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, be agreed to.

*Motions agreed to,*

That the Parliament agrees that the Justice Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Domestic Abuse Bill (UK Legislation).

That the Parliament agrees that the National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Amendment Order 2020 [draft] be approved.

That the Parliament agrees that the Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Right to Buy Land to Further Sustainable Development (Eligible Land, Specified Types of Area and Restrictions on Transfers, Assignations and Dealing) (Scotland) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Carer's Allowance Up-rating (Scotland) Order 2020 [draft] be approved.

That the Parliament agrees that the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 (Success Fee Agreements) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Funeral Expense Assistance and Young Carer Grants (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2020 [draft] be approved.

*Meeting closed at 17:08.*

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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