



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Tuesday 20 March 2018**

**Session 5**



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# Scottish Parliament

*Tuesday 20 March 2018*

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

## Time for Reflection

**The Deputy Presiding Officer (Christine Grahame):** Good afternoon. The first item of business this afternoon is time for reflection. Our time for reflection leader today is Jonathan Ainslie, a school visitor from the Humanist Society Scotland.

**Jonathan Ainslie (Humanist Society Scotland):** Presiding Officer and members of the Scottish Parliament, thank you for inviting me to speak to you today.

On my way to Parliament this morning, I walked past the Canongate kirkyard, where Adam Smith lies buried. Just around the corner is the newly refurbished Panmure house, where Smith lived at the end of his life. In his lifetime, Smith witnessed industrial change, urban growth and an explosion of travel across national borders. Like many enlightenment writers, his work concerned how to live a good life in a changing world.

In “The Theory of Moral Sentiments”, Smith wrote that moral behaviour comes from our nature as sociable beings:

“How selfish soever man may be supposed, there are evidently some principles in his nature, which interest him in the fortune of others, and render their happiness necessary to him, though he derives nothing from it except the pleasure of seeing it.”

For Smith, the key to the good life was “sympathy”: what we today would call empathy. He praised our ability to place ourselves in the situation of another man:

“we conceive ourselves enduring all the same torments, we enter as it were into his body, and become in some measure the same person with him”.

The great challenge for sympathy was the remoteness of so much of the world’s suffering. If a man

“was to lose his little finger to-morrow”,

Smith wrote,

“he would not sleep to-night; but, provided he never saw them, he will snore with the most profound security over the ruin of a hundred millions of his brethren”.

The question is, therefore, how to extend our moral circle to those who are unfamiliar to us.

Smith’s answer came in two parts. The first part was conscience: a virtuous person is an impartial spectator of their own conduct as well as of the

conduct of others. The second part was justice: we formulate general rules of moral conduct that every member of society agrees to abide by even if they disagree. Individual conscience and social justice reinforce each other; one cannot survive without the other. Together, they allow us to extend our sympathies to people we have never met, and perhaps even to people we have been taught to fear.

Today, we once again live in a changing world, but Scots are the lucky heirs not only of Smith but of all the men and women whose thought contributed to the enlightenment and can still guide us today. Thank you.

## Business Motion

14:03

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is consideration of business motion S5M-11112, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a stage 3 timetable for the Forestry and Land Management (Scotland) Bill.

*Motion moved,*

That the Parliament agrees that, during stage 3 of the Forestry and Land Management (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 to 3: 1 hour 5 minutes

Groups 4 to 6: 1 hour 50 minutes

Groups 7 to 9: 2 hours 45 minutes.—[Joe FitzPatrick]

*Motion agreed to.*

## Urgent Question

14:03

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is an urgent question. As several members wish to ask a supplementary question, I ask members to ask a question and not tell a story, so that I can get everybody in before we move on to topical questions.

### **Brexit Transition Agreement (Fishing Industry)**

**Kate Forbes (Skye, Lochaber and Badenoch) (SNP):** To ask the Scottish Government what its response is to the Scottish fishing industry's concerns regarding the terms of the Brexit transition agreement between the UK Government and the EU.

**The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing):** Yesterday's announcement was a surprise to no one. We warned about this happening, and so it has come to pass. The Tories have sold out the Scottish fishing industry once again, and Ruth Davidson should be shamefaced about her fastest broken Brexit promise yet.

On 11 March, Ruth Davidson issued a statement, jointly with Michael Gove, that said:

"The Prime Minister has been clear: Britain will leave the CFP as of March 2019."

It is outrageous that Ruth Davidson and Michael Gove issued such a misleading statement last weekend, when they must have known what was about to happen. The only thing that is clear now is that Ruth Davidson's credibility lies in ruins. She must apologise for her broken promise to our fishing industry.

The Tories have negotiated the worst possible outcome: we will be in the common fisheries policy not as a partner at the table; at best, we will be consulted. For that matter, 2019 is a crucial time for fisheries negotiations. Just as the Conservatives infamously deemed Scotland's fisherman to be expendable in the negotiations to go into the common market in the 1970s, they are now betraying the industry in their deal making on the way out of the European Union.

**Kate Forbes:** I represent fisherman on the east and west coasts, many of whom were formerly represented by the cabinet secretary. Does he share their sense of betrayal at the deal?

**Fergus Ewing:** Yes. I had the honour of representing fisherman in the port of Mallaig in Kate Forbes's constituency, and I came to respect them. As we know, they do difficult and perilous work. They will see the deal as a very clear

betrayal. They were promised that the United Kingdom would be out of the CFP in March 2019—not once, but on several occasions. Now, we find that we will remain in the CFP and be rule takers rather than rule makers. From 2019 onwards, we will be bound by legislation that is not in the interests of sensible management, such as the legislation on the key issue of choke species, which threatens the viability of the Scottish fleet.

I am deeply concerned that the interests of the Scottish fishing industry have been given little consideration by the UK Government throughout the Brexit negotiations. Those who profess to represent the interests of the Scottish fishing industry have been shown to be entirely toothless.

**Kate Forbes:** The cabinet secretary will have heard the suggestion from Scottish Tory MPs that we should move on, because the deal is done, and focus on 2020. I find that unforgivable, because, in the words of fishing representatives such as Simon Collins—

**The Deputy Presiding Officer:** No—I am afraid that I want to get everybody's questions in. Please get to the question.

**Kate Forbes:** He said:

"the failure of our negotiators to stand up for the fishing industry's interests has destroyed our trust in our ... government".

Does the cabinet secretary agree?

**Fergus Ewing:** I agree. What has happened is completely unacceptable and adds insult to injury. The UK Government must now reconsider and seek sensible, pragmatic arrangements that do not sacrifice the interests of Scottish fisherman. In doing so, perhaps a sensible starting point for discussions on future relationships would be the UK Government not giving rise to any expectation that Scotland's quota shares or access to waters will be used as a bargaining chip or permanently traded away as part of a Brexit deal.

**Peter Chapman (North East Scotland) (Con):** I share the disappointment. However, we should be clear that we will become an independent coastal state.

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** Separatists!

**Peter Chapman:** The Scottish National Party has been against Brexit from the start and would want to rejoin the EU in a heartbeat. Will the cabinet secretary confirm that current SNP policy is to rejoin the EU and the hated CFP?

**Fergus Ewing:** As the member knows, we have always opposed the CFP. Moreover, Michael Russell's proposals in the Brexit negotiations, "Scotland's Place in Europe", specifically stated

that, in such a scenario, we would come out of the CFP. We have absolutely nothing to regret or apologise for. We are witnessing a complete betrayal by the Conservative Party of the promises that were made, which, incidentally, persuaded people to vote for Brexit in the first place.

Now, we see that those promises are gradually unravelling. The first to unravel is the date. I suspect that the next will be the substance, because I have asked Andrea Leadsom, Michael Gove and George Eustice, face to face over the table in discussions, time and time again, whether they will give an unequivocal assurance that the UK Government will not trade away permanent access to our exclusive economic zone—our fishing rights—as part of a Brexit deal, and I have had no answer whatsoever to that question.

**Colin Smyth (South Scotland) (Lab):** It is clear from the exchanges so far that Scotland's fisheries are being used as a political football by both the Scottish Government and the UK Government's supporters. The UK Government has failed to keep its promise that Scotland's fishing communities would no longer be in the common fisheries policy after March 2019, while the Scottish Government wants it both ways, conveniently forgetting that its policy is to go straight back into the EU—and, yes, that means back into the common fisheries policy.

**The Deputy Presiding Officer:** Can I have your question, please, so that others can get in?

**Colin Smyth:** Does the cabinet secretary accept that what Scotland's fishing communities need is an end to the political bickering and the transition period to be used to work with our fishing communities to negotiate the best deal possible, so that we support our fragile coastal towns—

**The Deputy Presiding Officer:** We have got your question. I am sorry—I want to get everybody in.

**Colin Smyth:** —and secure tariff-free access to the vital EU markets?

**Fergus Ewing:** I can tell Colin Smyth that the fishermen do not want to end up in a situation in which the choke-species problem sees vessels tied up at harbour. They desperately require to have their voice heard at the table when such vital matters are being dealt with.

Having attended the negotiations in Brussels, both last December and the December before, I assure Mr Smyth that they are absolutely vital matters. However, because of the deal that the Conservative leadership in London has entered into—apparently without the Scottish Tory MPs having any influence whatsoever—we will be mere consultees rather than partners and equals at the

table. That, surely, should be disturbing to every member of this Parliament.

**Tavish Scott (Shetland Islands) (LD):** Given the fury of the industry in Shetland towards what has happened over the past few days, can the cabinet secretary shed any light on how decisions about the mackerel—or species—roll-over on the discard ban and on choke species will be taken forward? If there is no minister in the negotiating room in Brussels, who will speak for Shetland fishermen?

**Fergus Ewing:** Tavish Scott makes a good point. Precisely because of the specific terms of the deal that has been agreed to by David Davis on behalf of the UK Government, the extraordinary position is that we will be in the CFP but out of the discussions. We will be bound by the rules but will have no chance to input on those rules in order to protect the fishermen in Mr Scott's constituency or anywhere else. That is a preposterous and ridiculous outcome, and the key consideration is this: the fact that any UK Government could ever agree to it is proof positive that Scotland's fishing interests do not matter very much to it.

**John Finnie (Highlands and Islands) (Green):** The Scottish Green Party is not a fan of the common fisheries policy. Whatever the future holds, will the Scottish Government insist on evidence-led decisions concerning our important fishing stocks and reject the Hoover-up bonanza that is being promoted by Scotland's Tories?

**Fergus Ewing:** Yes, I agree entirely with that. Mr Finnie's point is important, and I am glad that it has been made in the debate. We must have a policy that is based on sustainable fisheries, as overfishing has been an acute problem in the past. The system of maximum sustainable yield, of total allowable catches and of quotas is based on the scientific evidence, which is the correct basis for a sustainable fisheries policy. I am happy to agree with Mr Finnie's approach.

**Gillian Martin (Aberdeenshire East) (SNP):** Does the cabinet secretary agree that, no matter how many meetings Scotland's Tory MPs have with Theresa May, it is now clear that they have no influence whatsoever or any way in which they can protect or promote the interests of Scottish fishing? Fergus Ewing mentioned that this deal is the worst possible outcome for Scottish fishing—and at a crucial time. Will he expand on what he means by that?

**Fergus Ewing:** I will expand on that. It means that we will have no influence over the decisions that are taken by the other EU states. I am pleased that I am not responsible for the conduct and views of the Scottish Tory MPs, but I note with interest that Mr Douglas Ross said this about the decision:

“There is no spinning this as a good outcome, it would be easier to get someone to drink a pint of cold sick than try to tell us this was a success.”

I am not sure that he has a way with words, but I do not think that he is going to get very far with the Prime Minister.

**The Deputy Presiding Officer:** That concludes the urgent question.

## Topical Question Time

14:14

### Royal Hospital for Children (Water Contamination)

1. **Anas Sarwar (Glasgow) (Lab):** To ask the Scottish Government whether it will provide an update on the response to, and the impact of, the contamination of water at the cancer ward at the Royal hospital for children in Glasgow. (S5T-00987)

**The Cabinet Secretary for Health and Sport (Shona Robison):** I welcome the opportunity to update members on the work that NHS Greater Glasgow and Clyde and the incident management team are doing to address that issue.

I am sure that the overriding concern of all of us is the wellbeing of the children and families in the affected areas. I have spoken today with the board's chair and chief executive, who were clear that no patient is giving any cause for concern as a result of bacterial infections associated with the incident. However, the board, with support from Health Protection Scotland, is taking appropriate precautionary measures to ensure that any infection is contained and addressed. Following identification of the bacteria, testing of water from the water tank that supplies both the Queen Elizabeth university hospital and the Royal hospital for children has been negative. A range of control measures has been put in place, which include some taps and shower heads being taken out of use for chemical disinfection, and point-of-use filters are in the process of being installed. Filters are due to be in place by close of play today, and sampling will be undertaken to ensure that the water is deemed safe.

I have asked Health Protection Scotland to co-ordinate a thorough investigation as a matter of urgency to review all those matters and to make any recommendations for the national health service. I will ensure that that review is reported to Parliament.

**Anas Sarwar:** The news of contamination of the water supply at the cancer ward at the Royal hospital for children in Glasgow has caused worry and concern for parents of very sick children. I have spoken directly with affected parents, who are angry, distressed and understandably concerned. Parents tell me that they learn more about the problem from a newspaper than from any communication from the health board. They also tell me that the issue has been running for three weeks.

**The Deputy Presiding Officer (Christine Grahame):** Come on, please. Ask the question.

**Anas Sarwar:** However, the issue has come into the public domain only in the past few days. It is clear that there is an issue with transparency.

Will the cabinet secretary advise when she was first made aware of the issue and what communications with NHS Greater Glasgow and Clyde she has had prior to today? Can she say why it took a press inquiry for the health board to go public and why there has not been better communication with patients and parents?

**Shona Robison:** I absolutely understand the worry and concern of parents. I have been assured by the health board that it has been keeping parents informed, but if Anas Sarwar is saying that that is not the case, I will certainly follow that up. The board has said that it has had extensive communication with parents, who will understandably be anxious.

I was first made aware of the issue on 11 March, I think. Scottish Government officials were made aware of it prior to that, and Health Protection Scotland has been helping the board to address the issues of concern that have been highlighted.

One of the bacteria involved is very rare, so it is quite a complex matter to try to get to the bottom of the issue. Obviously, the welfare and safety of the children has been the priority, which is why procedures are being followed to ensure that there are alternative cleaning facilities while filters are being fitted to taps and shower heads, for example. If the water testing is negative after the filters have all been fitted by the end of today, it is hoped that the water supply will be back up and running by tomorrow evening. However, that depends on having a negative result from the water testing.

**The Deputy Presiding Officer:** Anas Sarwar's supplementary should be brief, please.

**Anas Sarwar:** The hospital is Scotland's flagship hospital, but parents have spoken about a lack of hot water for nearly three weeks. That has meant child cancer patients being unable even to bathe. Some have been forced to take a taxi to other sites so that they can wash. They are cancer patients—

**The Deputy Presiding Officer:** No. You have had three questions. You should ask a brief supplementary question now.

**Anas Sarwar:** —who are at a greater risk of infection. With respect, Presiding Officer, these are issues that have been raised by concerned parents. That is three weeks of people not having the ability to wash their children. That is three weeks of no transparency.

**The Deputy Presiding Officer:** No, Mr Sarwar. I said that you should ask a supplementary. Please ask the question.

**Anas Sarwar:** That is three weeks in which there has been no urgent resolution. Will the cabinet secretary investigate the matter further and apologise directly to the patients and their parents?

**Shona Robison:** Of course I apologise to the parents and the children for the inconvenience that they have experienced, but I am sure that everybody will understand that the most important thing is safety. If the shower heads and taps are being tested and investigated, that has to take its course.

These are complex issues that need to be fully investigated. As I said, one of the bacteria is rare. I assure Anas Sarwar and, indeed, the parents and the children affected that absolutely everything has been done to get to the bottom of the matter. The focus is now on fitting filters in the immunocompromised wards, which will be done by the end of today.

As I have said, if the tests are negative, the water supply will be switched back on. I have also said that Health Protection Scotland will be looking into all related matters. If recommendations can be made to improve the situation, that will happen.

**Annie Wells (Glasgow) (Con):** The reports are very worrying, and I welcome the news that none of the children involved is currently giving cause for concern. As the cabinet secretary has stated, tests have also been carried out at the Queen Elizabeth university hospital, where concerns have previously been raised—

**The Deputy Presiding Officer:** Will you please ask a question?

**Annie Wells:** —about contamination of patient equipment and the cladding of the building. How will the cabinet secretary reassure patients and those living in Glasgow that the hospitals are fit for purpose?

**Shona Robison:** First, the incident is completely unrelated to the cladding on the building. The hospitals are state-of-the-art facilities. They are not alone in sometimes having bacterial infections break out. When the bacterium is rare, identifying its source is particularly complex. Everybody has been putting their shoulders to the wheel in order to get to the bottom of the incident. I hope that all members will support the board, Health Protection Scotland and the incident management team in their efforts to do so. The focus is on the safety of the children in the hospital; that should be our main priority, too.

**The Deputy Presiding Officer:** I call Fulton MacGregor. Make it a question, Mr MacGregor—I am losing patience.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** Will the cabinet secretary confirm that there has been no infection as a result of the incident at the Queen Elizabeth university hospital? Has NHS Greater Glasgow and Clyde taken full advice on handling the incident from Health Protection Scotland and Health Facilities Scotland?

**Shona Robison:** No adults in the hospital have been infected. Health Protection Scotland and Health Facilities Scotland have provided support, and the board has been working flat out to get to the bottom of the incident. It took immediate action once it realised that a bacterial infection was present. It has done everything possible to get to the bottom of the matter as quickly as it could, and it has received expert advice and support in order to do that.

These are complex issues to deal with, and we should get behind those who are trying to resolve the matter and support them in their efforts in doing so.

**James Kelly (Glasgow) (Lab):** On a point of order, Presiding Officer. I raise the issue of the scheduling of the urgent question and the topical question. As we have just seen from the exchanges, Anas Sarwar raised a very serious matter. Members were not allowed to properly develop the urgent issue, because of the restriction—

**The Deputy Presiding Officer:** Thank you, Mr Kelly. As you know, that is matter for the business managers. Both topics were very serious. Mr Sarwar asked three questions. I did not mind his first question at all—[*Interruption.*] Please sit down, Mr Kelly. That is not a point of order. The timetabling of today's business was set by the business managers. We have to start stage 3 of the Forestry and Land Management (Scotland) Bill. I have given a little extra time. Members know the timetabling for stage 3, which must go ahead. Please sit down, Mr Kelly; I have dealt with the matter.

## Forestry and Land Management (Scotland) Bill: Stage 3

14:24

**The Presiding Officer (Ken Macintosh):** The next item of business is stage 3 proceedings on the Forestry and Land Management (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, the revised marshalled list and the revised groupings. For the first division of the afternoon, the division bell will sound and proceedings will be suspended for five minutes. The period of voting for that first division will be 30 seconds. Thereafter, there will be one minute for each vote.

Members should now refer to the marshalled list of amendments.

### After section 1

**The Presiding Officer:** Amendment 29, in the name of Colin Smyth, is grouped with amendment 31.

**Colin Smyth (South Scotland) (Lab):** Like members across the Parliament, I support the bill's ambition to promote the sustainable management of forestry and the management of land for sustainable development. Amendment 29 is intended to ensure that the individual provisions of the bill are underpinned by a clear statement of those ambitions.

There is always a risk that ambiguous wording or narrow analysis of passages in a bill will result in unintended or distorted interpretations. Amendment 29 would help to protect against that risk, by ensuring that elements of the bill could not be taken out of context or wilfully misunderstood. A purpose section is not unique; such sections exist in other Government legislation.

During stage 2, my colleague Rhoda Grant lodged an amendment that would have inserted a purpose section. The amendment was supported by the Greens at that stage. John Finnie said that the proposed new section was

"a worthwhile addition to the legislation that is in front of us."—[*Official Report, Rural Economy and Connectivity Committee*, 6 December 2017; c 3.]

Conservative member of the Scottish Parliament Jamie Greene said:

"in principle, we agree with Rhoda Grant's suggestion that there should be an overarching purpose to the bill."—[*Official Report, Rural Economy and Connectivity Committee*, 6 December 2017; c 2.]

However, the Conservatives had concerns about the wording of the amendment, which they thought was "not sufficiently encompassing."

Scottish National Party MSP John Mason said:

"A purpose section for a bill is an extremely good thing ... Such a section clarifies things and helps the courts to look at the spirit, rather than just the letter, of the law."

He went on to say:

"However, like Jamie Greene, I have reservations about the wording of this particular purpose section."—[*Official Report, Rural Economy and Connectivity Committee*, 6 December 2017; c 2-3.]

The cabinet secretary said that he shared and applauded the sentiments of Rhoda Grant and John Finnie in proposing a purpose section, but he, too, expressed concern about the wording. I have therefore looked carefully at the wording of Rhoda Grant's amendment, and I have amended it considerably to take account of members' concerns.

I have no objection to amendment 31, in Fergus Ewing's name, but it will not add a great deal to the bill, if anything—certainly it will not add an overarching purpose. Labour will support amendment 31, but I urge members to strengthen the bill by supporting amendment 29.

I move amendment 29.

**The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing):** I share members' ambitions for forestry in Scotland and I appreciate the good intentions of those who want to make clear our shared commitment to forestry and the purposes of forestry in future. I fully understand why some members want to see that commitment in the bill but, although I am sympathetic to the rationale behind amendment 29, I am afraid that I cannot support it.

That is because there are significant legal complexities to do with introducing a purpose section to a bill. All the sections of a bill must have legal effect and be capable of interpretation by a court. A purpose provision sits behind the individual sections of a bill and can affect how each is interpreted. Issues arise if the purpose is not relevant to every provision or duplicates or expands provisions.

The purpose that is proposed in amendment 29 would introduce legal uncertainty about how the powers and duties in the bill might be exercised. It therefore brings potential risk to the interpretation and operability of the bill, which is something that I am sure Mr Smyth does not intend and that I cannot support. The purpose that is proposed in amendment 29 is in two parts, both of which must apply at the same time to every section. However, neither part fully covers the purpose of every section in the bill, and neither can be properly applied to every section.

For those legal reasons, I regret that I cannot support amendment 29. However, I have listened

carefully to the aspirations of many members for a demonstration of ambition in the bill, so I suggest an alternative approach to address those aspirations, which responds to the Rural Economy and Connectivity Committee's stage 1 recommendation that the bill contain a "statement of ambition" for modern forestry practice. I propose, via amendment 31, that the forestry strategy

"must set out a vision for forestry in Scotland".

The strategy will be consulted on, so there will be opportunities for all stakeholders to contribute to the development of that vision, which must be a good thing. Ministers will be held to account for the strategy's delivery and must, every three years, report to the Parliament on progress, including on delivery of the vision. I hope that that will serve as a risk-free alternative to the approach that Colin Smyth has proposed.

I offer amendment 31 in the spirit of compromise and seeking consensus on the vital issue of demonstrating our shared ambitions for forestry. Scottish Land & Estates supports the approach, and I hope that members will support amendment 31 as an alternative to amendment 29.

14:30

**Peter Chapman (North East Scotland) (Con):**

I declare an interest as a farmer and a partner in a farming business in the north-east, although we do not have any commercial woodland on our farm.

I welcome the cabinet secretary's comments on the amendments that were agreed at stage 2, which I believe have strengthened the bill.

The Scottish Conservatives will not support amendment 29 in the name of Colin Smyth. Although as a group we supported the principle of including an overarching statement of purpose in the bill, we now believe that that addition is not required and is not consistent with the bill's long title. We cannot support the term "sustainable development" being put in the bill as a defining purpose, because the term has never been properly defined.

We support amendment 31, in the name of the cabinet secretary. Forestry is a long-term industry, and placing a duty on ministers to set out their vision in the forestry strategy will help to outline their goals for the industry and help those goals to be carried forward and adapted through each revision of the strategy.

I hope that the vision will include planting targets, which I have spoken about with the cabinet secretary. As the purpose of the bill is to grow our forestry industry, including measurable targets would be a logical addition for any future

visions that the Government sets out in the strategy.

**John Finnie (Highlands and Islands) (Green):**

The Scottish Green Party will continue our support for this approach from Colin Smyth. It is important to see where it comes in the proposed legislation—obviously, it is right at the start, as an overview of the bill. People have talked about the ambition that is inherent in the bill, and they want clarity and direction.

I listened intently to and understand what the cabinet secretary said. Clearly, things are open to interpretation. Like Mr Smyth, we will support the cabinet secretary's amendment 31, but we also support Colin Smyth's amendment 29.

**John Mason (Glasgow Shettleston) (SNP):**

Briefly, I think that it is a good idea to have a purpose section in a bill. Ideally, it should be written out at the beginning of the process so that the rest of the bill follows on from it, rather than put in towards the end, as is currently proposed. As Peter Chapman said, there might be reservations about the wording and whether it fits in. However, as I think I said at stage 2, the principle of having a purpose section in the bill holds good, as it will help the courts focus not only on the letter but on the spirit of the law.

**Colin Smyth:** Very briefly, I simply reiterate that the wording of the proposed purpose section underpins and does not put at risk the implementation of the individual sections in the bill. Similar purpose sections are included in other Government legislation, and I see no reason why this one should not be included in such an important bill.

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

**Members:** No.

**The Presiding Officer:** There will be a division. As this is the first division of the proceedings, I suspend the Parliament for five minutes to call members to the chamber.

14:33

*Meeting suspended.*

14:38

*On resuming—*

**The Presiding Officer:** We move to the division on amendment 29.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
Baker, Claire (Mid Scotland and Fife) (Lab)  
Beamish, Claudia (South Scotland) (Lab)  
Bibby, Neil (West Scotland) (Lab)

Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Wightman, Andy (Lothian) (Green)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Greene, Jamie (West Scotland) (Con)

Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wells, Annie (Glasgow) (Con)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 33, Against 91, Abstentions 0.

*Amendment 29 disagreed to.*

#### **Section 2—Duty to promote sustainable forest management**

**The Presiding Officer:** Amendment 30, in the name of Colin Smyth, is in a group on its own.

**Colin Smyth:** Amendment 30 seeks to extend the bill's proposed statutory duty to promote sustainable forest management from ministers to other public bodies. The duty that is placed on

ministers is a positive step, but we have an opportunity to go further and in doing so to implement recommendation 65 in the Rural Economy and Connectivity Committee's stage 1 report on the bill. That recommendation stated:

"The Committee recognises the benefits of sustainable forest management and agrees with those who suggested in evidence that there would be advantage in extending the duty. It therefore recommends that the Scottish Government gives consideration to extending the duty to promote sustainable forest management to all relevant public bodies."

I am unsure why the Scottish Government said, in its response to that report, that it would consider that recommendation carefully but has not yet done so. We have an opportunity today to implement the Rural Economy and Connectivity Committee's unanimous recommendation and, by doing so, to help mainstream forestry and ensure a wider regard for issues affecting the sector.

Forestry impacts on and is impacted by a wide range of other policy areas. Extending the duty to all public bodies would reflect that and promote an integrated approach. Let me be clear—amendment 30 would not place unreasonable demands on public bodies. As the wording states carefully, the requirement would apply only

"so far as is consistent with the proper exercise of" their functions.

The Nature Conservation (Scotland) Act 2004 places a similar duty on public bodies in relation to biodiversity. Indeed, the wording in that act is the same as the wording in my amendment. That duty has been effective in advancing biodiversity and, critically, it has not undermined the ability of the affected bodies to operate. It would be bizarre and lacking in credibility for the Scottish Government to support such a duty in the Nature Conservation (Scotland) Act 2004 and then to claim that it is either unworkable or undesirable for the same duty to be contained in the bill.

I move amendment 30 and urge members to support it.

**Peter Chapman:** As the Rural Economy and Connectivity Committee said in its stage 1 report:

"The Committee recognises the benefits of sustainable forest management and agrees with those who suggested in evidence that there would be an advantage in extending the duty. It therefore recommends that the Scottish Government gives consideration to extending the duty to promote sustainable forest management to all relevant public bodies."

We will support amendment 30.

**Fergus Ewing:** I thank Colin Smyth for highlighting the fact that sustainable forest management is not just the responsibility of one part of Government. The need to mainstream

sustainable forestry in Scotland is one of the primary reasons for completing devolution.

Amendment 30 would not address the primary threat to sustainable forest management in Scotland, which is illegal felling. That is addressed by the amendments in group 7, which propose powers to stop suspected illegal activity immediately to allow proper investigation.

I am confident that the vast majority of forest management in Scotland is sustainable. However, I recognise that tree felling that is permitted, for example, as part of planning consent requires careful handling to ensure that it follows sustainable forest management principles. That is why Scottish planning policy includes the control of woodland removal policy, which requires appropriate compensatory planting when forest areas are cleared for development.

The requirement is having an impact. I note, for example, that the annual loss of ancient semi-natural woodland had reduced to an estimated 1.2 hectares per annum in 2016 compared with previous estimates reported in 2014. The Planning (Scotland) Bill, which is currently at stage 1, proposes that Scottish planning policy is given strengthened statutory status as part of the development plan. Those planning matters therefore go some way to achieving what Colin Smyth has set out to achieve.

As a further example of proportionate action, we will work in partnership with the sector to find ways of using new satellite imagery to provide better information on felling to enable us to act more quickly and decisively if we identify unsustainable activity.

In comparison, amendment 30 would place a duty on all Scottish public authorities to promote sustainable forestry across all their functions. While the amendment is well intentioned, I believe that it goes too far. There are hundreds of public authorities—for example, the chief dental officer, the Accountant in Bankruptcy, and many others—that do not have an obvious connection with forestry.

I recognise the attempt to limit the scope of the duty by including the phrase

"so far as is consistent with the proper exercise of"

the authorities' functions, but in law that would not limit the requirement for every Scottish public authority, including the chief dental officer, the Accountant in Bankruptcy and a plethora of other public bodies, to assess the extent to which the promotion of sustainable forest management is or is not consistent with each of their many functions.

Plainly, that would be a nonsense. Ensuring that forestry is at the heart of Government, strengthening implementation of the control of

woodland removal policy and improving information on felling activity are, I submit, a more effective and proportionate approach to ensuring the objective of the sustainable management of Scotland's forests and woodlands. I therefore argue that amendment 30 is not required.

For all those reasons, I encourage Mr Smyth not to press his amendment. If he presses the amendment, I encourage members not to support it.

14:45

**John Finnie:** I support amendment 30. I listened intently to the cabinet secretary and everything centres around the words; Mr Smyth is encouraging a consistent approach across the public sector, and I think that we should all sign up to that. The word "nonsense" was used. Realistically, no one would interpret amendment 30 as meaning that dental practitioners, administrators or indeed the Accountant in Bankruptcy should do anything practical in that regard. Amendment 30 gives the public sector a direction of travel and I support it.

**Colin Smyth:** The proposal in amendment 30 was a clear recommendation by the Rural Economy and Connectivity Committee. It is consistent with provisions in other legislation such as the Nature Conservation (Scotland) Act 2004 and the Climate Change (Scotland) Act 2009. By agreeing to amendment 30, we would underpin the importance of forestry across public bodies. I am therefore happy to press amendment 30.

**The Presiding Officer:** The question is, that amendment 30 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)

Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)

Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 63, Against 61, Abstentions 0.

*Amendment 30 agreed to.*

### **Section 3—Duty to prepare forestry strategy**

*Amendment 31 moved—[Fergus Ewing]—and agreed to.*

**The Presiding Officer:** Amendment 3, in the name of John Finnie, is grouped with amendments 41, 4, 32 to 37, 5 and 6.

**John Finnie:** During stages 1 and 2, the Rural Economy and Connectivity Committee discussed the important issue of woodland creation and how the bill could best ensure that there is a strong policy commitment from the Scottish Government on the matter. Woodland creation is good for the economy because it secures future supply to the timber trade, is good for the environment and brings considerable social benefits. The committee concluded that the most appropriate place for such a commitment would be the forestry strategy; I agree with that approach.

Peter Chapman, Richard Lyle and I all lodged stage 2 amendments that would have required the strategy to cover that important issue, although we all took slightly different approaches and used slightly different phrasing. My focus was, and still

is, on the importance of creating native woodland. I have highlighted the importance of promoting native woodland in recent meetings with the cabinet secretary, and will continue to champion the cause.

The underlying principle behind each of the stage 2 amendments on the topic was the same: it is important that the strategy contains policies, priorities and objectives on creating woodland of all types. The cabinet secretary indicated at stage 2 that he would be supportive of such an amendment, so I am pleased to have lodged amendment 3.

I encourage members to support amendment 3. We will support all the other amendments in the group.

I move amendment 3.

**The Presiding Officer:** I call Peter Chapman to speak to amendment 41 and the other amendments in the group.

**Peter Chapman (North East Scotland) (Con):** I will move amendment 41, in my name, which would require ministers to include planting targets in the forestry strategy. The main benefit that we want from the bill is more trees being planted. Amendment 41 is logical in that what it proposes would lead to measurable targets throughout each report on the strategy, and it would ensure continuity, even with a change of Government.

We will support all the amendments in the group, other than amendments 6, 33 and 34, which we do not think would strengthen the strategy. My colleague Jamie Greene will speak to the other amendments in the group in more detail.

**The Presiding Officer:** I call Graeme Dey to speak to amendment 4 and the other amendments in the group.

**Graeme Dey (Angus South) (SNP):** The bill includes an important new duty on Scottish ministers that has been welcomed by all parties and by stakeholders: namely, a statutory requirement to publish a forestry strategy. That is a big improvement on the current legislation and it is the centrepiece of the bill. The statutory framework for the strategy was improved by amendments at stage 2—specifically, the consultation requirements were enhanced by an amendment from Fulton MacGregor, and requirements on ministers to report on progress were introduced by an amendment from John Finnie.

In response to concern from members, the cabinet secretary acknowledged at stage 2 that more could be done to ensure that the strategy is kept up to date. I note that the current non-statutory forestry strategy is now more than 10 years old. The Rural Economy and Connectivity

Committee discussed the long-term nature of forestry and how to balance that with Parliament's role in scrutinising progress and ensuring that the strategy does not gather dust. Suggestions for appropriate review and revision arrangements were lodged as amendments but not moved, following a signal from the cabinet secretary that he would support a proportionate approach for a cycle of no more than 10 years. I am pleased to offer an approach in amendment 4 that will meet those objectives, so I hope that it will be supported by members and the Scottish Government. I encourage Parliament to support the amendments in my name and the other amendments in the group.

**The Presiding Officer:** Fulton MacGregor will speak to amendment 32 and the other amendments in the group.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** This year's parliamentary scrutiny of the forestry strategy was discussed during the Rural Economy and Connectivity Committee's consideration of the bill at stages 1 and 2. Scottish ministers will be taking on new duties in relation to a Scottish forestry strategy, which will be key in setting out the Scottish Government's ambitions on what is an important sector for the rural economy, and will be key in our climate change ambitions, including the promotion of sustainable forest management. Those ambitions are shared by everyone in Parliament.

Amendments were lodged at stage 2 by Rhoda Grant that proposed additional parliamentary procedures for consideration of the strategy before it is published and laid, and for a consultation report to be prepared to accompany it. It was acknowledged during the committee's discussions at stage 2 that the suggested additional parliamentary procedures in Rhoda Grant's amendments were not necessarily proportionate for the strategy, and could delay rather than enable its production. I am pleased that the cabinet secretary acknowledged the issues behind the amendments and committed to a best-practice approach in agreeing that Scottish ministers should commit to producing a consultation report to be laid alongside the strategy. I therefore hope that he and members will support my amendment 37, which would deliver on that commitment.

On scrutiny, I suggest that improvements that were made to the bill at stage 2 on wider consultation requirements and a duty on ministers to report on progress have strengthened considerably the process for the strategy. A further requirement is proposed by amendment 32, which is that ministers should consult on a draft of the strategy and not be required just to consult. That would enable stakeholders with a wide variety of interests to have sight of the strategy and to

contribute fully to its development. That is a proportionate approach for a policy strategy, and has a precedent in the approach for the land use strategy, for example. I encourage all members to support amendments 32 and 37 and all others in the group.

**The Presiding Officer:** I call Claudia Beamish to speak to amendment 33 and the other amendments in the group.

**Claudia Beamish (South Scotland) (Lab):** Amendments 33 to 35 all seek to ensure that Scottish ministers must have regard to existing legislation on climate change, biodiversity and deer management when preparing the forestry strategy.

Section 4 currently requires that regard be had to the land use strategy and the land rights and responsibilities statement. In my view and that of Scottish Labour, that regard should be expanded to include the similar fundamental issues in keeping the path of forestry sustainable. At stage 2, my colleague Rhoda Grant MSP highlighted the importance of grounding our practice internationally in order to preserve our climate change world leadership, especially in the context of Brexit. Forestry and land management have significant roles to play in climate change mitigation: amendment 33 aims to secure that focus in the bill.

Amendment 34 has similar intentions with regard to the code of practice on deer management. Deer are an important public asset, but Scotland has struggled for decades to control appropriately the huge deer populations in many areas of our country. The voluntary code of practice on deer management places a responsibility on all land managers to manage wild deer in conjunction with other land use objectives in the deer management groups. Unfortunately, slow progress is being made on that, but if we are to safeguard against deer populations spiralling out of control, it must be an important consideration in the forestry strategy.

Amendment 35 would ensure that ministers have regard to the Scottish biodiversity strategy. Our forests cover 17 per cent of Scotland and play host to significant proportions of our precious biodiversity.

I reiterate that those issues will not fade away or achieve completion and then be forgotten. All three require constant effort. The delivery of such wide policy objectives was highlighted by the Environment, Climate Change and Land Reform Committee, in its letter to the Rural Economy and Connectivity Committee at stage 1 and by the REC Committee itself. I recognise that the cabinet secretary expressed at stage 2 that bills should not include

“partial lists that risk becoming rapidly out of date.”—  
[*Official Report, Rural Economy and Connectivity  
Committee*, 6 December 2017; c 25.]

However, the integration of those three issues—climate change, biodiversity and deer management—is integral to forestry and its long-term sustainable development. Therefore, they should be included.

I also highlight John Finnie’s amendment 3, on the creation of woodland—which is important especially in relation to native woodland, as he highlighted—and amendment 4 by Graeme Dey, on dates for the revision of the strategy, which builds on a stage 2 amendment. We will also support all the other amendments in the group.

**Fergus Ewing:** Amendments 3 and 41 are on the important topic of woodland creation under the forestry strategy. I am in full agreement with Mr Finnie and Mr Chapman that the strategy should include policies on that vital matter. Woodland creation is important to help us to achieve our climate change and biodiversity objectives as well as for securing future wood supply for our valuable wood processing sector.

I acknowledge Mr Finnie’s interest in native woodland and assure him and others that I fully recognise the benefits that such woods can bring. As an example, last year, I made available increased grant support for native woodland creation in the Highlands and Islands, and I am pleased to report that that has stimulated demand.

Amendment 3 refers to all woodland creation. It takes a broader approach than amendment 41, as it includes woodland created by planting new trees and natural reseedling. Amendment 41 partially duplicates amendment 3 but, taken together, they provide a strong signal supporting woodland expansion, so I am willing to support them both.

In supporting amendment 41, I should place on record the fact that it does not have the effect of requiring the strategy to contain targets for planting. Rather, it requires the strategy to

“include ... objectives, priorities and policies with respect to”

targets. Those are different things. However, it is my intention that the strategy should reference the reason for planting more trees and the targets that we propose, scrutinise and agree with the Parliament.

Members will be aware that targets for woodland creation are set out in the Scottish Government’s climate change plan, which has been developed through extensive consultation and is subject to parliamentary scrutiny. The latest plan was laid before Parliament on 6 March. The forestry strategy will refer to planting targets that are set out in the climate change plan and

amendment 41 is consistent with that approach. I make it clear to members that that amendment will not introduce a parallel process for discussions on alternative targets but will helpfully run in tandem with those targets by allowing the approach to achieving them to be set out in the Scottish forestry strategy.

I am pleased to support amendments 4, 32, 37 and 5, which strengthen the process for producing the Scottish forestry strategy. They are helpful additions to the bill and I hope that there will be consensus in the chamber on them. Amendments 4 and 5 from Graeme Dey provide a proportionate review and revision cycle for the forestry strategy and build on the helpful addition to the bill at stage 2 of a three-yearly reporting cycle. Amendments 32 and 37 from Fulton MacGregor respond to recommendations on improving parliamentary scrutiny of the bill.

15:00

Amendment 36 in my name responds to the comments that were made at stages 1 and 2 about the importance of policy alignment between the new statutory forestry strategy and the many and varied economic, environmental and societal matters to which forestry contributes. It achieves that by requiring ministers to prepare and revise the strategy with a view to achieving consistency, so far as practicable, with all their other functions. I am pleased to note that Scottish Land & Estates and the Confederation of Forest Industries support that approach.

The requirement that ministers should look to achieve consistency in the strategy across all of their functions means that the matters that are identified in Claudia Beamish’s amendments 33 to 35 are captured by amendment 36. However, I fully acknowledge Claudia Beamish’s particular interest in the interactions between forestry and biodiversity, deer management and climate change. She has been a passionate advocate for improving policy alignment on those matters throughout the passage of the bill. I agree that they are important matters. Forestry is already making a meaningful contribution to biodiversity, climate change and deer management outcomes, and must continue so to do. I have listened to the arguments that have been put forward by Claudia Beamish and am prepared to support her amendments 33 to 35. I also encourage members to support my amendment 36, to provide alignment with the other relevant policies now and in the future.

Amendment 6 is a technical amendment to section 6A. In supporting John Finnie’s amendment 130 at stage 2, I signalled that I would lodge an amendment at stage 3 that would change the start of the reporting period for the three-yearly

report that is required on the forestry strategy. I think that it is more appropriate for the reporting period to start when the forestry strategy is published, rather than start on the day after royal assent. It is our intention that the first statutory forestry strategy will be available by 1 April 2019. I have discussed that approach with John Finnie, and I hope that he and other members will support amendment 6.

I believe that the amendments in this group demonstrate the common view that we share of the importance of the Scottish forestry strategy and the significant role that it will play in driving forward the direction of Scottish forestry policy and delivery in years to come. I therefore support all the amendments in this group and hope that members across the chamber will do likewise, in a welcome outbreak of consensus on one of the key functions in the bill.

**Mike Rumbles (North East Scotland) (LD):** I want to focus on Claudia Beamish's amendments 33 to 35. Amendment 33 deals with article 2 of the Kyoto protocol, amendment 34 deals with deer management and amendment 35 deals with the Scottish biodiversity strategy.

I voted against such amendments when they came to the committee at stage 2, because I felt that they came out of the blue and that we had been given no chance at stage 1 to take evidence on any of them. However, time has passed and I see the amendments appearing again at stage 3. The issues that they address are worth while, so Claudia Beamish will be pleased to hear that I will be voting for them this time. However, I would like to put on record the fact that, if people want to address issues, it is helpful to everybody if they can ensure that the committees have the opportunity to take evidence on them at stage 1.

**Claudia Beamish:** Will the member take an intervention?

**The Presiding Officer:** Mr Rumbles has finished, Ms Beamish.

**Jamie Greene (West Scotland) (Con):** I hate to be the one to break the consensus in the chamber, but I have some comments on the amendments. I will attempt to explain the rationale behind our approach.

On amendments 41 and 3, I support the concept of introducing targets for the planting of trees, which Peter Chapman's amendment 41 deals with. It is no great secret that we have been failing to meet our planting targets for a fair number of years. I also support John Finnie's amendment 3, on the creation of woodland. We see no harm in the inclusion of the additional wording, and I am pleased that the cabinet secretary agrees with that.

We are unable to support amendments 6, 33 and 34. We took a position on amendments 33 and 34 after stage 2. I appreciate that there is much merit in what the member is trying to accomplish with the amendments, but we believe that they unnecessarily complicate the bill with references to deer management and the Kyoto protocol. Those issues are adequately dealt with in other pieces of legislation, so the amendments are not entirely relevant to the bill. For example, with regard to amendment 33, our climate change targets are set out in the Kyoto protocol and have been in effect for nearly two decades. We felt no additional need for a provision in this bill in relation to them.

That said, we welcome amendment 35, on biodiversity. The biodiversity strategy vision for 2030 strongly supports the forestry industry's conservation attempts and we feel that amendment 35 complements many of the objectives of the bill.

We are unable to support amendment 6, which, as we interpret it, might lead to an indefinite delay to the first reporting period. Unless any evidence can be suggested to the contrary, we will not support amendment 6.

Amendment 31 was debated and voted on previously. However, along with amendments 4, 5 and 36 it strengthens the requirement that the Government must set out its strategy over a nine-year period. Importantly, it would also mean that future Governments could deviate only after a fixed period. Forestry requires a long-term vision and strategy, and successive Governments should be required to pick up the work of previous Governments and see a strategy through. Our support for that is conditional, though, which is why we asked the cabinet secretary to ensure that the broadest possible consensus on the strategy is sought before it is delivered to Parliament.

**John Finnie:** This has been a good discussion. Consensus is always good, and in this case it reflects the committee's scrutiny of the bill. I am a bit disappointed that Conservative colleagues will not support the amendments lodged by my colleague Claudia Beamish. I heard what Mr Rumbles said. The Deer (Scotland) Act 1996 has been referred to. The cabinet secretary summed it up well when he talked about policy alignment and the interaction between policies. Someone said that the issue is unnecessarily complicated. It is not. Deer eat trees, and we need a link between the two pieces of legislation. I would encourage people to see that as part of the strategy and vote for Claudia Beamish's amendments, and indeed the other amendments in the group.

*Amendment 3 agreed to.*

*Amendment 41 moved—[Peter Chapman]—and agreed to.*

*Amendment 4 moved—[Graeme Dey]—and agreed to.*

#### **Section 4—Preparation of forestry strategy**

*Amendment 32 moved—[Fulton MacGregor]—and agreed to.*

*Amendment 33 moved—[Claudia Beamish].*

**The Presiding Officer:** The question is, that amendment 33 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### **For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)

Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### **Against**

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East Scotland) (Con)

Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 94, Against 30, Abstentions 0.

*Amendment 33 agreed to.*

*Amendment 34 moved—[Claudia Beamish].*

**The Presiding Officer:** The question is, that amendment 34 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)

Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)

Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 94, Against 30, Abstentions 0.

*Amendment 34 agreed to.*

*Amendment 35 moved—[Claudia Beamish]—and agreed to.*

*Amendment 36 moved—[Fergus Ewing]—and agreed to.*

### **Section 5—Publication of forestry strategy**

*Amendment 37 moved—[Fulton MacGregor]—and agreed to.*

### **Section 6A—Report on forestry strategy**

*Amendment 5 moved—[Graeme Dey]—and agreed to.*

*Amendment 6 moved—[Fergus Ewing].*

**The Presiding Officer:** The question is, that amendment 6 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### **For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)

Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### **Against**

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)

Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rumbles, Mike (North East Scotland) (LD)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 89, Against 35, Abstentions 0.

*Amendment 6 agreed to.*

#### After section 6A

**The Presiding Officer:** Amendment 38, in the name of Peter Chapman, is in a group on its own.

**Peter Chapman:** Amendment 38, in my name, is about research, which is an essential part of maintaining forested land and growing our forestry industry.

The issue of tree health research was raised by a number of stakeholders during stage 1 evidence on the bill, and I raised it again during stage 2. A number of members shared my concerns specifically about tree health research, but I agreed not to press my amendment at that stage and welcomed the cabinet secretary's offer to work on an alternative. Therefore, amendment 38 seeks to safeguard research efforts by requiring that ministers have in place suitable arrangements for research. It anchors that requirement in the concept of sustainable forest management, which underpins the forestry functions in the bill. It also seeks to ensure consistency with the other forestry functions in the bill and to avoid unintended consequences by allowing a judgment to be made as to which arrangements are necessary.

The focus on sustainable forest management in the provisions should ensure that tree health needs are met and considered in a wider context.

My understanding of how sustainable forestry management might work in practice is that it requires efforts to ensure that forests are managed to maximise their overall resilience and to take full advantage of the best scientific developments. I would welcome the cabinet secretary's view on that and on how he sees tree health being addressed through such measures.

Finally—and crucially—amendment 38 allows for continued cross-border collaboration where that continues to be the most appropriate approach. It is essential and provides a statutory underpinning that makes clear the desirability of continued UK-wide co-operation on research and evidence relating to forestry into the future. I hope that all members will support my amendment.

I move amendment 38.

15:15

**Claudia Beamish:** I support Peter Chapman's amendment 38. In the previous session of Parliament, the Rural Affairs, Climate Change and Environment Committee took a lot of evidence on tree health, which is fundamental to the future of forestry in Scotland and, indeed, in the UK. Resilience through the development of native seeds and seedlings is important, and it is also important that, as any disease develops, we are quick off the mark in assessing the dangers and commissioning research, as in the example of ash dieback. I understand that there is now a disease threat to Sitka spruce, and I am sure that the same quick reaction is happening there.

I also agree with Peter Chapman about cross-border working.

**Fergus Ewing:** During stages 1 and 2, we heard many calls for reassurance that devolution will not lead to a reduction in forestry research efforts, and I give members that assurance. Research that improves how we prevent and respond to forestry pests and diseases will continue to be a priority. I welcome the considered approach that Mr Chapman takes in his amendment 38. It will allow us to continue the important work that is being done in collaboration with other parts of the UK.

On the day of the stage 1 debate, we announced that Forest Research would continue as an agency of the forestry commissioners. As the chairman of the Forestry Commission, Sir Harry Studholme, said in his letter to me, forestry disease respects no borders.

Amendment 38 also maintains flexibility—for example, to supplement UK arrangements with work to answer questions of particular interest to Scotland. The new centre of expertise for plant health, which I launched last month, will build on

the work that is already being driven forward by our chief plant health officer for Scotland, Professor Gerry Saddler, in collaboration with Forest Research. We are already taking action on the issue and we will maintain that effort.

I am heartened to see that the requirement is tied back to the duty to promote sustainable forest management. That will allow a rounded view to be taken of all aspects of forest management, including increasing our resilience to new pests and diseases. I see the approach as ensuring that Scotland's forests, relying on the best research that the scientific community can provide, are the most resilient forests that we can grow.

I stated during stage 2 that I have sympathy for anyone who is working to provide a sure footing for such an important issue. I believe that Mr Chapman's amendment 38 does that and I encourage members to support it.

**The Presiding Officer:** I call Peter Chapman to wind up on the group.

**Peter Chapman:** I will be very brief. I think that there is a lot of common sense in the amendment and I ask the Parliament to support it.

*Amendment 38 agreed to.*

#### After section 11

**The Presiding Officer:** We move on to group 5. Amendment 7, in the name of Andy Wightman, is grouped with amendments 7A to 7E and 24.

**Andy Wightman (Lothian) (Green):** I place on record the fact that the purpose of amendment 7 is to place on ministers a duty to supply and publish information about certain characteristics including the ownership of forests that are not held in the public sector. We have very little information on that, and the information that we have, which the cabinet secretary revealed to me in answers to written questions, is very out of date. If we are to have forest policy that is designed, for example, to encourage farmers and estate owners to plant trees, we need better sight of the range of owners of forests in Scotland and how that changes over time in order to be able to develop policy that is targeted at getting the kind of forest expansion that we want.

I also place on record and want to clarify something in relation to a letter that was written by the cabinet secretary to members and distributed at half past 8 last night. The cabinet secretary enclosed a letter from the accountable officer at Registers of Scotland and said:

"This further information about costs is concerning, given that funding would likely need to be found from within forestry budgets."

I remind members that subsection (1) of amendment 7 says:

"The Scottish Ministers must gather and publish in such manner as they consider appropriate information on forest holdings in Scotland that do not fall within forested land as defined in section 10."

The duty is to gather and publish information "in such manner as they consider appropriate".

The letter that Mr Ewing sent from Janet Egdell, the operations director and accountable officer at Registers of Scotland, stated:

"Information from Rural Payments colleagues indicate that there are around 17,500 holdings in Scotland with more than 5 hectares of woodland. We estimate that it would cost Registers of Scotland around £600,000 to search for the named owner for each of these holdings."

I clarify that there is nothing in my amendment 7 that requires Registers of Scotland, the Scottish ministers or anybody else to search for who owns Scotland's forests. The kind of information that my amendment envisages is information on the gender of owners, on size classes and on the characteristics of the owners—whether they are charities or in local government, whether they are investors, whether they live here, whether they are farmers, whether they are owner occupiers or whether they are tenants. Collecting that kind of data is common right across Europe. Mr Ewing's intervention last night was highly regrettable.

I turn to the cabinet secretary's amendments. Amendment 7A would replace the word "extent" with the word "area". I am perfectly happy with that. Amendment 7B would delete a reference to the information to be gathered as being "natural characteristics" of forests. I am very happy to support amendment 7B. That information is gathered in other places, not least in the national forest inventory.

Amendment 7C, in the name of Fergus Ewing, would leave out the word "ownership" and replace it with "proprietorship". Until half past 8 last night, I was happy to support amendment 7C. However, in the light of the letter last night that clearly implies that his understanding is that we need to spend £600,000 to find out from Registers of Scotland who owns Scotland's forests—a proposition with which I do not agree, but that is clearly his understanding—I would like the cabinet secretary to confirm that he is in no way suggesting that replacing "ownership" with "proprietorship" is tied to his understanding of the duty that is placed on ministers.

Amendment 7D would leave out "management". Again, I am content with that, as that information is gathered in other places.

Fergus Ewing's amendment 7E would delete the whole of subsection (5) of my amendment 7, which states:

“Information under this section must be—

(a) first published no later than 3 years after the day of Royal Assent,

(b) subsequently published no later than 5 years after the date of the previous such publication.”

Amendment 7E would place no timescale whatsoever on ministers to ever publish any kind of information, limited or not. Therefore, I urge members to vote against amendment 7E.

Amendment 24, in my name, is a consequential technical amendment that relates to secondary legislative provisions.

I repeat that subsection (1) of amendment 7 would require ministers to

“gather and publish”

information

“in such manner as they consider appropriate”.

The cabinet secretary is well aware of that, as I have been in correspondence with his office for a number of days on the matter. Ministers either of this Administration or of any future Administration might well sit down and consider their duties under subsection (1), and they might consider that the manner that they deem appropriate is no more than a pie chart.

I draw members’ attention to the Scottish Parliament information centre briefing on Scottish forestry of 21 November 2016. Under figure 8, there is a pie chart that is titled “Breakdown of Scottish woodland by ownership”. It shows that 33 per cent of Scotland’s woodland is managed by the Forestry Commission and owned by the Scottish ministers and that 67 per cent is owned by others. That information could be gathered and published easily because it already is, and it would certainly fall within the manner that a minister who did not want to publish very much could consider appropriate. Therefore, it wholly fulfils those duties. If any minister were to publish information in the form of one pie chart, I would be very disappointed but I could not argue that that was not fulfilling the duties that would be placed on ministers under subsection (1) of amendment 7.

I cannot understand why the Government is so resistant to providing better data and information on how Scotland’s forests are owned or why ministers would seek the support of a public official to misrepresent the purposes of amendment 7 and imply that it places on them an obligation to pay up to £600,000 for that information. Because I know that the minister calls Scottish Land & Estates in support whenever he can, I am pleased to see that it supports amendment 7. Confor does not.

I move amendment 7.

**Fergus Ewing:** I understand the desire to improve availability of information on ownership of forested holdings, and transparency of land ownership. In 2014, we asked the keeper of the registers of Scotland to complete the land register by 2024 and we committed to registration of all public land by 2019. We are introducing plans to establish a register of controlling interests.

Accordingly, I have lodged amendments to amendment 7, seeking to work with Mr Wightman to find a deliverable outcome and to avoid disproportionate cost. Sadly, we have not been able to agree. I ask members to vote against amendment 7, even if it is amended. That said, I am keen to see what might be achieved on an incremental basis from information that we hold, primarily in the national forest inventory and the land register, without a statutory provision. I will set out proposals for how we might proceed, should amendment 7 be defeated.

**Andy Wightman:** Will the cabinet secretary take an intervention?

**Fergus Ewing:** I would like to make progress, but I will be happy to give way later, if Andy Wightman still wishes to intervene.

Amendments 7A to 7D would change the information that is to be published to information concerning the area and proprietorship of forest holdings by replacing terms that are ambiguous. They are technical amendments that will bring the terminology into line with terms that are already used in information collection—changes with which, I understand, Mr Wightman is content.

Amendment 7E would remove subsection (5) of the proposed new section, which would require that the information be published within three years of royal assent. With respect, I suggest that subsection (5) will not accomplish what Andy Wightman intends. I make clear for the record that I do not object to the intention behind subsection (5), but I am concerned about its potential impact. If Scottish ministers were to be required to gather all the information that would be required for publication within just three years of royal assent, it is likely that the resource requirements—the costs—of so doing would substantially inhibit early publication of information that might otherwise be available for publishing. It seems to us that if technical or data protection issues, for example, were encountered within that three-year period, subsection (5) would require us to overcome them, no matter what resource or cost was required. Make no mistake, Presiding Officer—there would be substantial costs involved.

In seeking a workable outcome, I instructed my officials to examine potential sources for the information that would be required by amendment 7, including integrated administration and control

system data that had been collected for rural payments purposes. The advice is very clear: the IACS data is not intended to be, nor can it serve as, a source of land-ownership information. Taking that approach would be a substantial change to how information is collected and held.

The only reliable source of information on land ownership in Scotland is the land register and register of sasines, which are held by Registers of Scotland. The IACS data did, however, reveal that there are about 17,500 pieces of land in Scotland containing more than 5 hectares of forested land. On that basis, Registers of Scotland was commissioned to provide an estimate of the costs of identifying ownership of those 17,500 pieces of land.

I draw members' attention to the letter that I received from the operational director and accountable officer at Registers of Scotland, which sets out that to do that would cost about £600,000. The letter went on to state that

"In addition to this, there will be many more holdings with areas of woodland less than 5 hectares and other forestry holdings that are not held within the rural payments database."

She adds:

"If these were to be included, the total costs to Registers of Scotland of providing this information might be very much more."

15:30

Those matters were not canvassed earlier in consideration of the bill and were not considered in the financial memorandum. They have not been budgeted for and are entirely uncoded. I am therefore very concerned that agreement to amendment 7 would necessitate diversion of precious finite resources, which would have to come from forestry budgets. Those resources are for spending on maintaining forestry, creating more woodland and planting more trees. My amendments—amendment 7E in particular—are designed to ameliorate that, but I am not content that the risk would be reduced sufficiently.

As I said, I am sympathetic to the intention behind amendment 7 and to the overall ambition of increasing the amount of information that is available about Scotland's forests. Therefore, I will make undertakings to members if amendment 7 is not agreed to.

First, I would be happy to enter into dialogue with members from all sides to develop a shared approach to the publishing of information about forest holdings. In particular, I am keen to investigate what information may be published in advance of the three-year timescale to which amendment 7 refers.

Secondly, I would like to examine whether an incremental approach to publication of information can be taken. That would happen with the intention of publishing information at the earliest possible time, with more and better information being published subsequently. It should also be considered what information additional to that which is specified in amendment 7 could be included.

I make those commitments today and am happy to undertake to inform Parliament regularly of progress. I understand the appetite to know more about forested land and am keen that we do so in a balanced and proportionate way that dovetails with other work that is under way in that regard.

I hope that the proposals that I have outlined are accepted in the good faith in which they are intended and that, if members are still minded to support amendment 7, they will support amendments 7A to 7D, and especially amendment 7E for the reasons that I have set out. However, my strong preference remains that amendment 7 not be agreed to, in view of its uncoded nature and the risk of imperilling other expenditure on our important forestry policies that are to be developed in due course. I respectfully ask members not to support amendment 7, even if amended.

I move amendment 7A.

**Peter Chapman:** I will be brief.

We support all the amendments in the group, apart from amendment 7E.

We agree with amendment 7 on the basis that it would make it easier for the public to access information about forested land. An increase in information about forestry ownership and management would be useful for many companies that are involved in the industry and would add transparency for the public. However, I state for the record that implementing the new duty would, as Andy Wightman rightly said, not result in undue costs for forestry owners, managers or the Government.

We also support amendment 24, which will facilitate open and transparent data on proprietorship of forest holdings.

Amendments 7A to 7D, in the name of the cabinet secretary, are all technical amendments that we support. They would make minor changes to Andy Wightman's amendment 7 and make it better aligned with the bill's aims.

We will not support the cabinet secretary's amendment 7E, which seeks to remove subsection (5) from amendment 7. It would remove the deadline for the duty to publish the information that there would be a duty to gather, and it would remove the requirement to publish updates every five years. Subsection (1) of the

proposed new section would allow plenty of latitude to publish more modest information if that is required, in particular because of data protection concerns, for example.

**Claudia Beamish:** I speak in support of Andy Wightman's amendment 7, on a "Duty to publish information on forestry". It is really important for public transparency and accountability, and in relation to the points that my colleague Peter Chapman raised.

We will listen very carefully to what Andy Wightman says in summing up before we make a decision on amendment 7C, on replacing "ownership" with "proprietorship".

We will oppose amendment 7E, because removing subsection (5) from the proposed new section would mean that no timescales would apply, which would not be appropriate.

I am concerned that the cabinet secretary wrote to members about the costs of obtaining information at such a late stage—last night, after 5 o'clock. I am not convinced by his letter that amendment 7E reflects Andy Wightman's intention in amendment 7 to gather information.

**Mike Rumbles:** We support Andy Wightman's amendment 7 and the technical amendments to it. I am concerned about amendment 7E, in the name of the minister. To be fair to the minister, I say that he has made it clear that he does not support amendment 7, which I understand. However, I do not understand why the only substantial amendment that he has lodged to amendment 7 would remove the subsection that requires a timescale. The minister could have proposed a different timescale, but he did not. If his amendment 7E is agreed to, the timescale would be removed altogether.

This stage 3 debate was delayed as a result of the adverse weather that we had a week and a half ago. As other members have said, we received letters as late as last night throwing doubt on the costs of publishing forestry information. That is a scandal. It is a disgrace that members are being pressured like this when we have not had the time to go through all the additional information that we have received. I deprecate it as bad practice; the minister should not have done it. Furthermore, it is most inappropriate to bring a public official into the debate at this stage.

I do not like what has been going on with the minister, given some of the letters that have been sent to us across the piece. As I have said, this is a delayed stage 3 debate and we have not had a proper look at the information. The minister is becoming increasingly desperate to try to change people's minds at the last minute with what I would call disinformation. When we are deciding on a stage 3 debate, it is really important that we get

right the letter of the law. The minister, by sending the letter last night, has achieved the opposite of what he had intended.

**The Presiding Officer:** I call Andy Wightman to wind up.

**Andy Wightman:** The cabinet secretary still appears to be labouring under a misunderstanding about the intention of amendment 7. I understand that what is said in Parliament during the passage of legislation matters and can be taken into account by the courts when interpreting what the legislation means. I could not have been clearer in my remarks that amendment 7 does not place a duty on ministers, or anybody else, to spend £600,000, or any sum of money, in order to gather information from the Registers of Scotland. That information is already in the public domain—it may cost a fortune to obtain it, but that is an argument for another day.

As I have said, information such as I seek publication of is routinely published across Europe. It would give us a better understanding of the age profile of forest owners and their gender. I understand that gender has been an important issue in recent debates on agriculture and farm occupation, given the need to encourage more women into agriculture. We also need to encourage more women into forestry, so having an idea of the gender breakdown of forest owners is important. There are countries in Europe, including Hungary and Bulgaria—my head is too full of other matters to give a full list—that have very high levels of women engaged in the ownership of forest holdings.

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** What gender would be attributed to a company that has ownership?

**Andy Wightman:** Another category of information that could be collected is the characteristics of the legal owner—whether it is a partnership, a limited liability partnership, a company limited by guarantee, a Scottish limited partnership or a Scottish charitable incorporated organisation. All legal persons would not be asked the question, and they would not be required to deliver an answer, on the gender of a Scottish charitable incorporated organisation. [*Interruption.*]

I ask members to listen carefully to what I have to say about amendment 7C. I was minded to support amendment 7C, which would change the word "ownership" to "proprietorship". However, I specifically asked the cabinet secretary to address the significance of such a change, in his mind, and I did not hear an answer. "Proprietorship" is far more closely associated with the actual identity of the owner of land, and that is not the intention of amendment 7, as I said. I am not interested in the identity of who owns forest land. My amendment is

about gathering information on the broad characteristics of forest land ownership.

Therefore, having failed to hear any clarification from the cabinet secretary, and having heard that he continues to believe that amendment 7 would require the gathering of detailed information about ownership at an incredibly high cost, I will vote against amendment 7C. I want the word “ownership” to remain in amendment 7.

I repeat that subsection (1) of the new section that amendment 7 would insert in the Forestry and Land Management (Scotland) Bill would place a duty on the Scottish ministers to

“gather and publish in such manner as they consider appropriate information on forest holdings”.

I really do not understand how words that are specifically designed to frame a duty in the widest possible terms, to give ministers the widest possible latitude as to the manner in which they choose to gather and publish information, should be so problematic. I press amendment 7.

**Fergus Ewing:** This debate has not been without interest and I want to reply to some of the points that have been made.

First, Mr Wightman says that he is not interested in information about ownership. That is a surprise to me, because his amendment 7 would insert a new section, entitled “Duty to publish information on forestry”, subsection (2) of which says:

“The information to be gathered must include in particular information on the ... Ownership”

of forest holdings. I am generally perplexed as to how Mr Wightman reconciles his statement that he is not interested in the ownership of land with the fact that in his amendment he calls on the Scottish Government to publish information about ownership.

**Andy Wightman:** May I help, minister?

**Fergus Ewing:** Please try.

**Andy Wightman:** I made clear in my opening remarks and again a moment ago that nothing in amendment 7 is designed to place a duty on ministers to publish detailed information about the identity of owners. That is not the purpose of the amendment. As I said, SPICe published information on the ownership of Scottish woodland in figure 8 in its briefing, “Scottish Forestry”, to which I referred earlier. Figure 8, which is entitled “Breakdown of Scottish woodland by ownership”, is a pie chart. It is very straightforward, and I think that we could do with a bit more information; the 67 per cent of woodland that is owned by “Other” could be broken down a little further. That is information on ownership, and if a minister in this Administration wishes to fulfil the duty to gather and publish information in such a manner as he

considers appropriate by producing a pie chart, I will be perfectly content that that meets the spirit and intent of the legislation.

**Fergus Ewing:** None of that really answers my question about why, if the member is not interested in ownership, amendment 7 would require ministers to publish information about ownership.

I also point out that subsection (4) of the new section that amendment 7 would insert says:

“Regulations ... may in particular make provision about whether the information is to be in the form of a statistically representative sample of, or comprehensive information on, all such forest holdings.”

Anyone with a passing familiarity with statistics knows that to provide a representative sample, one must first establish the identity of the whole population.

15:45

That is why I sought expert advice, and that advice comes from the keeper of the registers of Scotland. If this Parliament and the Opposition parties choose vote for the amendments, they will be creating law—a legal obligation—and we, as ministers, will obviously be required to respect and comply with that. The way in which that would be done in Scotland would be to invite the Registers of Scotland to identify any information about ownership that is required.

I will point out a few other pieces of information that I hope will persuade members that Mr Wightman’s arguments should not be accepted. He appears to argue that information about ownership of land is held within IACS data. That is not the case. It is not the purpose or the ambition of the IACS system to capture information about the legal owner of land. He appears to believe that the rural payments and inspections directorate would be able to provide information about ownership. That is not correct. The purpose of the RPID is to administer the rural payments system.

To get any information about ownership—and plainly the proposed new section specifically imparts on us an obligation to get information about ownership, although it does not go on to say precisely what information we should get, which is what we are trying to improve—we have to consult the keeper of the registers of Scotland. The keeper has identified that there are 17,500 holdings in excess of 5 hectares and a very large number under 5 hectares. Plainly, the keeper would have to get information about all those holdings, apparently within a period of three years. In her letter, the keeper’s accountable officer states that the impact of the additional work that that would require could detract from other priorities, such as completing the land register and

implementing the new register of controlling interests.

Finally, references have been made to the fact that the information from the keeper has been presented late. That is because these matters were not canvassed at stages 1 and 2, when, frankly, they should have been canvassed in detail, with costings. Those costings are not available to Parliament.

If Opposition members, as they are quite entitled to do, vote for the amendments today, they will be responsible—

**John Finnie:** Will the member give way?

**Fergus Ewing:** I am just concluding. Those members will be responsible for whatever that uncosted amount will be, and for whatever diversion there may be of public servants from other essential work that they must carry out.

*Amendment 7A agreed to.*

**The Presiding Officer:** I call amendments 7B, 7C, 7D and 7E, all in the name of the cabinet secretary and all previously debated. I invite the cabinet secretary to move—*[Interruption.]* No, no, I am just going to ask the cabinet secretary to move the amendments en bloc, but we will vote on them individually.

*Amendments 7B to 7E moved—[Fergus Ewing].*

**The Presiding Officer:** Thank you very much to all the experts in the chamber. *[Laughter.]*

*Amendment 7B agreed to.*

**The Presiding Officer:** The question is, that amendment 7C be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)

Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wells, Annie (Glasgow) (Con)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

Whittle, Brian (South Scotland) (Con)  
Yousaf, Humza (Glasgow Pollok) (SNP)

### Against

Baillie, Jackie (Dumbarton) (Lab)  
Baker, Claire (Mid Scotland and Fife) (Lab)  
Beamish, Claudia (South Scotland) (Lab)  
Bibby, Neil (West Scotland) (Lab)  
Cole-Hamilton, Alex (Edinburgh Western) (LD)  
Dugdale, Kezia (Lothian) (Lab)  
Fee, Mary (West Scotland) (Lab)  
Findlay, Neil (Lothian) (Lab)  
Finnie, John (Highlands and Islands) (Green)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Gray, Iain (East Lothian) (Lab)  
Greer, Ross (West Scotland) (Green)  
Griffin, Mark (Central Scotland) (Lab)  
Harvie, Patrick (Glasgow) (Green)  
Johnson, Daniel (Edinburgh Southern) (Lab)  
Johnstone, Alison (Lothian) (Green)  
Kelly, James (Glasgow) (Lab)  
Lamont, Johann (Glasgow) (Lab)  
Lennon, Monica (Central Scotland) (Lab)  
Macdonald, Lewis (North East Scotland) (Lab)  
Marra, Jenny (North East Scotland) (Lab)  
McArthur, Liam (Orkney Islands) (LD)  
McDonald, Mark (Aberdeen Donside) (Ind)  
McNeill, Pauline (Glasgow) (Lab)  
Rennie, Willie (North East Fife) (LD)  
Rowley, Alex (Mid Scotland and Fife) (Lab)  
Rumbles, Mike (North East Scotland) (LD)  
Ruskell, Mark (Mid Scotland and Fife) (Green)  
Sarwar, Anas (Glasgow) (Lab)  
Scott, Tavish (Shetland Islands) (LD)  
Smith, Elaine (Central Scotland) (Lab)  
Smyth, Colin (South Scotland) (Lab)  
Stewart, David (Highlands and Islands) (Lab)  
Wightman, Andy (Lothian) (Green)

**The Presiding Officer:** The result of the division is: For 90, Against 34, Abstentions 0.

*Amendment 7C agreed to.*

*Amendment 7D agreed to.*

**The Presiding Officer:** The question is, that amendment 7E be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

Adam, George (Paisley) (SNP)  
Adamson, Clare (Motherwell and Wishaw) (SNP)  
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
Arthur, Tom (Renfrewshire South) (SNP)  
Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
Campbell, Aileen (Clydesdale) (SNP)  
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
Constance, Angela (Almond Valley) (SNP)  
Crawford, Bruce (Stirling) (SNP)  
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
Denham, Ash (Edinburgh Eastern) (SNP)  
Dey, Graeme (Angus South) (SNP)  
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
Dornan, James (Glasgow Cathcart) (SNP)  
Ewing, Annabelle (Cowdenbeath) (SNP)  
Ewing, Fergus (Inverness and Nairn) (SNP)  
Fabiani, Linda (East Kilbride) (SNP)

FitzPatrick, Joe (Dundee City West) (SNP)  
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
Gibson, Kenneth (Cunninghame North) (SNP)  
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
Harper, Emma (South Scotland) (SNP)  
Haughey, Clare (Rutherglen) (SNP)  
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
Hyslop, Fiona (Linlithgow) (SNP)  
Kidd, Bill (Glasgow Anniesland) (SNP)  
Lyle, Richard (Uddingston and Bellshill) (SNP)  
MacDonald, Angus (Falkirk East) (SNP)  
MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
Mackay, Derek (Renfrewshire North and West) (SNP)  
Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
Maguire, Ruth (Cunninghame South) (SNP)  
Martin, Gillian (Aberdeenshire East) (SNP)  
Mason, John (Glasgow Shettleston) (SNP)  
Matheson, Michael (Falkirk West) (SNP)  
McAlpine, Joan (South Scotland) (SNP)  
McKee, Ivan (Glasgow Provan) (SNP)  
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
McMillan, Stuart (Greenock and Inverclyde) (SNP)  
Neil, Alex (Airdrie and Shotts) (SNP)  
Paterson, Gil (Clydebank and Milngavie) (SNP)  
Robison, Shona (Dundee City East) (SNP)  
Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
Russell, Michael (Argyll and Bute) (SNP)  
Somerville, Shirley-Anne (Dunfermline) (SNP)  
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
Stewart, Kevin (Aberdeen Central) (SNP)  
Sturgeon, Nicola (Glasgow Southside) (SNP)  
Swinney, John (Perthshire North) (SNP)  
Todd, Maree (Highlands and Islands) (SNP)  
Torrance, David (Kirkcaldy) (SNP)  
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
Wheelhouse, Paul (South Scotland) (SNP)  
White, Sandra (Glasgow Kelvin) (SNP)  
Yousaf, Humza (Glasgow Pollok) (SNP)

### Against

Baillie, Jackie (Dumbarton) (Lab)  
Baker, Claire (Mid Scotland and Fife) (Lab)  
Balfour, Jeremy (Lothian) (Con)  
Ballantyne, Michelle (South Scotland) (Con)  
Beamish, Claudia (South Scotland) (Lab)  
Bibby, Neil (West Scotland) (Lab)  
Bowman, Bill (North East Scotland) (Con)  
Briggs, Miles (Lothian) (Con)  
Burnett, Alexander (Aberdeenshire West) (Con)  
Cameron, Donald (Highlands and Islands) (Con)  
Carlaw, Jackson (Eastwood) (Con)  
Carson, Finlay (Galloway and West Dumfries) (Con)  
Chapman, Peter (North East Scotland) (Con)  
Cole-Hamilton, Alex (Edinburgh Western) (LD)  
Corry, Maurice (West Scotland) (Con)  
Davidson, Ruth (Edinburgh Central) (Con)  
Dugdale, Kezia (Lothian) (Lab)  
Fee, Mary (West Scotland) (Lab)  
Findlay, Neil (Lothian) (Lab)  
Finnie, John (Highlands and Islands) (Green)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Golden, Maurice (West Scotland) (Con)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Gray, Iain (East Lothian) (Lab)

Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)

**The Presiding Officer:** The result of the division is: For 60, Against 64, Abstentions 0.

*Amendment 7E disagreed to.*

**The Presiding Officer:** I invite Andy Wightman to press or withdraw amendment 7.

**Andy Wightman:** I press amendment 7.

**The Presiding Officer:** The question is, that amendment 7, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baillie, Jackie (Dumarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)

Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)

Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 64, Against 60, Abstentions 0.

*Amendment 7, as amended, agreed to.*

### **Section 16—Compulsory purchase of land**

**The Presiding Officer:** We move to group 6. Amendment 1, in the name of Edward Mountain, is grouped with amendment 8.

**Edward Mountain (Highlands and Islands) (Con):** I declare an interest as a member of a farming partnership.

I will speak to amendment 1, in my name, and amendment 8, in the name of the cabinet secretary. Amendment 1 seeks to remove from section 16 the provision on the compulsory acquisition of land for sustainable development. The Forestry Act 1967 contains the provision on compulsory purchase of land for forestry, which

the Rural Economy and Connectivity Committee was told in evidence had never been used. It was suggested that its use might have been threatened on one occasion, but no details of that were ever given.

In its stage 1 report, the majority of the REC Committee supported the compulsory purchase powers for forestry but did not support those for sustainable development, yet the cabinet secretary still seeks to enhance the unused compulsory purchase powers so that they extend beyond forestry to sustainable development. One must ask about the reasonableness of the proposal. Is it reasonable to ask for more powers to supplement the existing unused powers? I propose that it is not.

The REC Committee was told of a hypothetical scenario in which compulsory purchase powers might be needed for sustainable development. I could not follow the example that was given.

I am sure that the cabinet secretary knows that there are nine different ways in which compulsory purchase powers can be used. They can be used under sections 189 and 190 of the Town and Country Planning (Scotland) Act 1997 and under the Enterprise and New Towns (Scotland) Act 1990, the Housing (Scotland) Act 1987, the National Parks and Access to the Countryside Act 1949, the Natural Heritage (Scotland) Act 1991, the Ancient Monuments and Archaeological Areas Act 1979, the Wildlife and Countryside Act 1981 and the Land Reform (Scotland) Act 2003. Given that all those options exist, we do not believe that the cabinet secretary has proven the need for additional compulsory purchase powers that widen the scope of the powers in the original 1967 act.

Therefore, as a group, although we accept that there might remotely be a need for compulsory purchase powers for forestry, we see no need to widen the scope of the existing powers and provide supplementary compulsory purchase powers for sustainable development. I remind members that the 1967 act has been in force for 51 years, which gives a good idea of whether the powers are needed.

We will support amendment 8 in the name of the cabinet secretary.

I move amendment 1.

**Fergus Ewing:** Amendment 8 is a technical amendment lodged following helpful discussions with Mr Rumbles about his amendments 1 to 3 at stage 2. I supported amendment 1 at stage 2 and agreed to support amendments 2 and 3 on the understanding that they were consequential.

In doing so, I indicated that I wished to examine the effect of amendments 2 and 3 before stage 3 to understand whether they would have any

unintended consequences. That scrutiny revealed that amendment 3 was not consequential to amendment 1. I have discussed that and my rationale for seeking to remove the provision from the bill with Mr Rumbles, and I hope that he will be able to support amendment 8 accordingly.

My amendment has no effect on the policy outcome sought and achieved by Mr Rumbles's amendments 1 and 2 at stage 2. I fully support the objectives of those amendments. They amended the bill to require the forestry strategy to include objectives, priorities and policies with respect to the acquisition and disposal of land and to require Scottish ministers to have regard to the strategy when disposing of forested land. Those are helpful and constructive additions to the bill.

Moreover, a further safeguard has now been built into the bill through Mr Finnie's amendments at stage 2, which restrict the application of income from disposals of land, including the national forest estate, solely for purposes within the functions of the bill. That ensures that there are appropriate checks and balances that I trust are sufficient to have similar effect to that which Mr Rumbles was seeking to achieve.

On amendment 1, I recognise that the power has attracted considerable interest, and I have listened carefully to the concerns that some continue to hold. I believe that they are based on a misunderstanding of the legal effect of the power. I hope to allay those concerns today by setting the power in context and clarifying its scope.

There is nothing unusual in having compulsory purchase powers. They are a necessary and common part of the statutory landscape and there are more than 20 acts that include such powers in Scotland. Indeed, some of those—ranging from the Education (Scotland) Act 1980 to the Roads (Scotland) Act 1984 and the Enterprise and New Towns (Scotland) Act 1990—were passed by the Conservatives when in Government in a different era, under a leader who I do not recall as being a noted land reform campaigner. They broadly still have effect today.

In some acts, such as the National Parks (Scotland) Act 2000 and the Land Reform (Scotland) Act 2003, which were passed by the previous Labour-Liberal Democrat Administrations, the inclusion of such powers did not seem controversial. Nor indeed was their inclusion controversial in acts such as the Flood Risk Management (Scotland) Act 2009, which was introduced by an SNP Government.

Powers of compulsory purchase are rarely used, and Mr Mountain is correct in that respect. They are a power of last resort, but that is not an argument to support their removal from the bill. They are a useful power to have, and the

existence of those powers informs and influences transactions, enabling negotiations with private landowners to reach a satisfactory and affordable conclusion. Indeed, my clear recollection is that that argument may have held sway with some members of the REC Committee when it considered the matter before.

I am concerned that there is a misunderstanding about the extent of the power and that some believe it to be an unfettered power for ministers to buy property that they simply want to manage. If that were the case, I would agree that it would be a matter of concern. However, it is not the case. I am happy to provide assurances on the scope of the power.

The section 16(1)(b) power—to acquire land compulsorily for the purposes of furthering sustainable development—does not give ministers powers to compulsorily purchase land where there is no connection to land already managed under the duty at section 13. Ministers will be able to use the power to purchase land only when that land is required by ministers to exercise an existing land management function under the bill. To put it another way, ministers will be able to use it only to purchase land that is required to help them to manage land that they are already managing.

16:00

The power is provided to support the new duties placed on ministers by section 13 to manage non-forested land for the purposes of furthering the achievement of sustainable development. Around one third of the national forest estate—216,000 hectares of land—is non-forested land that will be managed under the section 13 duty. Mr Mountain's amendment 1 would mean that ministers would not have a specific power of CPO to support management of that substantial land holding. The situation of a ransom strip might arise in relation to that land, as it could for forested land. There may be issues with access to a site or management of a particular ecosystem for environmental considerations or issues with unlocking a piece of land's economic potential.

It is not at all clear that current powers would cater for all the situations that the new agency may face, such as if important mineral deposits were found on ministers' land. This power would be clear in its scope. It is purely for the purpose of facilitating sustainable development on land that is already managed by ministers and it would be proportionate in its application due to the existing very strict tests that must be met when exercising any CPO powers.

Scottish ministers could be placed at a significant disadvantage in negotiating a land transaction for public good with a private

landowner if the CPO power is not there as a backstop. From the manner in which he spoke to his amendment, I am sure that that is not Mr Mountain's intention. That position seems inconsistent and anomalous when set against the context of there being general support for ministers to have a CPO power to manage land under section 9. That land includes the two thirds of the national forest estate that is forested.

There is a robust procedure for the exercise of the power of compulsory purchase, which is set out in the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947. The bill provides for use of that existing, established procedure. The exercise of the power requires public notice of the intent to purchase and notices to be given to owners, lessees and occupiers. There is the opportunity for objections to be made. A local inquiry can be held if necessary, which will weigh the public benefit of the order against the private interests of those with an interest in the land, and ultimately a challenge can be made through the Court of Session. There is a robust process that no acquiring authority, including Scottish ministers, embarks on lightly in deploying the use of any compulsory purchase power, and there would be no exception in this case.

At stage 2, colleagues from the Greens and the Labour Party were pleased to vote for compulsory purchase powers; I await with interest their contributions this afternoon.

I ask Mr Mountain not to press amendment 1 and I ask members not to support it if it is pressed.

**Mike Rumbles:** I rise in support of Edward Mountain's amendment 1 to remove the mention of section 13 from section 16, on the compulsory purchase of land.

So that members know exactly what is going on here, I will tell them that we took a lot of evidence on this at stage 1 and it was quite clear that in transferring powers from the 1967 act into this bill, we are transferring compulsory purchase powers that the Government already has.

Because we are getting into sustainable development, the proposal is to expand the compulsory purchase powers of ministers again. When we took evidence about that, we heard that compulsory purchase power in the 1967 act has never been used in the half a century since it was passed.

**Bruce Crawford (Stirling) (SNP):** So why are you opposing it?

**Mike Rumbles:** I have been asked why I oppose the Government proposal. I will tell members why—it is because there is a theme to what ministers do. From my experience of previous ministers in the coalition Government, I

know that ministers of any party—not specifically the SNP—want to gather in ministerial power and take power away from Parliament. It is happening again here. It will happen again in tomorrow's stage 3 debate. *[Interruption.]* Whether members like this or not—

**Bruce Crawford:** Will the member give way?

**Mike Rumbles:** Absolutely.

**Bruce Crawford:** I have been listening to the debate very carefully and I have looked at page 4 of the bill. It is about the minister taking a power for the

“Management of land to further sustainable development”.

For the life of me, I cannot understand where the harm is in the minister taking a power “to further sustainable development”. Can the member please explain to me where the harm is in that? I am, frankly, bamboozled by the approach that is being taken in amendment 1.

**Mike Rumbles:** I am happy to explain to the member, because he obviously has difficulty in following this. *[Interruption.]* Well, he does, does he not? That is what he has just said. *[Interruption.]* He asked the question and I am trying to answer the question—if members will let me.

The proposal is to expand the power of ministers. When I discussed the matter with the ministers' team and challenged them, asking what use could be made of the power, the only response was, “Well, we want to future proof this.”

**Bruce Crawford:** The question that I asked Mike Rumbles quite clearly was about what harm is caused by giving the power to the minister in the circumstances outlined, particularly as it would give him the power “to further sustainable development”. Can the member please tell me what harm there is in that?

**Mike Rumbles:** I am a parliamentarian, as is Bruce Crawford, and it is Parliament's duty to do the sort of thing that I am doing, because power must be given to ministers only sparingly. When Parliament gives power to ministers, we must be very careful about what we are allowing ministers to do. The fact is that the power that was given in the 1967 act has not been used in half a century. I say to Mr Crawford that the question, surely, is why the minister wants the power. That is the question that I have been asking. Why does the minister want the power? To that question there has been no answer.

I am not even sure that transferring the power from the 1967 act is a responsible thing to do. In a spirit of compromise, I am happy to allow that power to be transferred, but I am not happy to have the power increased. We are in a stage 3

debate and it is very important that the Parliament realises what the minister is trying to do here, because it is going to be reflected in the stage 3 debate that we will have tomorrow. We are discussing the power in section 13 of this bill, but section 13 of the bill that we will discuss in tomorrow's stage 3 debate is even more important. That is why I am getting exercised about the issue. The Parliament should not be giving ministers powers that they do not know what to do with. I therefore support Edward Mountain's amendment 1.

**Peter Chapman:** I speak in support of my colleague Edward Mountain's amendment 1, and I will be brief. Compulsory purchase for sustainable development is a red line as far as the Conservative group is concerned. We have said all along that the compulsory purchase powers in the existing legislation will remain and will be rolled over into this new bill, so compulsory purchase powers will be there. However, as Mike Rumbles has said, those powers have never been used in 50 years. We are amazed that the cabinet secretary now thinks that he needs additional powers.

Further, as sustainable development has never been explained in a proper manner, in terms of what it actually means in practice, we would be opening the door to forced compulsory purchase for almost any situation that the cabinet secretary chose to support. To answer Bruce Crawford's question: that is the danger.

**Stewart Stevenson:** Will the member take an intervention?

**Peter Chapman:** No.

It would be open to the cabinet secretary to use the power in any situation. That is totally unacceptable and it must be resisted at all costs.

**Fergus Ewing:** First, I am somewhat taken aback by the degree of controversy attaching to an issue that has not given concern to Parliaments here or at Westminster during every decade since the second world war. I have a list of the acts concerned in my hand; I will not go through them, but there are 24 of them. Under Labour Governments, Tory Governments and Scottish National Party Governments—I think that there was even a Liberal Government for a while—every Parliament has passed bills in which, if there was any conceivable need for the compulsory purchase power, it was granted. I personally cannot remember any controversy in the Scottish Parliament about previous legislation in which we sought to confer the power of compulsory purchase.

Secondly, the fact that the power has not been used does not mean that it is not required. That point is very simple. All of us who, in our previous

professional lives, were involved in negotiating know that the power exists as a backstop to ensure that, where land is required for a new road or railway development, for example, there are powers to force the deal to a conclusion. That is why there are compulsory powers, and they cross all functions of Government and have never been controversial previously.

I turn to land reform, because we are talking about land reform. I am surprised that we have not heard from the Labour Party or the Greens in this debate, because it is specifically about providing the possibility of compulsory purchase powers when the land reform provisions of the bill come into play. I was pleased that I got the support of Rhoda Grant and John Finnie—members of the committee—on the issue at stage 2. At that time, I thought that it was a routine expectation that the Labour Party and the Scottish Green Party would support compulsory purchase powers for land reform.

**Bruce Crawford:** I am a bit surprised by the cabinet secretary's direction. I have not heard from the Green Party on amendment 1. Is the cabinet secretary suggesting that the Greens will vote for it and not allow him the power to purchase land for sustainable development reasons? Is that really the situation that we are in?

**Fergus Ewing:** The Greens and I will be happy that I do not speak for their party. I am afraid that I do not know what is in their minds. However, I find it a bit odd that, like the case of the dog that did not bark in the night, we have the case of the land reform parties that have not spoken in the debate. There will be a lot of explaining to do should it emerge—I cannot imagine that this will happen—that parties that have supported land reform for decades have suddenly abandoned it to do a deal with the Conservatives.

**Edward Mountain:** I always bow to the cabinet secretary's knowledge of compulsory purchase. I suggested that there were such powers in nine acts. When he started his speech, he said that there were 20 and, when he concluded, there were 24. They seem to be multiplying. Therefore, I cannot see the need for legislation to cover compulsory purchase for sustainable development. We still have not been given any examples of why the power is needed. I reiterate to the Parliament that it is abundantly clear that the Conservatives have understood the need for compulsory purchase as a backstop for forestry. However, we will never accept a power grab for more powers the need for which we do not understand.

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

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)

**Against**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)

Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 63, Against 61, Abstentions 0.

*Amendment 1 agreed to.*

### Section 17—Power to dispose of land

*Amendment 8 moved—[Fergus Ewing]—and agreed to.*

### Section 22—Key terms in Part 4

**The Presiding Officer:** Amendment 9, in the name of the cabinet secretary, is grouped with amendments 13 to 21, 25, 27 and 28.

**Fergus Ewing:** The amendments in the group seek to improve our ability to respond when investigating illegal felling. They reflect the input of conservancy staff and will provide them with a stronger statutory underpinning to take action more effectively to tackle potential illegal felling.

**Edward Mountain:** On a point of order, Presiding Officer. I do not want to stop the cabinet secretary, but I am struggling to hear him. I would like to hear what is being said, if possible.

**The Presiding Officer:** That is a very good point, Mr Mountain. I ask members to keep the noise down when they are leaving the chamber.

16:15

**Fergus Ewing:** The amendments, which complement existing powers of entry by allowing a halt to be imposed on the felling operation by way of a temporary stop notice, will enable staff to safely gain access to the site that is under investigation. Notices will require felling to stop and are underpinned by an offence that is in line with other offences in the bill. Safeguards are built into the amendments. For example, notices can last no longer than 28 days and, where it transpires that felling was, in fact, permitted, any losses may be compensated.

Illegal felling is a particular concern in ancient and semi-natural woodlands, which means that it disproportionately affects those with high biodiversity value or those that have particular value to local communities. Illegal felling is a deforestation and environmental impact issue. However, the use of the powers of entry is an issue of safety—the safety of staff. The notices are important in order to maximise our chances of addressing the former without compromising the latter. They are proportionate and necessary to enable us to protect woodlands but also, crucially, staff. I urge members to support them.

I move amendment 9.

**Graeme Dey:** I am grateful for the opportunity to speak in support of the amendments, which relate to the introduction of temporary stop notices. I urge members to back these amendments today because, from a frankly appalling local experience, I know that there is an absolute need for them.

A few short weeks ago, Monikie, in my constituency, was the site of an act of what can be described only as environmental vandalism, when a developer all but destroyed an amenity woodland as Angus Council stood by, claiming that it had no locus. Not only were the trees felled on an unacceptable scale, but a variety of biodiversity was destroyed—biodiversity that had been supported by public money. Local residents had raised concerns over the developers felling a small number of Scots pine and willow trees but, as the Forestry Commission Scotland sought to identify the owner of the site and instruct them to desist, in the absence of a felling licence, the developer took a digger into the woodland and decimated it, in spite of a request from our local wildlife crime officer to stop.

I commend the efforts of the Forestry Commission, Scottish Natural Heritage and Police Scotland on the issue, and welcome the fact that an environmental impact assessment enforcement notice has now been served on the owner. However, it would have been much better if we had been able to prevent what happened rather than having to seek to force the perpetrator to restore the woodland, in so far as that can be done.

As things stand, Forestry Commission staff can alert operators that they may be acting illegally and that there is an intention to access the site, but those warnings can be ignored or can perhaps even spur the operator on to complete felling before it is stopped. The amendments will strengthen the hand of the Forestry Commission and I urge the Parliament to support them. We cannot turn back the clock in Monikie, but we can ensure that regulatory staff are in a stronger position to prevent something similar from happening elsewhere in the future.

I urge Parliament to support the amendments.

**Edward Mountain:** One of the key issues with temporary stop notices, which are dealt with by this group of amendments, is a test of reasonableness. I say at the outset that the amendments stumble at that hurdle, for the simple reason that they were submitted only shortly before the Government deadline for amendments. As a member of the Rural Economy and Connectivity Committee—I stress that I speak as a member, not as the convener—I am extremely disappointed that the cabinet secretary considers that it is in any way appropriate to lodge amendments that cannot have any proper parliamentary or committee scrutiny. To me, that demonstrates a lack of respect and a complete lack of thought by the Government bill team.

In the situation in which we find ourselves, in which there has been no scrutiny of the amendments or explanation of the requirement for

them, I have tried to examine the rationale for their introduction. The only situation in which a temporary stop notice would apply, as explained in amendment 13, is one in which

“the felling is not carried out in accordance with a felling permission, a felling direction, a restocking direction, a registered notice to comply, a remedial notice, or a registered remedial notice”.

Owners who act in such a way would be acting unreasonably. If an owner or contractor is willing to go against what has been agreed, even when it has been pointed out to them, that is wrong. I have no way of assessing how often that has happened in Scotland in the recent past; that is why it would have been good to discuss the matter in the committee. Therefore, we are in a quandary. We have to make a decision to support or oppose the amendments based on a lack of detail. In fact, in my 15 years of experience of being a land manager, I would say that I have never seen such a situation arise. However, perhaps that is because I am reasonable.

Having said that, I could conceive of situations—such as the one that Mr Dey pointed out—in which some people might be unreasonable. As the notices have a time limit and there is provision for compensation, we are prepared to accept this late and unscrutinised group of amendments.

**Fergus Ewing:** I am pleased that the measures have found support and that we are agreeing to implement them, not least because they emanate from a staff member in one of the conservancies, who identified the need for temporary stop notices for the sake of staff safety and good silvicultural practice. I commend the amendments to members.

*Amendment 9 agreed to.*

#### After section 28

**The Presiding Officer:** Amendment 10, in the name of the cabinet secretary, is grouped with amendments 11, 12 and 22.

**Fergus Ewing:** The bill provides for felling permissions to be granted with or without conditions. Those conditions may be varied or revoked. For example, conditions relating to when someone may fell can be adjusted if necessary after permission has been granted.

The amendments seek to introduce some flexibility, in limited circumstances, in felling permissions, which is consistent with our aim to create a modern and adaptive regime to support a modern and adaptable sector. I give the assurance that we will be reasonable and proportionate in the exercise of these powers, but to offer further reassurance I will set out the safeguards that are built into the amendments.

Variation will be possible in two circumstances: first, with the agreement of the permission holder or possibly even at their request; and secondly, where we believe that, in order to prevent or minimise harm to the environment or any living thing, felling should stop immediately or not begin.

Suspension of a felling permission will also be possible in two distinct circumstances: either where compliance with the permission is in question and in order to investigate any harm to the environment or any living thing felling must stop immediately or not begin; or where it is necessary to suspend felling specifically in order to prevent or minimise such a harm. Revocation will be possible only where the risk to the environment or any living thing is such that felling must stop immediately or not begin and there is no other solution. The limited circumstances in which those powers can be used will protect permission holders and guarantee that the powers are used proportionately. All those decisions will be open to appeal.

I move amendment 10.

**Edward Mountain:** These amendments, too, were published very late in the day and have received no scrutiny by Parliament or indeed the Rural Economy and Connectivity Committee, of which I am a member. The amendments stumble on the first hurdle of reasonableness, and I have no option but to criticise the Government and the cabinet secretary for allowing that to happen. Good legislation is that which has been through the full process of scrutiny, and these amendments have not been through that process.

My concern is that the timber grower who has entered into a legal agreement with the regulatory body will be faced with that body having the right to withdraw unilaterally from that agreement for as long as they want—potentially indefinitely—without agreeing to review or compensate. Those who know the industry realise that much work—for example improvements to roads, loading areas and stacking areas—often goes on before the actual felling takes place. All such work incurs costs, which, should the process of suspension or revocation be allowed to proceed, will remain uncompensated.

According to the bill, variation, revocation and suspension can be implemented if there is

“harm to the environment or to any living thing”.

What is the definition of harm “to any living thing”? It makes me wonder whether members of the Government bill team have ever seen a 20 tonne forwarder at work in a forest. I would go further. Have they ever seen a tree being felled? Either operation will result in harm to a living thing, including the tree, which is one of the definitions that the cabinet secretary used at the Rural

Economy and Connectivity Committee. The definition is so wide that any felling could be used as a trigger to launch a variation, revocation or suspension.

For those reasons, we cannot support the amendments in this group. What a pity it is that the cabinet secretary did not bring them forward at the outset, so that a solution to the problems that I have identified here could have been found earlier, in which case we might have been able to support them.

**Fergus Ewing:** I make the following points on the proportionate use of powers. The overarching aim of the powers is to allow the forestry regulator to act where there is an overriding conservation concern. Ministers would exercise the powers reasonably and proportionately—as they must, of course, exercise all powers. In addition, the threshold tests that are built into all three new sections should give comfort. For example, the power to revoke may be used only where there are no other options, which is right and proper.

Mr Mountain asked about the definition of “any living thing”. References to

“the environment or to any living thing”

frame powers that ministers must exercise reasonably and proportionately, which is a test that is used in other legislation. For example, in freshwater fisheries the overarching aim is conservation, so ministers would exercise the power with a view to protecting both species and the environment.

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

**Members:** No.

**The Presiding Officer:** There will be a division. As this the first division on the group, it will be a one-minute division.

**For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)

Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

Wightman, Andy (Lothian) (Green)  
Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Balfour, Jeremy (Lothian) (Con)  
Ballantyne, Michelle (South Scotland) (Con)  
Bowman, Bill (North East Scotland) (Con)  
Briggs, Miles (Lothian) (Con)  
Burnett, Alexander (Aberdeenshire West) (Con)  
Cameron, Donald (Highlands and Islands) (Con)  
Carlaw, Jackson (Eastwood) (Con)  
Carson, Finlay (Galloway and West Dumfries) (Con)  
Chapman, Peter (North East Scotland) (Con)  
Cole-Hamilton, Alex (Edinburgh Western) (LD)  
Corry, Maurice (West Scotland) (Con)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Greene, Jamie (West Scotland) (Con)  
Halcro Johnston, Jamie (Highlands and Islands) (Con)  
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
Harris, Alison (Central Scotland) (Con)  
Kerr, Liam (North East Scotland) (Con)  
Lindhurst, Gordon (Lothian) (Con)  
Lockhart, Dean (Mid Scotland and Fife) (Con)  
Mason, Tom (North East Scotland) (Con)  
McArthur, Liam (Orkney Islands) (LD)  
Mitchell, Margaret (Central Scotland) (Con)  
Mountain, Edward (Highlands and Islands) (Con)  
Rennie, Willie (North East Fife) (LD)  
Rumbles, Mike (North East Scotland) (LD)  
Scott, John (Ayr) (Con)  
Scott, Tavish (Shetland Islands) (LD)  
Simpson, Graham (Central Scotland) (Con)  
Smith, Liz (Mid Scotland and Fife) (Con)  
Tomkins, Adam (Glasgow) (Con)  
Wells, Annie (Glasgow) (Con)  
Whittle, Brian (South Scotland) (Con)

**Alexander Stewart (Mid Scotland and Fife) (Con):** Presiding Officer, my terminal is not working. [*Interruption.*]

**The Presiding Officer:** I hear the point that Mr Stewart makes, but perhaps if I read the result of the vote, the member could take a view. I note, for the record, that Mr Stewart tried to vote in the division and was not able to. [*Interruption.*] I am not rerunning the division.

The result of the division is: For 89, Against 32, Abstentions 0.

*Amendment 10 agreed to.*

**The Presiding Officer:** If any member's terminal is not working, I urge them simply to find another one that is.

*Amendments 11 to 22 moved en bloc—[Fergus Ewing].*

**The Presiding Officer:** Does any member object to a single question being put on amendments 11 to 22?

**Members:** No.

**The Presiding Officer:** The question is, therefore, that amendments 11 to 22 be agreed to. Are we agreed? We are agreed. [*Interruption.*]

I am sorry—did we not agree to amendments 11 to 22? Did Conservative members say no? [*Interruption.*] Wait a second, please—we have to hear what members are saying, if I did not hear them correctly. I asked first of all whether the amendments could be moved en bloc. No one objected, so they were moved en bloc. The question was then that amendments 11 to 22 be agreed to. Are we agreed?

**Members:** No.

16:30

**The Presiding Officer:** In that case, I will have to put a question on each of the amendments.

The question is, that amendment 11 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. Just to be clear, this vote is on amendment 11.

#### For

Adam, George (Paisley) (SNP)  
Adamson, Clare (Motherwell and Wishaw) (SNP)  
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
Arthur, Tom (Renfrewshire South) (SNP)  
Baillie, Jackie (Dumbarton) (Lab)  
Baker, Claire (Mid Scotland and Fife) (Lab)  
Beamish, Claudia (South Scotland) (Lab)  
Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
Bibby, Neil (West Scotland) (Lab)  
Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
Campbell, Aileen (Clydesdale) (SNP)  
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
Constance, Angela (Almond Valley) (SNP)  
Crawford, Bruce (Stirling) (SNP)  
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
Denham, Ash (Edinburgh Eastern) (SNP)  
Dey, Graeme (Angus South) (SNP)  
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
Dornan, James (Glasgow Cathcart) (SNP)  
Dugdale, Kezia (Lothian) (Lab)  
Ewing, Annabelle (Cowdenbeath) (SNP)  
Ewing, Fergus (Inverness and Nairn) (SNP)  
Fabiani, Linda (East Kilbride) (SNP)  
Fee, Mary (West Scotland) (Lab)  
Findlay, Neil (Lothian) (Lab)  
Finnie, John (Highlands and Islands) (Green)  
FitzPatrick, Joe (Dundee City West) (SNP)  
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
Gibson, Kenneth (Cunninghame North) (SNP)  
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Gray, Iain (East Lothian) (Lab)  
Greer, Ross (West Scotland) (Green)  
Griffin, Mark (Central Scotland) (Lab)  
Harper, Emma (South Scotland) (SNP)  
Harvie, Patrick (Glasgow) (Green)  
Haughey, Clare (Rutherglen) (SNP)  
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
Hyslop, Fiona (Linlithgow) (SNP)

Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)

Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rumbles, Mike (North East Scotland) (LD)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 87, Against 35, Abstentions 0.

*Amendment 11 agreed to.*

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

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)

Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lindhurst, Gordon (Lothian) (Con)

Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rumbles, Mike (North East Scotland) (LD)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 89, Against 33, Abstentions 0.

*Amendment 12 agreed to.*

#### Before section 42

*Amendments 13 to 15 agreed to.*

#### Section 52—Powers of entry and step-in power: application to court

*Amendments 16 and 17 agreed to.*

#### Section 53—Powers of entry and step-in power: offences

*Amendment 18 agreed to.*

#### Section 54—Powers of entry and step-in power: further provision

*Amendments 19 and 20 agreed to.*

#### Section 59—Time limit for prosecution

*Amendment 21 agreed to.*

#### Section 60—Appeals against decisions by Scottish Ministers

*Amendment 22 agreed to.*

#### Section 64A—Chief forester

**The Presiding Officer:** We turn to group 9. Amendment 23, in the name of the cabinet secretary, is grouped with the other amendments as shown in the list of groupings. I point out that if amendment 39A, in the name of Stewart Stevenson, is agreed to, I will be unable to call amendment 39B as it will have been pre-empted.

**Fergus Ewing:** The Scottish Government is focused on ensuring that there is a bright future for forestry in Scotland and that forestry's substantial contribution to economic, environmental and social outcomes continues to be both recognised and celebrated. I know that many members share that ambition.

I know, too, that we all value the hard work and commitment of the staff in Forestry Commission Scotland and Forest Enterprise Scotland, and that

this group of amendments is largely motivated by a desire to promote their interests. I understand that and I have listened carefully to all that members have said to me.

In relation to amendments 23 and 26, on a chief forester, I start by reassuring Mr Rumbles that I have given careful consideration to his desire to provide for a chief forester role in the bill. However, there are legitimate concerns about the drafting of the provision. I am of the view that having a chief forester heading up Scottish forestry at the heart of Government will be an important protection for the interests of forestry and it is right to consolidate that view and role in legislation.

I will therefore move my amendments 23 and 26 in order to hear what members say, but I may not press them, depending on the views that are expressed. Indeed, I do not believe that we will achieve our ambitions for forestry, which I believe are shared by members across the chamber, without the skills and dedication of FCS and FES staff. Ensuring that they have a very bright future has been at the very core of my considerations.

Since last May, when I announced the Government's planned administrative arrangements, I have continued to listen and respond positively to concerns. I have met staff around the country, I have taken account of the Rural Economy and Connectivity Committee's stage 1 report and the discussion at stage 2, and I have put on record my agreement with the vast majority of the committee's recommendations.

Therefore, I published the "Forestry in Scotland" statement last month in response to the helpful recommendation by the REC Committee that we should publish further details of our arrangements. The statement has provided considerable reassurance to a wide range of stakeholders and senior forestry figures. I want, in particular, to pay tribute to the Forestry Commission trade unions for the series of positive and constructive meetings that we have held since November 2016. They, like me, are keen to end the uncertainty for staff and to get on with agreeing the best deal possible for their members on transfer to the Scottish Government.

Having done everything that Parliament has asked us to do to date, I find myself somewhat perplexed to be considering a complex set of amendments that seek to put into law administrative arrangements that have not been fully specified, costed or worked up. I will address each of the amendments in turn.

Amendment 39 was lodged by Claudia Beamish, and I thank her for her continued interest and for the discussions that we have had since stage 2. I want to assure members that, during the

consultation process in 2016, I considered fully whether a single body could take forward the functions of Forestry Commission Scotland and Forest Enterprise Scotland, as set out in the bill's policy memorandum at paragraph 64. I concluded that it would be inappropriate to merge the body that is being regulated, FES, with the body that does the regulating, FCS.

The argument against a single agency is that it would, in all likelihood, put at risk the public corporation status of the successor agency to FES, which allows for valuable financial flexibilities. That risk is addressed fully in the chief financial officer's analysis, which has been made available to members. In short, the financial consequences could be—I use the word used by Simon Hodge, the chief executive of Forest Enterprise Scotland—disastrous. The likelihood of the loss of public corporation status might result in a vastly depleted budget for forestry, so we would not be able to meet our economic, environmental or other aims.

I know that some have been concerned that the analysis has appeared relatively late in the day. However, the proposal for a single agency was lodged only at stage 3. At stage 1, the REC Committee did not recommend such an approach, or even that the Government should explore any other options. I hope that the analysis that I have circulated to all MSPs has persuaded members not to support amendment 39. I intend to resist amendment 39 for this core reason: the people and businesses that work in forestry now oppose the single-agency proposal.

The Confederation of Forest Industries, which represents forestry and timber businesses all over the country, has been fairly clear throughout the bill process. It originally had concerns, but it supports the Government's planned arrangements. The Forestry Commission trade unions have also confirmed that they do not support the single-agency proposal. Therefore, I appeal to members to oppose amendment 39 and to support the Government's planned arrangements. I offer that further reassurance.

I turn to amendments 2, 2A and 40, which are on reporting. Should amendment 39 not be agreed to, even as modified by either amendments 39A or 39B, I want to give Parliament and members as much reassurance about the new arrangements as I can.

I accept the need to bring forward a further report to Parliament that sets out the arrangements. I therefore support amendment 2, as amended by amendment 2A, to prevent delays to the commencement of other work on the provisions in the bill. In line with amendment 40, we would produce a report for Parliament within

five years of the new arrangements, which would set out how those functions were working.

I acknowledge that it would not be desirable for the Scottish Government to produce such a report on one of its own divisions. Therefore, that report would be conducted independently by someone with appropriate expertise and, as laid out in amendment 2, there would be consultation and Parliament would be notified before any significant changes were made to the new arrangements. I believe that all that provides appropriate assurance for Parliament about its role in scrutinising the new administrative arrangements, and it provides public documentation on those arrangements. I therefore respectfully ask Ms Beamish not to move amendment 39 and, should she do so, I ask members not to support it.

I turn now to amendments 39A, 39B and 39D, on two agencies. I appreciate that members might not want to support a single agency, and might see two agencies as an appropriate compromise. Amendments 39A and 39D from Stewart Stevenson and 39B from Colin Smyth provide for two agencies to be set out in statute, and I have given much thought to them. If amendment 39A or 39B were passed, it would at least prevent the worst possible option of a single agency going ahead. Therefore, I will support amendment 39A and, if it falls, 39B.

Colin Smyth's amendment 39B is problematic, as it does not make clear which option would be pursued, but merely presents the options of

"a single agency or two agencies".

I do not see how the amendment could be fulfilled without some further thought to determine which of the two options should be pursued. That would serve only to add further very unwelcome delay. The letter from the Forestry Commission trade unions makes clear that they want to get on with this. That is really important.

The FCTU want further positive engagement on the new arrangements that we have been discussing with them. Since November 2016, I have met them to discuss the matter in detail on six or seven occasions, each lasting an hour or more. I am sure that Mr Smyth will agree that we should not be doing anything that creates further uncertainty for staff, whom I fervently believe want to get the matter concluded on the basis of the Scottish Government's proposals as set out in our statement. Therefore, I ask Mr Smyth not to move his amendment 39B and to vote for amendment 39A, which provides more clarity and certainty.

Amendments 39A and 39D from Mr Stevenson offer a welcome tightening up of amendment 39, so that the scope of the functions focuses on the relevant forestry and land management parts of the bill—in other words, the functions currently

delivered by FCS and FES. That avoids the current very broad definition, which could, for example, require the Scottish Government lawyers responsible for drafting regulations to be located within the agency. I hope that members will support amendments 39A and 39D.

I turn now to amendment 39, as amended by either 39A or 39B. While it would be helpful to turn amendment 39 into a two-agency proposal, those administrative arrangements would be far from ideal. Like the proposal for a single agency, this one has not been fully debated nor its implications fully considered by Parliament until now. No preparations have been made to establish FCS as a separate Scottish Government agency. It would be likely to involve additional cost, as was specifically explained and mentioned in the policy memorandum at paragraph 65. It could also add delay to getting the new administrative arrangements up and running.

If we have to put resources into creating another agency, we cannot apply those resources to other key aspects of the bill, such as beginning work to prepare the new forestry strategy that all members support. Such delay would be compounded if members also vote through amendment 2 unamended, which would mean that we would have to prepare a fresh report on the two-agency arrangements and present it to Parliament before being able to commence the legislation, thus risking further delay.

I am particularly concerned about Mr Wightman's amendment 39C. It would require ministers to introduce, within two years, further primary legislation to set out the structure and powers of the agency. That would require two years to prepare and consult on the legislation, and two years to pass it and move to implementation. I contend that that would be devastating to staff, who are anticipating transferring to the Scottish Government in April. I believe that, were amendment 39C to be passed, it would be greeted by amazement, astonishment and consternation by stakeholders, who expect us to complete the job this afternoon. As I have said, it would lead to significant and unacceptable delays—which would be measured in years—in completing the devolution of forestry, which is a policy that the Parliament unanimously accepted at stage 1.

16:45

As forestry minister, I have a responsibility for the wellbeing of FCS and FES staff, and I could not in all conscience support such an amendment, which would serve only to add many years of yet further uncertainty for them. It would slow down productivity, which would result in our missing our planting targets, and would potentially risk other

vital woodland creation and maintenance work. That would be an outcome that none of us wants. I would not want to do anything that puts that in jeopardy, so I ask Mr Wightman not to press amendment 39C. If he does so, I ask members not to support it.

I assure Mr Wightman that I scrutinised his proposal before I arrived at a view. Indeed, my approach throughout the bill process has been to listen carefully to members' views if they wished to present them to me and to seek consensus and compromise where I thought that that could be achieved. My metric has been a simple one: what will work best for the future of forestry in Scotland and the staff in our forestry bodies now and in the future?

That leads me to the conclusion that I am profoundly convinced that the administrative arrangements that I have announced—a division and an agency—provide the best solution. Those arrangements are closest to the current ones. The discussions that we have had with the unions to date to take forward those arrangements have been positive and constructive. The FCTU said in its letter to me:

“We absolutely recognise and welcome the very significant commitments made and measures put in place to allay our members' concerns. We look forward to liaising with your office further in the devolution programme and coming negotiations.”

That could not be clearer. The FCTU anticipates moving forward to negotiate for staff interests in the planned arrangements. In the same letter, it rejects a sole agency arrangement, and I welcome that. The planned arrangements have been designed to have the optimum beneficial impact for staff in forestry in Scotland.

Presiding Officer,

“The setting up of the Scottish Government Agency, Forest and Land Scotland, including the retention of FES's Public Corporation status ... is to be welcomed. The identification of a dedicated forestry division, Scottish Forestry, within the Scottish Government headed by a Chief Forester is an important recognition of the ... need for such grounded expertise within government itself, especially with the duties placed on Ministers in relation to forestry.”

Those are not my words; they are the words of Sir Harry Studholme, who is the current chair of the Forestry Commission in the United Kingdom and a hugely respected figure in the forestry sector.

I understand that members want to do the right thing for forestry in Scotland and for staff, and that their aim, like mine, is to ensure that we put in place the right arrangements to take forestry into the future. However, a single agency is not the right way forward. Although a two-agency approach might work—at this stage, we cannot

say—it has not been at all sufficiently scrutinised or tested.

I ask members to listen to what the unions that represent their staff say, to organisations as diverse as Confor, the United Kingdom Forest Products Association and Community Land Scotland, and, of course, to Sir Harry Studholme.

Should all the amendments be pressed, I ask members to vote for amendment 39A and, if it falls, for amendment 39B. I ask members to vote for amendment 39D and to oppose amendment 39C, and to vote against amendment 39, whether it is amended or not. I would then join members in voting for amendment 2, as amended by amendment 2A, to give further reassurance that Parliament will receive a report on the administrative arrangements. I also ask members to support amendment 40, to provide additional safeguards for Parliament's role in being notified of the arrangements and any future changes.

I will listen carefully to what the movers of amendments 2, 2A and 40 say about how they relate to amendment 39, either amended or not, before I sum up.

I move amendment 23.

**Claudia Beamish:** Amendment 39 would require the Scottish ministers to establish a single agency to carry out their forestry and land management functions, as we have heard from the cabinet secretary. That is not a “notion”, as was stated in the cabinet secretary's letter, which he issued last night, but a real possibility for the future of sustainable forestry in Scotland.

We seem to be fighting over the issue today, but my amendment seeks to effect a lift and shift of existing forestry arrangements in order to preserve invaluable knowledge and expertise, respected brand identity and successful working arrangements. The phrase “lift and shift” cannot be used if the shift is greater by bringing the agency into the civil service.

Members will know that that argument has been repeated since the consultation stage and that there are serious misgivings about the Government's plans for forestry centralisation. With that centralisation, there is a risk, if we do not vote for my amendment, of possible privatisation, which is a risk that we have seen previously—not with this Scottish Government, but perhaps with a future Government. Forestry needs a long-term vision; it cannot operate under the shadow of a minister's changeable whim, a Government department restructuring or a new Government's manifesto.

The cabinet secretary has raised concerns about the public corporation status of Forestry Enterprise Scotland. Colin Smyth's amendment

39B offers a solution to those concerns, and I add my support to that amendment.

On the call for a single agency, we have the support of the Royal Scottish Forestry Society, the Woodland Trust, which is a charity, the Institute of Chartered Foresters, Ramblers Scotland, which is another charity, Reforesting Scotland and the Forest Policy Group. Colin Smyth will further delineate the trade unions' concerns about the future of forestry. Their views do not concur with the cabinet secretary's interpretation.

Amendment 2, which is also in my name, would require Scottish ministers to lay a report before the Parliament, detailing

“the administrative arrangements they intend to make”

before sections 68 and 70 come into force.

Amendment 2 details which arrangements must be set out, as well as committing ministers to consulting appropriate persons and notifying the Parliament before making any significant changes. The amendment follows the Rural Economy and Connectivity Committee's recommendation in its stage 1 report. I acknowledge that I am not a member of that committee, but my committee—the Environment, Climate Change and Land Reform Committee—asked me to be its reporter on the bill.

The inclusion of amendment 2 would ensure greater scrutiny of the process of devolution both by the Parliament and by stakeholders with a wealth of forestry experience. I thank the cabinet secretary for the recent statement on the issue in advance of stage 3, but significant uncertainty remains among a wide range of stakeholders. Whatever the cabinet secretary argues, we have met those stakeholders, too.

I did not move a similar amendment at stage 2 after listening to what the cabinet secretary had to say on the issue, but I have brought the issue back at stage 3.

We all want certainty for the future of forestry. There is disagreement between the Government and many in this Parliament about the vision for the administrative arrangements, and the report that would be required under amendment 2 would add an important layer of scrutiny. Allowing the Parliament and appropriate persons sight of ministers' administrative intentions, whatever the outcome of today's vote, should not be seen as constricting ministerial powers, but as giving the opportunity for transparency and improvement. I hope—and I understand—that the Government can welcome that.

I support Gail Ross's amendment 2A, which would insert a deadline to prevent any further unnecessary delay to the future sustainability of our forestry.

**Stewart Stevenson:** I will briefly respond to the chimera of privatisation brought to the chamber by Claudia Beamish. I suggest to her that no particular structure that we might end up with either enables or protects one way or the other, because any Government would have to introduce legislation to undertake that. As we heard earlier, the real challenge arises when we get an alliance of the Labour Party and the Conservatives on compulsory purchase, because that brings forward the power of the Conservative Party and does not serve our shared interests in effective forestry.

Amendments 39A and 39D, in my name, would improve amendment 39, in the name of Claudia Beamish—if the Parliament wants to agree to an amended amendment 39; I say at the outset that I support the bill as it stands. The financial consequences of having a single body that would be unable to carry forward and hold funds could be extremely severe. That is the basis on which we need two bodies.

As far as I am aware, there is no legal construct that allows a division of the Scottish Government to be set out in statute. Amendment 39A would therefore require ministers to establish two agencies, rather than the single agency that is proposed by Ms Beamish. As I understand it, it is the final, clear and unambiguous position of the Forestry Commission trade unions that two bodies are required, not one. I accept that that is not the position that the unions took earlier and that their position has evolved.

Of course, an agency would not be as close to the centre of Government as a division would be, but the proposed approach would not be as detrimental as would subsuming functions into a single agency. Forest Enterprise Scotland's effective management of the national forest estate has been a spectacular success, and that success has been predicated on the body's public corporation status; if that were lost, we would lose much that I think that all members value.

Amendment 39D tidies up the drafting by specifying, in the interests of clarity, that the functions to be covered by the two agencies would be those under parts 2 to 4—on forestry functions, management of land by ministers and felling—and sections 61 to 64.

Amendment 39B, as an alternative to amendment 39A, is not specific and would probably require further consultation, as the minister said in another context. There is enthusiastic support for moving forward as quickly as possible.

I do not mean to be insulting, but Andy Wightman's amendment 39C is a wrecking amendment in relation to the whole prospect of taking forestry into the control of this Parliament

effectively. Imposing a two-year stop is simply unacceptable.

I find myself in the slightly unusual position of asking for members' support for my amendments 39A and 39D while asking Claudia Beamish not to move amendment 39, and hoping that she will not do so. The provisions in the bill as it stands are the provisions that we should end up with.

**Colin Smyth:** I will speak in support of my amendment 39B and comment on the other amendments in the group, in particular amendment 39 from my colleague Claudia Beamish.

Much has been written and said about amendment 39, most of which—including today—has been scaremongering rather than fact. Let us be clear: no one in this Parliament is proposing that forestry in Scotland be run entirely by a sole organisation. We have clear advice that the reference in amendment 39 to “a single agency” would allow organisational arrangements to be established for forestry in Scotland that respect the current set-up, albeit in a devolved context—that is, a Forestry Commission Scotland and a Forest Enterprise Scotland, which is currently an agency of the Forestry Commission, with the latter able to retain public corporation status. Claims to the contrary are, in my view, based either on partial advice that is designed to shore up the Government's proposals or on insufficient research.

The dividing line between the Scottish Government and, it seems, every other party in this Parliament and—more important—the forestry sector is that the Government wishes largely to subsume the current functions of the Forestry Commission into a Government division. I will not rehearse the many arguments against such an approach, as they are well documented.

In contrast, the Government has singularly failed to make the case for its proposed division. It is difficult to understand why it appears to have such an obsession with scrapping the Forestry Commission. The cabinet secretary again failed to make any positive case whatever for the establishment of a Government division.

**Fergus Ewing:** The positive case is that the Scottish forestry commission, as the Scottish forestry division of the Scottish Government, will be right at the heart of Government and accountable to this Parliament, thereby completing devolution.

I would be grateful if Mr Smyth could confirm that the trade unions now oppose a sole agency and that the Labour Party is not pressing the matter. I would also be grateful if he agreed that the unions have not supported a two-agency solution.

17:00

**Colin Smyth:** I will come to the trade unions in a second. The reality is that Fergus Ewing has misled Parliament in his comments about the letter that the trade unions have sent. The wording of the letter was very carefully chosen by the trade unions—I will come to that point in a second.

Once again, we have seen the cabinet secretary's tactic of not listening to the concerns of a large number of organisations. I could list them. The cabinet secretary knows exactly who they are, and he has failed to engage with them in any meaningful way. Instead he has simply sought to bat off the many deep concerns that there are across the sector—frankly, at times, in a very unsavoury manner.

Some of those concerns have been allayed following the publication of the Government's statement on forestry in Scotland and in further discussions. However, the Government's divide-and-conquer approach has not secured much in the way of positive support for the structure that it proposes—simply statements that some fears have been allayed. I hope that the Government will reflect carefully on its efforts to secure support in recent weeks, which, in my view, have backfired.

Let us also be clear that the Government's attempts to allay those fears—in particular, the concerns of the trade unions over terms and conditions—would never have taken place had my colleague Claudia Beamish not lodged amendment 39. The cabinet secretary had no meaningful discussion whatsoever with the trade unions until after the bill should have been voted on at stage 3 and until today.

**Fergus Ewing:** Will the member give way?

**Colin Smyth:** I will give way in a second. It is unfortunate that, when he commented on the trade unions' letter, he said that they opposed a single agency. The letter from the trade unions talks specifically about a “sole organisation”, which no one on this side of the chamber supports. They make no reference whatsoever to a “single agency”, and it is unfortunate that the cabinet secretary should say that they did.

**Fergus Ewing:** The trade unions oppose a sole agency, which is a single agency. Does the member accept that—as I actually said in my remarks—I have been engaging with the trade unions in a respectful fashion and not just in the past couple of months? Since November 2016, I have met them on six or seven occasions. We have built up a good working relationship, the negotiations have been carried out by senior Government officials according to the Cabinet Office statement of practice, as they should be, and the Scottish Government has given a number

of guarantees during that period to FCTU officials. It has been a respectful, long, protracted process—as it should be—and was not begun in just the past few weeks. Mr Smyth will surely wish to withdraw that comment.

**Colin Smyth:** I certainly will not withdraw that comment about the cabinet secretary. The reality is that meaningful negotiations did not take place until recent weeks, and the package of terms and conditions that were offered to the trade unions were offered only days ago, not months ago, although the cabinet secretary claims otherwise.

In an effort to be constructive with the Government and to put beyond any doubt that the aim of amendment 39 is to achieve an agency structure that is close to the existing one, I have lodged amendment 39B, which would slightly amend amendment 39 by making it refer to

“a single agency or two agencies”.

I mean the amendment to be helpful on the basis that it aims to ensure that the Government brings forward proposals for an agency-based structure that is similar to the Forestry Commission and Forest Enterprise. If the amendment is successful, I hope that the Government will respect that aim, which is now a matter of public record, and get on with the job.

I appreciate that Stewart Stevenson has lodged a very similar amendment in amendment 39A. On balance, I believe that my amendment 39B better respects the views of those who believe that an amendment on a single agency would still have allowed a structure based on a Forestry Commission Scotland and a Forest Enterprise Scotland and that, by referencing two agencies, my amendment ensures that the Government can move ahead with an agency-based solution that effectively retains FCS and FES.

In one of the many clumsy letters that we have received from the cabinet secretary in recent days, he expressed concern that a proposal to create two agencies would lead to delays. I would simply say to the Government that, if it is not capable of replicating a structure that is similar to the one that currently exists but within the context of devolution by April 2019, to be frank, it should not be in government.

I also strongly support amendment 2, in the name of Claudia Beamish, which provides for parliamentary scrutiny of any proposals on the organisational structure. I regard the amendment as crucial, not least given today's debate and likely vote and, more importantly, the debate that has taken place in the forestry sector in recent months and weeks.

Andy Wightman's amendment 39C seeks a statutory underpinning for the organisational

arrangements. I have a great deal of sympathy for the amendment and I understand fully his reasons for lodging it, given the conduct of the Government in recent weeks. My only concern is the fact that it would delay matters further. I hope that my colleague Claudia Beamish's amendment on parliamentary scrutiny will ensure that the Parliament has a clear role to play in scrutinising any proposed organisational arrangements.

We have an opportunity to take forward the devolution of forestry in a way that brings all the stakeholders together behind the right organisational structure for the future of forestry. That will mean supporting my amendment 39B and Claudia Beamish's amendments 39 and 2. Labour will also support amendments 39D, 40, 26 and 2A.

**Andy Wightman:** I have been involved and interested in forestry affairs since I left school, in 1979 or 1980—I cannot remember which year it was. I was very active in the forestry debate in the early 1990s, and I was actively involved in discussions on the extent to which forestry should be devolved to the Scottish Parliament back in 1997.

The bill will complete the devolution of forestry. Across the chamber, members agree that we wish to complete the process of devolution, which should have been completed on the establishment of the Scottish Parliament. The Forestry Commission does not own any land; according to section 1 of the 1967 act, it manages land that is put at its disposal by the Scottish ministers. The cabinet secretary said that there has been no debate in Parliament about future structures. That is correct. The deficiency of the bill as a whole is that it completes devolution but, in so doing, allows the management of Forestry Commission land—the public estate—to fall back into the hands of the Scottish ministers without saying anything about the structures that should be set up to manage the public forestry estate. That is why we are having that debate rather late in the day.

Other public bodies, such as Scottish Natural Heritage, Highlands and Islands Enterprise and Scottish Water, are underpinned by statute. Just as Parliament decides on the governance of the assets that those bodies own, Parliament should determine the governance of the 1.6 million acres of public land that the Forestry Commission manages on its behalf. If we leave future governance arrangements to ministers, a future Government could change those arrangements in a way that would be detrimental to the public interest and without reference to Parliament. In the 99 years of public forestry that we have had since the Forestry Act 1919, it has never been the case that the arrangements governing the structures, the governance, the duties and the powers of

those who are charged with managing public land have not been underpinned by statute—they have always been underpinned by statute.

I have lodged amendment 39C to ensure that, in the future and for as long as Parliament deems it appropriate, the governance, duties, powers and structures relating to the management of public forests will remain under statutory scrutiny by the Scottish Parliament.

Earlier, the cabinet secretary made some comments about my amendment 7, in which he attributed to me remarks about, for example, statistical surveys. For the record, I make it clear that those remarks were made by me in private correspondence with a special adviser and they are not in any way relevant to anything that I said earlier in support of amendment 7.

**The Presiding Officer:** I am conscious that another amendment in the group remains to be spoken to and that a number of other members are interested in taking part in the debate. Therefore, I am minded to accept a motion without notice to extend the time limit for this group, in which there is a lot of interest, by up to 30 minutes.

*Motion moved,*

That, under Rule 9.8.5A, the time limit for group 9 be extended by up to 30 minutes.—[*Joe FitzPatrick*]

*Motion agreed to.*

**The Presiding Officer:** The time limit will be extended by up to 30 minutes—it depends on the length of members' contributions. For the record, I note that decision time is now likely to be at 6.45 rather than 6.15.

I call Gail Ross to speak to amendment 40 and the other amendments in the group.

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** Thank you, Presiding Officer. I will try to be brief.

Amendments 2A and 40 seek to give effect to the recommendations that the REC Committee made at stage 1, but before I cover them, I will say that I strongly agree with the cabinet secretary about not supporting amendment 39, on a single agency. As the REC Committee's deputy convener, I know that we did not deliberate on that issue, nor did we make any recommendations on it at stage 1 or stage 2. Claudia Beamish talked in her speech about uncertainty. After what has just been said about the difference between a "single agency" and a "sole agency", about what amendment 39 is meant to do and about the two agencies in amendments 39A and 39B, there is more uncertainty on what the aim of amendment 39 is.

A single agency would bring more uncertainty to the structure of the forestry sector in Scotland. The REC Committee attended a briefing, which Claudia Beamish and Colin Smyth were not at, and was told that the loss of public corporation status would mean the loss of the ability to carry over funds, the loss of the VAT exemption, and the loss of the regulatory functions that we currently have between the Forestry Commission Scotland and Forestry Enterprise Scotland.

As the cabinet secretary said in his opening remarks, the Forestry Commission and Forestry Enterprise have stated that a single agency would be a disaster and would mean a loss of transparency.

**Graeme Dey:** Does Gail Ross accept that a single agency would also be highly damaging from biodiversity and climate change perspectives?

**Gail Ross:** Yes: that was also mentioned at the meeting. I thank Graeme Dey for that intervention.

**Colin Smyth:** Will Gail Ross take an intervention?

**Gail Ross:** I will not, just now. Colin Smyth's argument about lack of engagement with the trade unions in the organisations is a slight not just on the cabinet secretary, but on the bill team and all the staff who have worked so hard to get the bill to where we are.

That brings me to amendment 2A to Claudia Beamish's amendment 2. I am not sure that amendment 2 is needed, given that the cabinet secretary did as the REC Committee asked and provided members with a full and detailed statement setting out how the planned arrangements would work. I accept the rationale for that and welcome the cabinet secretary's indication that he would meet its requirements should members accept his case for the Government's planned administrative arrangements.

I agree that it is important that Parliament has the opportunity to be fully informed on the future administrative arrangements for a sector that generates billions of pounds of value for the economy every year. A requirement to lay a further report on the arrangements should not interfere with the central purpose of the bill, which is to devolve forestry and all its functions fully to the Scottish Parliament.

To have sections 68 and 70 put on hold would be disproportionate and unnecessary. My amendment 2A seeks to attach a distinct timetable to the process of laying the report, such that it must be done by 1 April 2019. I hope that members will agree, and that Claudia Beamish accepts that my amendment will add to her proposal.

Just as we, as a Parliament, should expect scrutiny before measures are implemented, it is appropriate for the new administrative arrangements to be scrutinised by Parliament once they have been implemented and have had the opportunity to bed in. I believe that it would help to provide reassurance if a further report was made after five years, as is set out in amendment 40. That would appropriately recognise the post-legislative scrutiny role that we rightly have. I welcome the cabinet secretary's intention that someone independent of the Government with suitable expertise will produce the report. I have it on record that he has said that that will be the case.

Amendment 40 provides a substantially similar approach to Claudia Beamish's amendment 2, but with the important difference that it acknowledges that some people are rightly concerned about lack of scrutiny by Parliament, should there be further changes to the administrative arrangements in the future. I consider it appropriate to provide a statutory underpinning to that commitment, which is what subsection (4) in amendment 40 would achieve.

**Jamie Greene:** In the interests of time, I will keep my comments short and let my colleague pick up on the amendments.

If the cabinet secretary presses amendments 33 and 36, we will vote against them for a specific reason. The REC Committee made it quite clear in its recommendation 30 at stage 2 that, to save the status that is attached to forestry under the new structure,

"the head of the new division should be designated as 'chief forester'. It calls on the Scottish Government to give consideration to this proposal."

Unfortunately, the two amendments do not give consideration to that proposal.

17:15

I think that there are good reasons for the creation of the position and I have not heard much to the contrary in terms of potential negative consequences of creation of the position. For that reason, we will not support amendments 33 and 36 if they are pressed. I ask the cabinet secretary not to press them.

On amendments 2 and 2A, we will support amendment 2 in the name of Claudia Beamish. One of the potential positive impacts of amendment 2 is that ministers would have to justify their decisions before making them—for example, on removal of any forestry commissioner functions. They would have to come to Parliament and explain their reasons. Amendment 2 seems to be a sensible amendment that we are happy to support.

I will not go into too much detail on amendment 39. It has been one of the more controversial amendments in the whole debate, alongside amendments on compulsory purchase. It has been an interesting subject to follow. In the past few weeks, we have had a flurry of emails and letters to and from interested stakeholders and the cabinet secretary. There has been an element of lateness, perhaps, in relation to when we have debated all this. In the future, the REC Committee should dedicate a bit more time to such issues.

That said, we are minded to support amendment 39 in the name of Claudia Beamish because there are reservations about what is happening. It is nothing to do with whether devolution of forestry should or should not happen; it is nothing to do with trying to make life more difficult for Government or with trying to increase costs through potential financial consequences. No one on the committee wants that, no Conservative member wants that, and I do not believe that it was the purpose of amendment 39. The purpose is to react to the very detailed reservations that people have expressed about loss of expertise and the loss of the Forestry Commission brand.

**Gail Ross:** The people from the Forestry Commission and Forestry Enterprise Scotland to whom we have spoken, and who are experts, said that agreement to amendment 39 would be a disaster. What does Jamie Greene have to say to that?

**Jamie Greene:** I do not agree that there will be a disaster if a new body is created. The existing structure, which works very well, is going to disappear under the existing Government plans. Amendment 39 is trying to replicate the very positive structures in the organisations that already exist. For that reason, I support amendment 39. It and subsequent amendments from Colin Smyth on clarifying whether there will be one body or two would create a structure that would allow the new body to be more arm's length than what the cabinet secretary is trying to achieve.

It was very telling that the cabinet secretary said earlier that the purpose is to try to bring the functions as close to Government as possible. Therein lies the problem and therein lies the concern—the fact that the expertise, which is currently reasonably arm's length from Government, will now be soaked up by the civil service. We have not had guarantees that there will be no loss of expertise and I think that it would be a real shame to see the loss of the Forestry Commission brand in Scotland, as do many other stakeholders. For that reason, I support amendment 39.

**Peter Chapman:** We cannot support amendments 23 and 26 in the name of the cabinet secretary. Although there was some confusion at stage 2 regarding what exactly the role of chief forester would be, it received cross-party support in the committee at stage 1 and again at stage 2. If the Government was unhappy with section 64A, which relates to the establishment of the chief forester role, there should have been amendments to that effect. We cannot support removing the section entirely from the bill.

Amendment 39, in the name of Claudia Beamish, is probably the most contentious in the whole marshalled list. It seeks to prevent the Scottish Government from subsuming the FCS into the heart of Government. Our group has never been happy with the centralisation of powers into Government hands and we are not in favour of such a move here. Neither, may I add, are the unions or the staff. Unlike what Fergus Ewing said earlier, they are not in favour of such a move.

End-of-year flexibility has been the subject of much debate. In recent years, Forest Enterprise Scotland has had end-of-year flexibility to carry over funds from one year to the next. If that flexibility were lost, the funds would simply be surrendered to the Scottish Government, which could make up the difference the following year quite simply.

**Fergus Ewing:** I would just like to confirm that the Scottish Government's chief financial officer has confirmed that what Mr Chapman indicates cannot readily happen. In that officer's view—I hope that members would respect his view as an impartial, professional and expert civil servant—the risk of what Mr Chapman proposes is such that, through it, we would potentially have lost over £31.5 million last year and, in the past five years, £78 million of underspend carried forward in Forest Enterprise. It would surely be an act of irresponsibility for any MSP to support that.

**Peter Chapman:** The important words there were “readily happen”. I firmly believe that if the Government wants it to happen, it can make it happen.

Amendment 39B, in Colin Smyth's name, would take away that possibility, because we would be looking at two bodies. There is a real fear that expertise will be lost from the sector if FCS staff are taken into the heart of Government. It is important to recognise that FCS staff have a long history of staying in post for a long number of years and gaining experience, whereas civil servants who are employed by the Government regularly move on.

I disagree with amendment 40, in the name of Gail Ross, as it proposes an alternative arrangement to that set out by Claudia Beamish in

amendment 39. We in the Conservative group prefer amendment 39, as amendment 40 would not stop the Scottish Government taking Forestry Commission Scotland into the heart of Government.

We will not support amendment 39A, in the name of Stewart Stevenson, because it would entirely eliminate the option of a single agency, which we think should be left on the table. As I said, amendment 39B, in the name of Colin Smyth, would change the phrase “similar body” to “two agencies”, which would widen the options of amendment 39, so we will support amendment 39B.

We will not support amendment 39C, in the name of Andy Wightman, as it would introduce another bill and cause further delays to the establishment of new forestry agencies. We want the provisions in amendment 39 to move forward after the bill is agreed to provide all stakeholders and staff peace of mind about the future of their agency. We will not support amendment 39D, as it would mean that the provisions in amendment 39 would not relate to the whole bill and would stop short of referring to the chief forester in section 64A, which is not acceptable. The implementation of a chief forester role had cross-party support at stages 1 and 2, and it should not be removed at stage 3.

Amendment 2, in the name of Claudia Beamish, would act as a check on the Scottish Government with respect to the removal of the functions of the forestry commissioner because, during the commencement of the act, the Scottish Government would have to publish a report setting out the administrative arrangements that it intended to make to facilitate that. It is logical to expect the removal to be justified and for the Government to be accountable for that before it takes place, so we support amendment 2. That is why we cannot support amendment 2A, in the name of Gail Ross, as it would remove that check in seeking to remove from amendment 2 reference to section 68, on “Modifications of enactments and repeals”, and section 70, on “Forestry Commissioners' functions no longer exercisable in Scotland”.

**Mike Rumbles:** First, I will address amendment 23, in the name of the minister. At stage 2, I was pleased when the committee accepted section 64A into the bill. At a meeting after stage 2 with the minister, he certainly left me with the impression that he accepted the need for a chief forester as the head of the professional service, as it were, because it would assist him and other ministers in the performance of their duties. I therefore thought that the chief forester proposal had all-party support. Again, the minister said in his opening remarks that he was in favour of

having a chief forester, and he is nodding his head to that just now. I was therefore absolutely astonished when I read the minister's amendment 23, which seeks to remove from the bill the introduction of a chief forester.

The bill states:

"The Scottish Ministers must, for the purposes of assisting and advising them in the carrying out of their functions under this Act, appoint an officer to be known as the chief forester."

It continues:

"The Scottish Ministers must by regulations prescribe qualifications to be held by the person appointed as chief forester."

I thought that that had all-party support. The minister is nodding his head and saying that he supports that now, so why did he lodge an amendment to remove that section? I do not know. If he would like to intervene and explain why, I would be happy to give way.

**Fergus Ewing:** The explanation is simple. There was advice to the effect that, because statutory provision relating to a chief forester related to the civil service, the matter might be ultra vires. However, on reconsidering it, we concluded that it was a grey area and, because, as Mr Rumbles knows, we are all in support of having a chief forester—indeed, when I promoted it in our statement "Forestry in Scotland", most stakeholders warmly welcomed it—I concluded that it was safe to leave the section in the bill. Therefore, I confirm that I will not press my amendment to that effect.

We are all struggling to reach an agreement—an agreement that has never been in doubt. We have supported the idea of having a chief forester. It is a sensible step that was recommended by the committee and I accept it. As with many of the other amendments that we have considered today, it was purely technical legal issues that guided our approach. Of course, from the point of view of Government, one has to consider such issues carefully.

**Mike Rumbles:** That was a long but welcome intervention. I welcome it whole-heartedly. I am glad that the cabinet secretary has backed down and will not press his amendment, but I was a bit shocked that he even lodged it in the first place.

The most important amendment of stage 3 is Claudia Beamish's amendment 39. She lodged a similar amendment at stage 2 and was convinced by the minister not to move it but to bring it back at stage 3, when we could perhaps get agreement on it. That was a forlorn hope and I am glad that I moved the stage 2 amendment instead.

Amendment 39 is extremely important and I am disappointed that no agreement could be reached

with the minister about it. Gail Ross said that she could not understand what the aim of amendment 39 was. It has already been explained. It is simply to lift and shift—that is the phrase that was used and it is a good phrase to have used because that is how I envisage it happening—the UK Forestry Commission into Scotland and have a Scottish forestry commission and forest enterprise at arm's length from the Scottish Government.

Having listened to all the evidence that the committee heard, I could not understand why the Scottish Government wants to centralise control over the Forestry Commission and make its staff civil servants. I do not understand it. Every political party in the Parliament bar one can see that. For some reason—I do not know what it is—the SNP cannot see that amendment 39 is the right way to go.

**John Mason:** Does the member accept that we did not examine that proposal in the committee because it was not in the bill? It was a given in the background, so the reality is that the committee did not take evidence on or consider it.

**Mike Rumbles:** I am sorry, but we certainly did take evidence on it. We had witnesses give evidence on it at stage 1. To be frank, it is beyond me why John Mason says that that did not happen.

Amendment 39 is the most important amendment. I also support Colin Smyth's amendment 39B, which adds something. It does not say that we must have a single agency or that we must have two; it gives ministers the option to do the right thing. The Parliament is trying to tell the cabinet secretary to do the right thing for the future of our forestry in Scotland. It will not delay reaching our forestry targets and I would hate to think that that might be used as some sort of excuse.

17:30

I understand that the Conservatives are not going to support amendment 39C, in the name of Andy Wightman. However, I will support it, as will my Liberal Democrat colleagues, because he is absolutely right. *[Laughter.]* Members can laugh, but there have been divisions all afternoon and with regard to nearly all of the votes, all of the parties in the Parliament bar the SNP, have taken a particular position, because we can see the merits of the case. However, the Government wants to move forward with its proposals. I ask the Government to take a step back and listen to the evidence that the all-party committee took on the issue. If it does so, it will see that we are trying to do the right thing for Scotland and for the Forestry Commission in Scotland. I urge members to support the amendments that I mentioned.

**The Presiding Officer:** I thank Edward Mountain for agreeing not to speak, in the interests of brevity. However, John Finnie wishes to speak. Please be brief, Mr Finnie.

**John Finnie:** I wish to address Claudia Beamish's amendment 39. The minister is keen to talk about consensus. A lot of audiences have to be satisfied here. The issue of the late submission of amendments has been an issue across the board. That is entirely competent under stage 3 proceedings. What I would say is that, for the majority of people in here, consensus and pragmatism seem to be in reach, particularly with regard to the information that was helpfully shared about public corporation status. That is reflected in what Stewart Stevenson has said.

We will support Claudia Beamish's amendment 39, for those reasons, along with amendment 39B, in the name of Colin Smyth.

**The Presiding Officer:** I call the cabinet secretary to wind up.

**Fergus Ewing:** I will be brief, as we have had a long debate.

If Parliament votes that we should have the option of a two-agency approach as opposed to a single-agency approach, we will seek to make that option work. The single-agency option would lead to disastrous consequences, as we have set out. I am pleased that Mr Finnie welcomes the fact that we provided that information.

Mr Rumbles says that the committee took evidence about the organisational structure. Evidence was taken on that; that is correct. However, the committee did not recommend that the Government consider and examine either a single-agency approach or a two-agency approach. On the contrary, the committee asked us to provide more detailed proposals for organisation, which are set out in the relevant memorandum attached to the bill, and upon which there was a substantive previous consultation. I have to say that the Government did everything that the committee asked. Had the committee asked us to explore further the single-agency option or the two-agency option, we would of course have considered them carefully. However, the committee did not do that. That is why there has been further analysis that I have had to share with members to try to inform the decisions that we are all about to take.

Mr Smyth talked about Forestry Commission and perhaps Forest Enterprise staff being brought into the civil service. I have to point out that they already are civil servants. With respect, that reflects some of the misunderstandings that underlie some of this debate.

We have given a detailed statement setting out our plans, which we believe are in the best interests of forestry in Scotland. We have responded to the recommendations of the committee. I have warmly endorsed the proposal for a chief forester and the proposal for a head of professional development. We have confirmed that the conservancies will remain in place, and I have visited every one of them. Silvan house will continue to be the headquarters for the staff of the Forestry Commission. Forest Enterprise offices will remain in situ. We will bring forward further proposals for placement with stakeholders at the national and local levels. From my lengthy engagement over the past 18 months or so with the workforce representatives and from extensive dialogue and engagement with all stakeholders—contrary to what Mr Smyth said—I believe that, although there is not unanimity and there are still some concerns, the majority of stakeholders now believe that the proposals that we brought forward offer a sound basis on which to take forward forestry policy in Scotland and build on the great legacy that we will have bequeathed to us by Forestry Commission Scotland.

In particular, the staff with whose representatives I have engaged do not wish the delay that would be pursuant upon us rejecting the options that the committee was apparently happy for us to accept and flesh out and instead agreeing to proposals that were made at the last minute of the parliamentary process, which has led to the unnecessary complexity of the debate this afternoon. If Parliament is so minded, we will make a two-agency system work, and I am confident that the staff in both agencies would be at the heart of government.

*Amendment 23, by agreement, withdrawn.*

*Amendment 39 moved—[Claudia Beamish].*

*Amendment 39A moved—[Stewart Stevenson].*

**The Presiding Officer:** I remind members that if amendment 39A is agreed to, amendment 39B will be pre-empted.

The question is, that amendment 39A be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)

Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)

Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)

**The Presiding Officer:** The result of the division is: For 61, Against 63, Abstentions 0.

*Amendment 39A disagreed to.*

*Amendment 39B moved—[Colin Smyth]—and agreed to.*

*Amendment 39C not moved.*

*Amendment 39D moved—[Stewart Stevenson].*

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

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)

Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Against

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rumbles, Mike (North East Scotland) (LD)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 89, Against 35, Abstentions 0.

*Amendment 39D agreed to.*

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

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)

**Against**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)

Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 63, Against 61, Abstentions 0.

*Amendment 39, as amended, agreed to.*

*Amendment 40 moved—[Gail Ross].*

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

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)

Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**Against**

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rumbles, Mike (North East Scotland) (LD)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 88, Against 35, Abstentions 0.

*Amendment 40 agreed to.*

**Section 65—Regulations**

*Amendment 24 moved—[Andy Wightman].*

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

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)

Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)

**Against**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 64, Against 60, Abstentions 0.

*Amendment 24 agreed to.*

*Amendments 25 to 27 moved—[Fergus Ewing].*

**The Presiding Officer:** Does any member object to a single question being put on amendments 25 to 27?

**Members:** Yes.

**The Presiding Officer:** In that case I will put the question on the amendments individually.

The question is, that amendment 25 be agreed to. Are we agreed?

*Amendment 25 agreed to.*

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

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)

MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**Against**

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Finnie, John (Highlands and Islands) (Green)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnstone, Alison (Lothian) (Green)  
 Kerr, Liam (North East Scotland) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 Mitchell, Margaret (Central Scotland) (Con)

Mountain, Edward (Highlands and Islands) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)

**The Presiding Officer:** The result of the division is: For 83, Against 41, Abstentions 0.

*Amendment 26 agreed to.*

### **Section 73—Crown application: powers of entry**

*Amendment 27 agreed to.*

### **Section 74—Commencement**

*Amendment 2 moved—[Claudia Beamish].*

*Amendment 2A moved—[Gail Ross].*

**The Presiding Officer:** The question is, that amendment 2A be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### **For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)

Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### **Against**

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Finnie, John (Highlands and Islands) (Green)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)

Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnstone, Alison (Lothian) (Green)  
 Kerr, Liam (North East Scotland) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)

**The Presiding Officer:** The result of the division is: For 83, Against 41, Abstentions 0.

*Amendment 2A agreed to.*

**The Presiding Officer:** The question is, that amendment 2, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)

Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)

Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 62, Against 61, Abstentions 0.

*Amendment 2, as amended, agreed to.*

### **Schedule 3—Index of defined expressions**

*Amendment 28 moved—[Fergus Ewing]—and agreed to.*

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

As members will be aware, at this point in the proceedings, I am required under standing orders to decide whether, in my view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In my view, the Forestry and Land Management (Scotland) Bill does not do that, so it does not require a super-majority to be passed at stage 3.

I am going to suspend proceedings for a few moments. Let us take a five-minute comfort break.

17:47

*Meeting suspended.*

17:51

*On resuming—*

## **Forestry and Land Management (Scotland) Bill**

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a debate on motion S5M-11111, in the name of Fergus Ewing, on the Forestry and Land Management (Scotland) Bill at stage 3.

I call the cabinet secretary first to signify Crown consent to the bill.

**The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing):** I begin with the important matter of Crown consent. For the purposes of rule 9.11 of the standing orders, I advise the Parliament that Her Majesty, having been informed of the purport of the Forestry and Land Management (Scotland) Bill, has consented to place her prerogative and interests, in so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

**The Deputy Presiding Officer:** We are severely short of time for the debate, and we cannot delay decision time any further. I leave the choice open to the chamber. If all members cut a minute off their speeches, everyone should be able to speak. However, if members insist on using all their time, I will have to cut up to three speakers, which is certainly not ideal.

I call Fergus Ewing to speak to and move the motion. The allotted time was eight minutes, but brevity would be appreciated.

17:52

**The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing):** Today is an historic occasion. The bill is the first forestry legislation since the Parliament was reconvened in 1999. I am proud to be the cabinet secretary who is responsible for this landmark bill. It completes the process of the devolution of forestry that started with the Scotland Act 1998, nearly 20 years ago.

The Forestry Commission was established in 1919 to expand forests and woodlands after they were depleted during the first world war. It has achieved a great deal, from which it can take pride. However, administrative arrangements need to change with the times. Nearly a century on, the arrangements for forestry should reflect devolution. I am determined that forestry will be at the heart of the work of the Scottish Government.

The powers and duties that are held by the forestry commissioners, in so far as they relate to Scotland, will be transferred to Scottish ministers,

and the management and regulation of forestry in Scotland will become fully accountable to the Parliament. The bill modernises the statutory framework for the development, management, regulation and support of forestry in Scotland.

The sector is worth nearly one thousand million pounds a year to the Scottish economy and it supports around 25,000 jobs. For the first time, there will be a statutory requirement to prepare a forestry strategy and a duty to promote sustainable forest management.

Forestry is important to Scotland. It is a vibrant sector and one that we want to expand. It delivers a broad range of environmental outcomes—particularly in relation to climate change mitigation—and it supports and enriches the health and wellbeing of those who live in and visit Scotland. Our ambition is to lead the sustainable growth of forestry. The work of the Parliament today will help to deliver that ambition.

From my engagement with Forestry Commission staff at Sylvan house and in the five conservancies throughout the country, I am aware of their high standards of professionalism and of the commitment of the workforce to the promotion of forestry in Scotland. From my work with Forest Enterprise Scotland, I have seen the great work that it does on its core responsibilities in forestry, but also in other areas such as the environment, renewable energy, tourism, recreation—mountain biking, for example—and community woodland development. Over the next few years, I look forward to continuing and regular engagement with the entire workforce throughout the country.

I express my gratitude for stakeholder engagement—in particular from Confor and Scottish Land & Estates—and acknowledge the Forestry Commission's trade unions for their very positive and constructive engagement over the piece. I am looking forward to on-going discussions with them, including twice yearly formal meetings.

By including additional provisions on sustainable development, the bill also enables more effective use of Scotland's publicly owned land, and ministers will be responsible for managing the national forest estate to contribute to multiple outcomes.

The bill has been improved and strengthened as a result of the parliamentary process, and I welcome that. While it was not the approach that I and many stakeholders and senior forestry figures preferred, I accept that Parliament has legislated for ministers to establish two Scottish Government executive agencies to deliver their functions. That arrangement will avoid the disaster of the success that is Forest Enterprise Scotland losing its financial flexibilities, and we shall make every

effort to make that approach work, particularly for the staff who will transfer to the Scottish Government next April. Both agencies will be part of the Government and act as agents for Scottish ministers, and I will seek to ensure that both will be at the very heart of the Scottish Government's work.

Presiding Officer, I have followed your admonition at the beginning of the debate to be short. I conclude by saying that the Forestry Commission—which has existed for 99 years—has left us with a proud legacy of achievement. In completing the devolution of forestry, we now have the opportunity to take forward that great legacy for another century.

I move,

That the Parliament agrees that the Forestry and Land Management (Scotland) Bill be passed.

17:57

**Peter Chapman (North East Scotland) (Con):**

We have had a good discussion, and I was pleased to see amendments from members across the chamber agreed to at stage 3. The amendments will make the bill much more effective in achieving its aims and will provide assurance to those working in the industry.

Under devolution, the bill is required so that we can wind up the Forestry Commission as a cross-border public authority, transfer relevant property and liabilities to Scottish ministers and transfer staff, creating new organisational structures for forestry and land management in Scotland. It will repeal the Forestry Act 1967, which is why it is so important that we worked together to get it right.

My aim has been to allow the devolution of forestry to be a smooth process—one that is agreed by all the stakeholders, not imposed on them. It needs to lead to the creation of bodies that are fit for purpose and able to meet the ambitious planting targets that have been set—namely, achieving 10,000 hectares of new planting this year, with the target expanding to 15,000 hectares by 2025.

I firmly believe that it is possible to meet those targets, and I hope that they can be achieved. That will help us to meet our climate change targets, as trees are a great way to soak up carbon. It will help to meet our increasing demand for timber and make a dent in our timber imports—after all, we are the second-largest importer of timber in the world. Finally, it will provide jobs in some of our most remote and rural areas. Some say that that will impact on farmers and drive sheep off the hills. However, I firmly believe that there are real opportunities for our farmers to embrace timber growing and become much more like farmers in Scandinavian countries, who are

both farmers and foresters, reaping the financial benefits as a result.

We did not want the Scottish Government to take all those functions into central Government, which is why I was glad that Claudia Beamish's amendment was agreed to today, ensuring that all agencies remain outwith Government and at arm's length. We have met many concerned stakeholders who believe that that is the best way for the industry to move forward. I am also firmly of the opinion that end-year financial flexibility can be achieved under that model.

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** How?

**Peter Chapman:** Quite simply.

I was pleased that both of the amendments I lodged were agreed to. Amendment 38 relates to tree health, which has been seen as an important matter from the early stages of the bill. We can never have enough research on tree health. Our forests are under increasing threat from new diseases and climate change, and the more knowledge we have, the better we can manage our forests sustainably. That must include the cross-border management of tree health, which has been a major concern of many stakeholders. With the cross-border powers of the forestry commissioners being repealed under the bill, it is vital that cross-border tree health is still managed.

Amendment 41 ensures that, in preparing its forestry strategy, the Government must include planting targets. The bill is about growing our forested land, and planting targets are a necessary part of the strategy. The Scottish Government has missed its target of planting 10,000 hectares every year since 2001. With the bill, the Government aims to increase that target to 15,000 hectares by 2025, and we need that to be monitored and measured.

At stage 1, many were concerned about the issue of compulsory purchase for the purpose of sustainable development. That has been a red line for our group. We have never said that the compulsory purchase powers in the 1967 act should never be rolled over, but we have always agreed that the extension of those powers to include sustainable development was not needed or wanted.

We welcome the bill following today's amendments. I am glad that considerations from all parties in the chamber have been taken into account and that we have successfully worked to create a bill that works for stakeholders, our forestry industry and Scotland's environment and landscape. I support the bill.

18:01

**Colin Smyth (South Scotland) (Lab):** Scottish Labour supports the devolution of forestry powers, and we welcome the efforts in the Forestry and Land Management (Scotland) Bill to promote sustainable forestry management and to strengthen and grow the sector. The sector is of huge importance to Scotland: it supports about 25,000 full-time equivalent jobs and represents £954 million of gross value added.

Dumfries and Galloway, which is my home area, is the most densely forested area in the country, with woods and forests covering 31 per cent of the land. It is a major timber-producing area. It harvests 30 per cent of Scotland's home-grown timber each year, and it is home to Scotland's largest biomass power station. It is little wonder that the timber industry is responsible for more than 3,000 jobs in the region. They are crucial in such a rural area.

There remains a great deal more to be done to maximise the benefits of forestry in Scotland. The bill and the devolution of forestry powers are opportunities to make significant strides in that regard. There are many positive and potentially transformative provisions in the amended bill, such as on the creation of the forestry strategy, the establishment of the post of chief forester and the new statutory duty that will be placed on public bodies to promote sustainable forests. Given the importance of forestry to our communities, it is imperative that we get right the devolution of forestry powers to Scotland, and that we ensure that the industry is not only protected but bolstered now and in the long term, and that we proceed with the maximum support of all stakeholders.

Setting up the organisational arrangements for the new powers is fundamental to that. Although the original bill did not deal directly with those arrangements, it was somewhat naive to believe that they would not be at the heart of the debate on the bill, particularly given that the Government used devolution of forestry to try to centralise functions within the Government. I am delighted that members took a stand against that in voting on amendments, and I am pleased that Parliament will get an opportunity to scrutinise the proposals for the new organisational arrangements when the Government brings them forward.

Forestry Commission Scotland has had considerable success during its 100 years of existence, and it has taken a long-term approach, which is important to the sector. It is a well-respected and highly effective brand, with an unequivocal focus on forestry and considerable expertise among its staff. There was genuine concern because that would undoubtedly have been put at risk by the Scottish Government's plans to create a Government division. I am

pleased that members have listened, even if the Government chose not to do so.

I hope that there will be a greater effort to take a consensual approach when revised proposals for the new organisational structure are brought forward. Those plans must not only be in line with the legal requirements of the bill; they must reflect its intentions and spirit in full as a result of today's amendments and the comments that have been made during the debate. There is an opportunity for the Government to achieve genuine consensus, and it should take that opportunity.

Although unfortunately not all the constructive amendments that the parties lodged were successful, Labour is pleased to support the amended bill and the opportunities that devolution will bring to forestry. However, the bill's success in realising its aims will depend to a significant degree on on-going work. The development of the organisational arrangements for the powers and the contents of the upcoming forestry strategy will be critical to ensuring that the bill's overarching ambitions, which are shared by members across the chamber, are fully realised.

I hope that the bill will be agreed to and that we can move forward to build on the success of the forestry sector in Scotland and truly deliver its huge potential.

18:04

**John Finnie (Highlands and Islands) (Green):** Scrutiny of the bill has been very positive. There has also been positive engagement not just with the public, but with the forestry workforce. The Rural Economy and Connectivity Committee took seriously its role in scrutinising the legislation.

Parliamentary scrutiny has raised the profile of forestry, which is important. Members have spoken about the number of employees in an industry that is worth nearly £1 billion, which makes it a significant industry across Scotland. It has great importance in rural communities, many of which I represent.

The cabinet secretary spoke of the historic nature of the legislation, which is certainly the case. Those who look after the national forest estate, which is an immense amount of land, have a significant responsibility.

There have always been transactions related to sale and disposal of forestry land. I was pleased that, at stage 2, the committee agreed that retained moneys that are connected with disposals be reinjected into forestry.

We know that forestry is not just about trees and timber production. Much has been made of its recreational use, and its significant health benefits,

including to mental health, are increasingly recognised.

Forests have a large part to play in the overall environment, as we saw from Claudia Beamish's amendments about the Kyoto agreement, deer management and biodiversity. All those issues are linked.

Forests cover 18 per cent of our country and the predominant species is the Sitka spruce. People will no doubt share my concerns about a disease that is affecting the Sitka spruce, so I was happy to support Peter Chapman's amendments about the importance of sharing our experience on timber health. Disease, like fish, knows no boundaries. International co-operation is very important.

I am also keen that we expand our native woodland, rather than relying predominantly on Sitka spruce, which covers a third of the total forest area.

It is important that we look to what the future might bring. The debate got off to a positive start when we talked about the bill's overarching principles. That gave a clear policy direction. Forestry is a dynamic sector. We know that there are challenges connected to production, but we can all subscribe to the promotion of sustainable forest management.

There is a key role for the forest strategy, and Parliament will have a key role in maintaining a watching brief over its direction. I have no doubt that we will be hearing from the cabinet secretary about the strategy at the Rural Economy and Connectivity Committee.

How much time do I have left, Presiding Officer?

**The Deputy Presiding Officer:** You have half a minute.

**John Finnie:** Thank you very much. It is important that we look ahead. We know that a concerted effort will be needed to address the coming blip in production and the challenges that lie ahead. We know that forestry has historically been able to address those challenges, and I am sure that it will continue to do so.

Forestry is an important sector that requires a significant level of scrutiny by Parliament.

18:08

**Mike Rumbles (North East Scotland) (LD):** My Liberal Democrat colleagues and I welcome the amended bill. The parliamentary process and the passage of the bill show Parliament working at its best. It was at its best in how it took evidence at stage 1 and how it interrogated the detail of the bill and improved it. I know that the minister might not feel that way, but I assure him that Parliament has

been working at its best. The fact that the minister does not get all his own way has to be a good thing.

I welcome the fact that Parliament has, today, asserted its authority over the Government's wishes. I was particularly pleased to see that the further unnecessary powers of compulsory purchase, which ministers wanted simply because they wanted them, were denied them. They never gave an explanation about why they wanted them. However, there is no doubt that amendment 39, in the name of Claudia Beamish, was the most important amendment of the day.

Labour members talked about lifting and shifting, which is a good way to describe what the Scottish Parliament has done. We have lifted and shifted the UK's Forestry Commission and Forest Enterprise, so that they will become the Scottish Forestry Commission and Scottish Forest Enterprise. We have prevented the absorption of staff into the civil service and, in my view, safeguarded the experience and expertise of the foresters. That is what I take from the evidence that the committee heard.

I am particularly pleased that the position of chief forester was safeguarded by the committee at stage 2. The approach was opposed by the minister, so I am pleased that he now supports it and that he did not move amendment 23, which would have removed the section that provides for the chief forester's post.

Time is short; I think that two minutes is long enough for me to make the point that the minister's task and what we must concentrate on is to begin work to ensure that a successful and efficient forestry industry grows in Scotland.

18:10

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** As deputy convener of the Rural Economy and Connectivity Committee, I begin, as I normally do in such debates, by thanking my fellow committee members, everyone who gave evidence—in writing and in person—and the clerks and the Scottish Parliament information centre who provided reports and briefings. I also thank all the members of the forestry team. They are the staff who worked so hard to get us to this point of general agreement. I know that many long hours have been put into the bill.

With the passing of the Forestry and Land Management (Scotland) Bill, we are completing the devolution of forestry, as laid out in the Government's programme for Scotland. In our 2016 manifesto, the SNP made a commitment to devolve forestry and take it into Government—whether through an agency or a division—and to establish a new land agency for Scotland that is

based on Forest Enterprise, to manage publicly owned land in the best interests of the public. I sincerely hope that that is what we have done.

The REC Committee spent a lot of time taking evidence on the bill and analysing what we heard. The fact that the single-agency model was not debated until stage 3 meant that we were given little time for in-depth and valuable scrutiny of the option. The two-agency model is uncoded, untested and unexplored, but it is clearly a better option than loss of public corporation status, which would have had disastrous consequences.

Staff are now uncertain about how long the process will take and how the two-agency model will work. However, as members said, I am sure that we will make it work and that we will support staff. I will be interested to hear suggestions from Opposition parties about how the approach will work.

The committee supported the general principles of the bill, but made a number of recommendations in our stage 1 report, the first of which was that the Scottish Government provide

“a comprehensive statement ... setting out how it will manage and administer its forestry responsibilities.”

The cabinet secretary did that. The document set out the new governance arrangements, how the organisation would be structured and how funding would be provided—it will still come from the Scottish Government. It contained a promise to retain local offices and a clear commitment to there being no compulsory redundancies, and it talked about the creation of a corporate plan and the post of chief forester.

The document was positively received. Confor, BSW Timber, Scottish Land & Estates and the UK Forest Products Association were all positive and have said that they are sufficiently reassured that the industry's concerns have been addressed. Having said that, I am now unclear about how the proposed governance arrangements will apply in the new structure; maybe the minister will address that.

There was interest in an amendment that I lodged at stage 2 on a duty to promote sustainable forest management, so I mention that I met the cabinet secretary to discuss the amendment. The definition of “sustainable forest management” is continually developing, and following the discussion I am satisfied that the place for such a definition is in the forestry strategy. The definition will, therefore, be in the strategy.

I hope that we can all work together now to take work forward positively.

18:14

**Jamie Greene (West Scotland) (Con):** Today's proceedings have been another mammoth session. Late-night meetings seem to be becoming a habit—I hope not. What we have seen is the result of a lot of co-operation among members, especially in the REC Committee. I thank my colleagues on the committee. We disagreed on a number of matters during the stages of the bill, but I would like to think that, at the end of the process, we have a bill that has the Parliament's consent by consensus.

I am pleased that we can ensure that the devolution of forestry in Scotland happens and carries over many of the powers in the Forestry Act 1967 but in a way that is fit for purpose and that reflects the needs of forestry today.

I will not labour any of the previous arguments, so I have cut them out of my speech. However, on the issue of compulsory purchase, I am pleased that the cabinet secretary still has the powers that he held previously and no more than those. We had a good debate on the issue of the chief forester, which is an important point. I am pleased that the cabinet secretary conceded on that matter.

We have covered a wide range of subjects over the past few months in relation to forestry in Scotland, which is an important topic for many of us. It is a major source of not just income but livelihoods in communities across rural Scotland. We have covered everything from compulsory purchase to more subjective issues such as what sustainable development is, which Gail Ross mentioned; what community-controlled bodies are; what cross-border tree health is and how it should look and feel; and what felling is and the circumstances around that. The world has changed since the 1967 act was passed.

Throughout the process, members have sought to improve transparency and scrutiny and to mitigate any potential negative consequences of the proposed structural changes. It was a policy decision to make those changes. I am always of the belief that, if it ain't broke, don't fix it. Nonetheless, decisions have been made. Forestry Commission Scotland is an important, well-known and respected brand, and I hope that that good will remains as we move forward.

We should thank the staff who are involved in the industry, which provides tremendous career opportunities, as well as those who manage Scottish land on our behalf.

In what is perhaps my shortest speech ever, I will sum up by saying that we should all seek to grow the forestry industry. We have targets to achieve, but I hope that we will grow the industry

in the most inclusive way possible. I thank members for all their hard work on the bill.

18:16

**Alex Rowley (Mid Scotland and Fife) (Lab):** I, too, welcome the bill as amended by the Parliament today. The key is to ensure that land management works best for the people of Scotland. As such, it is vital that the Parliament listens to the views of key stakeholders and takes on board the recommendations that their expertise offers.

It has recently been estimated that the forestry sector supports around 26,000 jobs, with £954 million of gross value added. Aside from the clear economic impacts, forestry also impacts on climate change, biodiversity, flood management and health and wellbeing. Bearing all that in mind, it is clear that any changes to forestry management must be well considered and thought through to ensure that they deliver positive outcomes in all regards. In delivering the social, economic and environmental benefits of forestry that the bill intends to achieve, those benefits must be for all and not simply for the few.

In that regard, there were serious concerns over the Scottish National Party's centralising agenda. Indeed, the Woodland Trust stated:

"We worry that the loss of a dedicated stand-alone public body for forestry in Scotland will result in the loss of forestry focus in Scottish policy making, along with a loss of professional expertise from the trained foresters who currently staff Forestry Commission Scotland."

That is why Scottish Labour believed that it was essential for there to be two agencies, which I am pleased has been agreed today. I hope that the Government has listened and paid attention to the views that have been expressed, not just today but throughout the process. It is also why the position of chief forester should be on a statutory footing, so I am pleased that the cabinet secretary did not push his amendment in that regard.

Forestry has many beneficial impacts, but key to those is the expansion of our native woodlands. Scotland has lost much of its native woodland and is now one of the least forested countries in Europe. By increasing the biodiversity of forests, we will give future generations a rich environment that benefits all. Although the economic benefits of forestry are important, we cannot ignore the environmental impacts of mismanagement.

It is essential that we utilise and retain expertise and do not create another centralised civil service directorate that simply maintains our natural land and environment rather than helping it to flourish. That is why it is good to be able to support the bill as amended.

18:20

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** I agree with Peter Chapman's highlighting of the opportunities that exist for forestry and agriculture—perhaps I should say arboriculture and agriculture—to work together. Arboriculture includes vines, and I look forward to there being vines in Scotland in the future. There is an underexploited opportunity there.

Alex Rowley highlighted the issue of climate change, and I absolutely agree with him on the importance of forestry to managing and mitigating the effects of climate change.

I have a small point to make about unused powers. We have had discussion about compulsory purchase powers that have never been used. However, the fact that they have not been used is not to say that they have no effect. The very existence of powers forces people over whom they might be exercised to come to conclusions.

I will give an example of an unused power that touches on the life of us here. Forging the great seal of Scotland is high treason. It has been in the Scots law canon for more than 500 years and, as far as I can establish, it has never been used. Nevertheless, it is of such value that it is part of our legal system. That demonstrates that unused powers are not powers without value.

As I mentioned in the stage 1 debate, when the Great Michael was built in 1513, it weighed 1,000 tons and was the biggest warship in the world. All the forests of Fife were cleared to build it, and wood had to be imported from elsewhere. A couple of years later, the English decided that they wanted a bigger vessel, so they built an even bigger ship and the Great Michael—impressive achievement though it was—was never used for any particularly useful purpose.

In the time that remains to me, I would like to draw on personal experience. My wife reported to me that, earlier this month, two men came to the door. We live on 4 acres of land, and we are surrounded on three sides by about 70 to 80 acres of forest. One of the men was the new owner of the forestry and the other was from the Forestry Commission, and they had come to make my wife aware that some of that forestry was to be harvested over the next few years and to discuss the plans. My wife felt that it was an excellent intervention to be talked through what was going to happen and to be given sufficient notice—three years' notice, in fact—to allow us to put up some protective trees that might start to grow in that period that would continue to give the shelter that the forest provides.

The Forestry Commission is one of our crowning glories, and I hope that the bill as

enacted will support its future development and success.

18:23

**Finlay Carson (Galloway and West Dumfries) (Con):** As someone who has grown up, lived and worked in, and who now represents, the constituency of Galloway and West Dumfries, I have always been acutely aware of the importance of the forestry industry—the importance of which I note that other members are aware of—to my region, which has the biggest forest park in the United Kingdom.

I supported the amendments of my Scottish Conservative colleagues and others across the chamber that were designed to safeguard the forestry industry in the future. Like my Scottish Conservative colleagues, I had grave concerns about the plans to take power away from the Forestry Commission and to hand power over its functions to a division within the Scottish Government. We have repeatedly said that taking power away from the commission—which has helped to create and support thousands of jobs in our urban and rural communities, and which is rooted in the communities that it serves, supports and sustains—is not the way to support our forestry industry.

We have listened to the concerns of Scottish Land & Estates, which stated:

“we have a major concern with the government's current proposals. That is, we do not believe they will best enable the retention of forestry expertise within the public sector.”

That verdict could not be any clearer, which is why I was pleased to support Claudia Beamish's amendment 39, which will pave the way for having one or two agencies. That will mean that Scotland's forestry will be managed at arm's length from the Scottish Government by an agency that can function away from Government control. That agency will deliver far greater accountability for stakeholders through a board with non-executive directors.

I know that my constituents in Galloway and West Dumfries would not have wanted yet more functions going to the Scottish Government, so I was pleased to reject further centralisation through the various amendments today.

I was also at a loss as to why Fergus Ewing went against a committee recommendation to create the position of chief forester. He was not only going against the advice of a committee of this Parliament but was not listening to the advice of the experts. Scottish Land & Estates said:

“To ensure retention of professional staff in the long term, the bill should create a post of chief forester for Scotland. Ministers should commit to designating key professional posts.”

We need only look at the fact that the average length of time spent working in Forestry Commission Scotland is around 25 years, whereas in the Scottish Government it is merely two years.

I am pleased to have supported the amendments, which were designed to strengthen the bill rather than to weaken the legislation and, ultimately, the industry itself. I support the bill.

**The Deputy Presiding Officer:** The last speaker in the open debate is Richard Lyle.

18:25

**Richard Lyle (Uddingston and Bellshill) (SNP):** I want to begin this afternoon by reflecting. I know that many members across the chamber believe that I am always for development, but I am also a believer in conservation, particularly when it comes to the aims of this bill. We are privileged in Scotland to have beautiful areas that are enriched with forests and trees. Aberdeenshire, for example, which I have visited a lot recently, is filled with incredible scenes; there are many, too, even in the central belt, and I must mention again, as always, Strathclyde country park.

The bill seeks to protect and develop those special places, as we plant for the future. I hope that my new grandson Nathan, who we have just welcomed into the world and who is very much enjoying his baby box—another great idea by the Government—will be able to grow up in a country that protects and celebrates its incredible landscape, thanks to the legislation that we are passing today. Indeed, the new framework and administrative arrangements that have been put in place will, we hope, support forestry in Scotland for years ahead, as I have outlined, and give forestry its rightful place in supporting Scotland's economy.

I wish to reflect on the contributions by stakeholders. In particular, I wish to mention Confor, which—through its chief executive, Stuart Goodall—has made a truly valuable contribution on the bill and which has worked constructively to share its opinions and knowledge.

Various amendments that have been agreed to this afternoon will have to stand the test of time, like Andy Wightman's pie chart. I am sure that the Government will enjoy making pies.

**John Finnie:** Will the member take an intervention?

**Richard Lyle:** I do not have time. I am sorry.

I thank the cabinet secretary for his work and the approach that he has taken on the bill. He has continually made himself and officials available to the Rural Economy and Connectivity Committee in

its considerations and has sought to work collaboratively with those who have an interest in doing so. He has my high respect.

Of course, the cabinet secretary has been supported by various Scottish Government officials, such as Kate Higgins, who has been a great help to the committee in understanding some of the workings of the bill. I thank her, too, for her work. At the committee, Government officials—I think that they are sitting behind me in the chamber—have been on hand to talk through the bill and they have been able to address members' questions. I thank all those involved for their approach.

The Forestry and Land Management (Scotland) Bill is key to our ambition to lead the sustainable growth of forestry and to increase its already substantial economic, social and environmental contribution to Scotland. Completing the devolution of forestry functions will help to support that ambition. I hope that, for years to come, the effects of this legislation will be recognised for their contribution to keeping Scotland the beautiful country that we all know.

**The Deputy Presiding Officer:** Everyone has been very good today and we are back on time. We move to the closing speeches.

18:29

**Claudia Beamish (South Scotland) (Lab):** Tomorrow is international forests day—a day to celebrate the importance of forests and the ways in which they sustain and protect us around the world. We can also look forward to the Forestry Commission's centenary celebrations next year, so this is truly a time to focus our minds on the best way forward for Scotland's forests.

Throughout the bill process, I have heard from a number of impassioned voices, as have many of us in the chamber. My thanks go to all those with whom I have engaged, along with my colleague Colin Smyth; that includes the numerous South Scotland constituents who emailed me.

Forestry's future is that of a growing sector. It is already a thriving £1 billion industry, which has the opportunity for yet more significant growth. However, it also faces new challenges to keep up with planting targets, maintain a good supply of commercial timber and improve rates of natural regeneration of native and ancient woodlands. Therefore, I am relieved that the Scottish Government accepted my amendments on deer management, climate change and biodiversity, which are very important in relation to those challenges.

Forestry has an important impact on rural economies, employment, green urban spaces,

and—as John Finnie mentioned—mental wellbeing, construction and low-carbon materials, community initiatives, tourism, and much more. The Parliament has made the right choices for the future of forestry, with the right governance structures. Consistently from consultation, at stage 2, and since then, the Government has been made aware of significant unease regarding its vision for forestry. There have been 100 years of success under the current arrangements—let us secure the sector's strong footing and nurture its ability to grow by preserving the skills, the on-the-ground knowledge and the irreplaceable expertise of the FCS and FES staff. I thank them all today.

Forestry needs long-term vision. It could not operate successfully, as it currently does, if it fell victim to the changeable whim of a future minister, the restructuring of a Government department, or a new Government and manifesto. I do not need to remind members that it has been less than 10 years since the Scottish National Party Government attempted to lease publicly owned forests to private companies.

Amendments by me and by Colin Smyth sought to require Scottish ministers to carry out their forestry functions through an agency or agencies to retain forestry's proven and effective brand and to allow for the retention of Forest Enterprise Scotland's public corporation status, as the cabinet secretary has highlighted. I also added the requirement for greater scrutiny through a report to Parliament; that adds a further layer of comfort in ensuring that we get the process right, and I am grateful for the Parliament's support for amendment 2.

The climate service that our forests provide is one that we should not take for granted. The climate change plan woodland expansion targets are welcome, as they increase the sequestration capacity.

Community woodland projects and local rural development goals must shine in the future. Bit by bit, planting and subdividing land into smaller plots can empower communities and can often offer a greater focus on nurturing biodiversity and climate mitigation.

I was a strong advocate of agroforestry in the previous parliamentary session and I hope to continue to be a strong advocate, as highlighted by Peter Chapman. Scotland has a bright future in sustainable forestry and the Parliament has helped to secure that today. I am eager to support the bill as amended.

18:33

**Edward Mountain (Highlands and Islands) (Con):** The Scottish Conservatives are delighted to add our support to the Forestry and Land

Management (Scotland) Bill. We believe that the bill, as amended, will work in the best interests of our environment, our conservation efforts, our timber trade, and our natural forest estate.

We are pleased that the bill completes the full devolution of forestry to Scotland. More powers mean more responsibility on the part of the Scottish Government to improve its frankly poor record on achieving planting targets. Under the stewardship of Richard Lochhead and now Fergus Ewing, the target of planting 10,000 hectares a year has not been reached. [*Interruption.*] I am sorry, but this issue needs to be resolved. Targets are targets and achieving targets is important. We therefore welcome the cabinet secretary's intention to raise the planting target to 12,000 hectares per year from 2020. It is an ambitious target, and we will work with him to ensure that he achieves it.

We will also monitor carefully the rebranding of the Forestry Commission to Forestry Scotland. There is always a temptation to spend a lot of money to make changes overnight. As the cabinet secretary accepted, such things can often be done at half the price if branding on equipment and vehicles is changed as they are replaced, on a rotational basis. I remind the cabinet secretary of his commitment to do that.

During an evidence session, we heard of the need for a new computer system, too; I think that we are all praying for a system that works and which will deliver for Scotland's forestry. I believe that the Scottish Government now has all the tools that it needs to reach its planting targets and to do what it needs to do with forestry.

I am mindful of the time, Presiding Officer, and of the fact that you want me to keep my comments brief, so I will do so.

Today, I believe that we have seen the Parliament working as it should do by working across the chamber to achieve outcomes that all parties consider important. Not everyone got everything that they wanted, but we have delivered a new forestry structure for Scotland. I am delighted that the cabinet secretary has undertaken to make it work and to make the will of the Parliament work.

As other members have done, I thank all those who helped the Parliament in its discussions and scrutiny of the bill, from the committee clerks to the members of the Confederation of Forest Industries, other agencies and the trade unions who came and spoke to the committee. Being informed about matters that sometimes we do not know as much about as they do is, frankly, very helpful. In particular, I thank all the members of the Rural Economy and Connectivity Committee for their diligence during the scrutiny of the bill. I

remind those members of the committee who are in the chamber that we will start our stage 2 consideration of the Islands (Scotland) Bill tomorrow morning promptly on time.

This has been a good debate, with positive outcomes for forestry in Scotland. The Government has listened to the combined views of the Opposition parties, and that has resulted in a sensible and worthwhile outcome. I believe that that will take forestry in Scotland forward, which must be the aim of all parties in the chamber.

**The Deputy Presiding Officer:** I call Fergus Ewing. Please take us up to just before decision time at 6.45, cabinet secretary.

18:36

**Fergus Ewing:** I will see what I can do, Presiding Officer.

I thank members for their speeches in the debate. I have found the whole parliamentary process stimulating and even hyperstimulating at times, and improvements have been made to the bill in the bygoing. The main improvements were made because the Government accepted the vast majority of the recommendations that were made at stage 1 by the Rural Economy and Connectivity Committee, which was the lead committee on the bill. Those recommendations were taken forward—we listened to Parliament and acted upon them.

The responsibility to make the bill work now rests primarily with me, as the cabinet secretary. I know that we will succeed in that task, because I have built excellent working relationships with Jo O'Hara and Simon Hodge and their professional teams over the past two years. It is because of their commitment, dedication and professionalism that I know that we will make the new arrangements work, and I am quite sure that the Parliament will hold me to that.

It was a highlander, Simon Fraser—who, I think, was the 14th Lord Lovat and a redoubtable figure—who was the founding father of the Forestry Commission in 1919, following the Acland report, which was published some years prior to that, when Britain was denuded of trees. The action that was taken then was quite radical, and the forest estate was built up with successive injections of drive, enthusiasm and finance from the likes of Philip Snowden, the Chancellor of the Exchequer in the first Labour Government, and Winston Churchill, in the Baldwin Government, so that, by the beginning of the second world war, the Forestry Commission was the largest landowner in Britain. That was an amazing achievement, and it was followed after the second world war by a further wave of plantations, in which Scotland led

the way. Indeed, my late uncle, David Woodburn, played a great part in that process.

Over the 99 years since the establishment of the Forestry Commission, the national forest estate has grown and its aims have been extended to include, as well as the core purpose of forestry, conservation, tourism, renewable energy and a host of other functions. The commission has risen to the task of meeting those additional tasks and functions as they have been accumulated. I am acutely conscious of the legacy that the Forestry Commission has bequeathed to us. Having had the opportunity and pleasure to work with not just the management but many of the staff around the country, I know that it is essential that we continue the ethos and spirit of the commission.

For a great many, if not most, of the staff who work for the commission and for Forest Enterprise, it is not just a job; it is a calling, vocation and profession to which they are personally devoted. We need to do our best to preserve that devotion, and we must be aware of the need to preserve and protect for the next 100 years the traditions that continue in practice.

Because of that, I set out, in the statement that I published at the Parliament's behest, that we will create the post of chief forester, who will be the head of professional development. That individual will become the head of the agency that was formerly the Forestry Commission. The measure was welcomed by all the stakeholders—even those who were not satisfied with the proposals that we made—as was the commitment to maintain the conservancies, Silvan house, the offices of Forest Enterprise and the ethos to which I have referred.

I hope that the next few years will see us reach the target of 10,000 hectares of new plantings and move on to the even more ambitious target of 15,000 hectares by 2025. Indeed, a study by WWF concluded that, unless planting rates are increased, by 2050—which I note, for the younger members, is not that far away—the United Kingdom will be required to import 80 per cent of its timber. That is a shocking scenario for a country that is so suited to plantations. The UK is now the second-largest importer of forest products, as I think Mr Chapman said.

To avert that happening, we must increase our timber production and meet our climate change targets by growing more forests in Scotland. That work must be informed by the best silvicultural practice—namely, planting the right tree in the right place. As, I think, members of all parties have acknowledged, that must also be integrated into overall land management in Scotland so that farming and forestry complement each other.

I emphasise what is of fundamental importance in enabling those considerable challenges to be met. Perhaps the most important point of all is that our key asset is our staff: the workforce of the Forestry Commission and Forest Enterprise Scotland. Therefore, it is vital that we continue to invest in our staff. When I say that, I mean that we should value them, ensure that the process of negotiating terms and conditions is conducted and completed as swiftly as possible and contribute to their further professional development, as I have seen happen for myself in visiting all the conservancies in Scotland. I value the good relationships that have been forged with the trade union representatives, and I pledge that that engagement will continue with biannual meetings.

There is much more to be done over the next year as we prepare for 1 April 2019, when we intend to bring the new arrangements into force. That includes the completion of the collaborative arrangements for cross-border functions, working with the UK and Welsh Governments. Secondary legislation is also required to implement aspects of the bill.

We are committed to maintaining continuity of delivery as we make the transition to the new arrangements. We must continue our shared national endeavour to expand Scotland's woodland area to secure future timber supply. We have the most ambitious planting targets in the UK, which will help us to achieve our climate change objectives. However, we also cherish our forests and woodlands for the benefits that they can bring to people—benefits of myriad variety across the range. The bill also enables more effective use of Scotland's publicly owned land.

I express my gratitude to my officials, who have provided exemplary support under considerable pressure, especially over the past three weeks.

Scotland's woods and forests are of enormous importance to our people, communities, economy and environment. The bill makes forestry directly accountable to the Parliament, which puts it at the heart of our endeavours and at the heart of the rural economy. I am pleased to have introduced the first bill on forestry to the Parliament. We have seized a once-in-a-generation opportunity to create a new, modern statutory framework that will support the realisation of our shared national ambition for one of Scotland's most important assets. I hope that, when we vote, we will support that ambition unanimously.

I am proud to have moved the motion.

## Business Motion

18:45

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of business motion S5M-11170, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, to vary the standing orders and revise business on Wednesday.

*Motion moved,*

That the Parliament agrees—

(a) that, for the purposes of consideration of the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill on Wednesday 21 March, in Rule 2.2.4 of the Standing Orders “19:30” be substituted for “19:00”; and

(b) to the following revision to the programme of business for Wednesday 21 March—

delete

6.00 pm Decision Time

and insert

7.30 pm Decision Time—[*Joe FitzPatrick*]

*Motion agreed to.*

## Decision Time

18:45

**The Presiding Officer (Ken Macintosh):** There is one question to be put as a result of today's business. Because this is a final vote on a bill at stage 3, we will move straight to a division.

The question is, that motion S5M-11111, in the name of Fergus Ewing, on the Forestry and Land Management (Scotland) Bill at stage 3, be agreed to.

### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wells, Annie (Glasgow) (Con)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 120, Against 0, Abstentions 0.

*Motion agreed to,*

That the Parliament agrees that the Forestry and Land Management (Scotland) Bill be passed.

## **Holodomor Remembrance Day 2018**

**The Deputy Presiding Officer (Christine Grahame):** Before we begin the next item of business, I am sure that members will wish to join me in welcoming to the chamber Her Excellency Mrs Natalia Galibarenko, the Ukrainian ambassador to the United Kingdom, and other visitors who are in the gallery.

Mrs Galibarenko has shown stamina, but not as much as Mr Chapman, who has participated in the entirety of the stage 3 proceedings and debate this afternoon and is about to speak in this debate.

The final item of business is a members' business debate on motion S5M-08629, in the name of Peter Chapman, on Holodomor remembrance day 2018. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament notes the day of commemoration and remembrance of the Ukrainian Holodomor, which will take place on 25 November 2017; considers that the Holodomor, literally meaning extermination by hunger, was a deliberate man-made famine designed by Joseph Stalin's Soviet regime to crush Ukrainian nationalism and the Ukrainian peasantry, whom he viewed as a threat; understands that, due to the wall of secrecy imposed by the former Soviet Union, it is difficult to know how many perished during the Holodomor of 1932-33, although recognises that recent research suggests that between three and seven and a half million may have died as a direct result of the Soviet-imposed famine in Ukraine; notes that, during the height of the famine, international offers of aid and support were turned down by the regime, while vital food stores were allowed to rot in warehouses under armed guard; believes the Holodomor to be a deliberate act of genocide that must be fully understood and recognised by current and future generations, and notes the important role that the Holodomor Remembrance Day plays in achieving this aim.

18:49

**Peter Chapman (North East Scotland) (Con):** I, too, wish to welcome the Ukrainian ambassador, Mrs Natalia Galibarenko, and the consul, Andrii Kuslii, who are sitting up in the gallery today. Many friends of Ukraine are sitting in the gallery behind me, too, and I welcome them. I apologise to our visitors for keeping them waiting so long for this debate. We have a habit of speaking too long in this chamber, but the debate is here now.

I thank the ambassador and Andrii Kuslii for bringing the topic of the debate to my attention. Before I first met Andrei here in Edinburgh, I had never heard of the Holodomor. I am sure that some members who will speak in the debate had not heard of the Holodomor before they signed my motion. That is why the debate is so important—it highlights that tragic event and lets the world know

the cruelty and viciousness of Stalin and his regime.

Europe's recent history over the past 100 years or so is littered with war, conflict and death. The first world war resulted in about 16 million deaths. During the second world war, some 60 million people were killed worldwide. However, those conflicts are well known. The Holodomor is almost unknown outside Ukraine, and it is time for that to change. The Holodomor is based on two Ukrainian words: *holod*, meaning hunger, starvation or famine; and *moryty*, meaning to induce suffering to kill. From 1932 to 1933, the Holodomor famine took the lives of between 7 million and 10 million innocent people, many of them children.

After the first world war and the fall of the Bolshevik regime, there was a downfall in the Russian empire, which resulted in the abolition of censorship and the establishment of an independent Ukrainian state, and allowed an astonishing renaissance of literary and cultural activity. Many new writers and poets expressed their views on politics, and soon the people of Ukraine were working towards the elimination of illiteracy. They were becoming a smart nation, which did not sit well with Joseph Stalin. In the summer of 1932, Stalin saw the resurgence of the Ukrainian people as a threat. In a letter to one of his main associates, he wrote:

"If we do not start rectifying the situation in Ukraine now, we may lose Ukraine".

There is a clear record of Stalin's Government's deliberate aims to inflict suffering on the people of Ukraine. He systematically planned their starvation and death to hold on to their land. That began in summer of 1932, when Stalin wrote a law that is now commonly known as the law of five ears of grain.

Ukraine was the most important agricultural part of the Union of Soviet Socialist Republics. Despite making up only 2 per cent of the USSR's total area, it harvested 23 million tonnes of grain, which was 28 per cent of the gross grain harvest of the whole USSR. It was the bread basket for Stalin's regime, and he used that to his advantage and subjected the nation to grain quotas, confiscating supplies down to the very last seed. All farm land became the property of the Soviet Union. Food in farmers' homes was taken, and if they were caught taking food from the land that they had owned, they would face fines, imprisonment and even execution. As they starved, it became harder to harvest what the Government requested and the punishments worsened. From the implementation of the first grain quota, they became Soviet prisoners and slaves.

That suffering and starvation of the Ukrainian people was controlled through enforced isolation

put in place to prevent starving peasants from going in search of food. A resolution passed by Stalin and the Soviet regime in January 1933 stated:

"A massive exodus of peasants 'in search of bread' has started ... without a doubt organised by the enemies of the Soviet Government. [Therefore, regional executive party bodies in Soviet Ukraine are ordered] ... to prevent a massive exodus of peasants ... [peasants from Soviet Ukraine who have crossed the borders to the north] shall be arrested... and deported back to their places of residence."

It is recorded that the Soviet regime forcibly sent more than 186,000 people back to their homes to face certain starvation. We know that the regime systematically sent people back to their villages knowing that there was no food and that those people would die a horrible lingering death.

As a result of the Holodomor, 20 to 25 per cent of the population of Ukraine were exterminated.

That enforced starvation reached its peak in the winter of 1932 and the spring of 1933, when 25,000 people died every day. Maria Kachur, a survivor of the Holodomor, said:

"My mother buried the children herself. When my brother was dying in February 1933, he pleaded for food; my other brother died in March and my sister died in May 1933."

That harrowing account shows what many families had to endure: the horror of parents burying their own children. The Holodomor had an extremely high mortality rate for children. In September 1933, approximately two thirds of Ukrainian pupils were missing from schools. Many desperate parents would risk being caught by the Soviet secret police and would take their children through the Ukrainian borders, abandoning them in urban areas in the hope that they would find more food there. However, many died on the streets.

One of the difficulties with the Holodomor is that the death toll has never been known for sure, with many families having buried their own and there being mass graves in many villages. The head of the secret police of Ukraine wrote a letter in June 1933, stating that

"the mortality rate has been so high that numerous village councils have stopped recording deaths".

After all those deaths, Stalin used the depleted and barren land to resettle thousands of families from Russia. By the end of 1933, more than 117,000 people were resettled in the Ukraine.

Alain Besançon, a well-known French historian, has stated:

"It was the well-organized executions that made the terror by starvation in Ukraine a genocide."

That sums up that the orchestrated and systematic killing of the Ukrainian people by the Stalin-led Soviet regime was genocide, and we must

recognise those whose lives were destroyed by the Holodomor. As with other massacres down through the years, we must not forget; we must remember them.

**The Deputy Presiding Officer:** I, too, welcome the consul, whom I omitted from my opening remarks. I also ask members of the public who are sitting in the gallery to desist from clapping. I know why they want to do so, but it is not permitted.

18:57

**Maurice Golden (West Scotland) (Con):** As I have previously intimated to you, Presiding Officer, I apologise that I will have to leave shortly after making my contribution. I also apologise to members who are in the chamber.

I, too, offer my thanks to the Ukrainian ambassador and consul for highlighting this issue, and for their presence here today.

“Everyone just thought of death.”

Those are the words of Nina Karpenko, one of the survivors of the Holodomor, during an interview with the BBC a few years ago to mark the 80th anniversary of that genocide against the Ukrainian people. Although the Holodomor is etched into the collective memory of the Ukrainian people, it is largely unknown in the west. I thank Peter Chapman for helping to highlight it. Let us use today as an opportunity to ensure that more people understand what happened in Ukraine.

The Holodomor was a man-made famine—the product of an evil and twisted Soviet regime that placed ideology and its grip on power above the welfare of its own people. As Oleksandra Radchenko, a teacher and eyewitness, put it:

“It would not be so offensive if it were due to a bad harvest, but they have taken away the grain and created an artificial famine.”

Estimates vary—a situation that is not helped by decades of denial and secrecy—but somewhere in the region of 4 million to 10 million innocent people perished in appalling suffering. The sad irony of the Holodomor is that Ukraine had been a bread basket, with its farmers having produced more than a quarter of the grain harvest for the entire Soviet Union. How, then, could so many of its people die of starvation?

In the late 1920s, Stalin began the process of collectivisation, forcing farmers to hand over their land to Soviet authorities. Those who resisted were branded class enemies, and armed troops and secret police were used to enforce Stalin’s will. Collectivisation was not just a case of mass theft by the Soviets; it was an assault on Ukrainian culture, because it attacked the concept of the rural village, which was a key part of Ukraine’s traditional culture.

The grain harvests were well below normal in 1932 and 1933, and the Soviets’ response was to increase the grain quotas. When the farmers could not meet the quotas, Communist party agents tore through Ukraine and took any food that they could find. The result, of course, was famine. Pleas for help fell on deaf ears, with Stalin writing:

“Ukraine has been given more than its due”.

Harsh laws made it difficult for people to help themselves. They could be shot for stealing a sack of wheat.

The famine intensified, and by 1933 tens of thousands of people were dying every day. The accounts are harrowing, with people eating anything they could find to survive, people dropping dead in the streets and villages decimated. The Soviet response to the great loss of life among its own people was to export a million tonnes of grain to the west.

Some did survive, though, such as Nina Karpenko, and it is through their accounts that we can—and we must—recognise the Holodomor for the genocide that it was. We must ensure that it is never forgotten and never repeated.

19:01

**Clare Adamson (Motherwell and Wishaw) (SNP):** I want to let Mr Chapman know that I knew about the Holodomor before I read his motion, and the reason why I knew about it is that I have a Ukrainian friend. To my knowledge, he is my only Ukrainian friend, and he is in the gallery today. He is a former MSP and a councillor in the City of Edinburgh Council, Stefan Tymkewycz, and was the first person to tell me about the history of the Ukrainian people and the Holodomor. Having met Her Excellency the ambassador and the consul general this afternoon, I am sure that that friendship group will now grow.

I also want to thank the diaspora of the Ukrainian people, many of whom are here today, for bringing the Holodomor exhibition to the Parliament to help inform MSPs about what happened and about their country and their families’ history. It was very important to me to see that here. That was a few years ago now, so perhaps it is time for a refresh and a revisit.

As I said, I had heard about the Holodomor and I knew a little bit about it, although not much. Last year, when I visited Canada and the United States on a parliamentary visit with the Presiding Officer, I was lucky enough to visit the Canadian Museum for Human Rights. It is the first museum in the world that is solely dedicated to the evolution, celebration and future of human rights, and it is a profound experience to be there. It is an amazing

place to visit; I will never forget it because of the impact that it had on me in so many ways.

The museum's breaking the silence gallery has exhibitions commemorating, remembering and informing people about the genocides of the world, and to my surprise the Holodomor was included, along with Rwanda, Srebrenica, the Holocaust and others. I was surprised because I was unaware that Canada had recognised the Holodomor as a genocide—something that I think this country should do as well.

The breaking the silence gallery includes a 10-minute film showing footage from Ukraine at the time, including some of the posters and propaganda that the Soviets put out, denying that there was any problem in Ukraine. The major part of the famine took place in 1932 and 1933, but the Soviet Union's policies had damaged Ukraine in 1925, 1928 and 1929. It was a catastrophic famine that swept across the Soviet Union, and it began in the chaos of collectivism, as my colleagues have mentioned.

However, the Soviet Union was in denial and prevented the information about the famine reaching the west. We must thank journalists such as Malcolm Muggeridge, who worked for the *Manchester Guardian*. At great risk to himself, he defied the Soviets and went into Ukraine. The Soviets sanitised the reports of reporters—words such as “famine” and “starvation” were banned. However, journalists such as Malcolm Muggeridge smuggled to the west the real testimony of what was happening in Ukraine.

Unfortunately, that testimony did not suit the political system here. At the time, the Soviets were moving towards being considered our allies in what was to happen in world war two. Many people denied what was happening. Muggeridge said:

“what made it so diabolical, is that it was the deliberate creation of a bureaucratic mind ... without any consideration whatever of the consequences in human suffering”.

My experience in Canada—seeing all those genocides together—taught me that there is no limit to man's inhumanity to man. We must not forget. We must remember, as we have done in debates about Srebrenica and the Holocaust. However, it is really important that we put right the unjust level of denial that still exists about the Holodomor. I hope that one day the United Kingdom will recognise it as genocide.

19:06

**Claire Baker (Mid Scotland and Fife) (Lab):** I thank Peter Chapman for bringing forward today's debate and I, too, welcome the Ukrainian ambassador to Parliament. Dobryy vechir—I hope that the pronunciation was not too bad. I apologise

for not being able to meet the ambassador earlier, as I had to attend an urgent constituency meeting, but I hope that we have another opportunity to meet in the future.

I have to admit that, until the debate was scheduled—I am afraid that I missed the debate in Parliament in the previous session—I knew very little of the Ukrainian famine. I am sure that that is sadly true for many members, and unfortunately for much of Scotland.

Rightly, we have extensive knowledge of the Holocaust, and we pay our respects to the victims each and every year. The Parliament has also had many debates and visits that have centred around the genocide in Srebrenica, as we remember those shocking deaths, which took place in Europe all too recently. Yet the genocide of the Holodomor has had, as far as a quick check of the *Official Report* indicates, only one very short debate. I hope that today is the beginning of Parliament's attempts to address that.

As this is the 85th anniversary of the Holodomor, we are at a stage at which we are losing, more and more, the valuable and tragic, but at times very powerful, memories and insights of those who experienced it. It is therefore up to us as politicians, along with historians, academics and Ukrainians, to ensure that those accounts and the tragedy do not die with them.

My researcher, Jamie, recently became a dad. His son, Sam, is a quarter Ukrainian. Sam's great-grandparents on his mum Amy's side are survivors of the Holodomor and of the second world war in that region, before they were able to seek refuge in England. Their daughter, Olga, then met and fell in love with a Scot, and they made their home in Prestwick. Sam is six months old, and his Ukrainian great-grandparents, Walter and Mary, passed away before he was born. Yet for baby Sam and other Ukrainian Scots, the Holodomor is as much a part of their history as the Highland clearances—Taras Shevchenko is as much a part of their culture as Robert Burns.

Calling the famine the Holodomor—to kill by starvation—recognises that it was man made. Starvation is often a consequence of war and conflict, but it can also be a deliberate act of aggression or control. If it is recognised that it was man made and caused 3.3 million deaths, which is a conservative estimate, it should be recognised as genocide. Not only was the Holodomor man-made but, when help was offered, it appeared to be turned away. Outside aid was rejected, population movement was severely restricted, household foodstuffs were confiscated and a state propaganda campaign tried to turn urban against rural.

Following the declassification of more than 5,000 pages of Holodomor archives by Ukraine's security service, it is suggested that Ukraine was not given the same aid and help that was given to other areas of the Soviet Union. The famine took place against a backdrop that was described by genocide scholar, Adam Jones, as one of

"persecution, mass execution, and incarceration clearly aimed at undermining Ukrainians as a national group."

A growing number of people are calling for the United Kingdom Government to recognise the Holodomor as genocide and to show its support for Ukraine, the thousands of Ukrainians who fled the Soviet Union, the thousands who have set up their homes across the UK and the hundreds of thousands who are their descendants. As Clare Adamson mentioned, Canada has recognised that, as has Australia, I think, as well as Ukraine itself.

Today's debate is an opportunity to state our support for Ukrainian people, and to recognise the calls for the Holodomor to be recognised as genocide. That terrible period in history must not be hushed up or down played. Genocide must be recognised as such in order to enable us to acknowledge the suffering, remember the dead and endeavour to ensure that history does not repeat itself.

19:10

**Tom Arthur (Renfrewshire South) (SNP):** I thank Peter Chapman for bringing this important debate to Parliament, and join him in welcoming the Ukrainian ambassador and members of the Scottish Ukrainian community. I express my solidarity with the people of Ukraine and the Ukrainian state.

The debate is important for several reasons. First, it is important to remember that, as the Korean war was the forgotten war of the 20th century, the Holodomor was the forgotten genocide. I want to acknowledged members who have used the word "genocide". It is encouraging to hear recognition from across the chamber that the Holodomor was a genocide. Mr Chapman very eloquently explained that, citing historical sources that highlighted how the Ukrainian people and their culture were deliberately targeted. We have a duty to make sure that more people are aware of that catastrophe.

I will certainly undertake to make sure that I engage with schools in my constituency of Renfrewshire South to increase their awareness, because several important lessons emerge from that catastrophe, 85 years on. One is the way in which ideology, taken to its extreme, can dehumanise people. It is, to use Burke's term, "geometric politics", in which individuals are

subsumed into a collective—people are instrumentalised and used as a vehicle for some political end, and individual liberty is lost. That was best captured in its most sinister form by the words that are often attributed to Stalin:

"A single death is a tragedy; a million deaths is a statistic."

Even if that statement is apocryphal, it sums up the fundamentals of communist ideology—the ideology that led to a thing such as the Holodomor taking place.

There is also an important lesson to be learned about how the Holodomor was reported and forgotten, and how we learned about it again. As members have highlighted in their remarks, there has been a profound lack of awareness of the Holodomor. However, that was not so when it occurred.

It was reported by an enterprising, bold and brave young Welsh journalist by the name of Gareth Jones, who has been honoured in Ukraine. Gareth Jones did not live to see his 30th birthday, but he was a brilliant young man who was fluent in French, German and Russian, and had been an aide to the former Prime Minister, David Lloyd George. He travelled to Ukraine and witnessed first hand some of the scenes that other members have described.

When he came back, he gave compelling testimony. What happened? The Kremlin denied it, and people in the west who had Soviet sympathies poured scorn on Mr Jones's testimony and discredited him. There is a lesson in that about actions that emanate from Moscow being followed by attempts by Moscow to discredit ideas about its involvement, and of people in the west being sympathetic to the Kremlin line. That is a lesson from 85 years ago that it is still valid.

Gareth Jones regained his reputation and went to Japanese-occupied Mongolia to report on events there. He died in mysterious circumstances, but two of the last people he met were Stalin's NKVD agents. There is a lesson to be learned there, as well.

This year represents the 85th anniversary of the Holodomor, but it is also the 10th anniversary of the Prague Declaration on European Conscience and Communism, from which we have the European day of remembrance for victims of Stalinism and Nazism. We all have a duty in Parliament and in our work in our constituencies to ensure that prominence is given to the victims of the Holodomor, and that future generations will never forget. Fundamental to that are the words of George Santayana, who said:

"Those who do not know the past are condemned to repeat it."

19:15

**The Minister for International Development and Europe (Dr Alasdair Allan):** I thank all the members who have contributed to the debate, which marks the 85th anniversary of the Holodomor. That horrific tragedy was debated in the Scottish Parliament in 2014. I am in no doubt that debating it again will have raised awareness of that terrible event in Ukraine's history.

I thank Mr Chapman for lodging the motion and, as other members have done, I welcome the Ukrainian ambassador and her party to the gallery. We are honoured that she is able to be with us.

The message in the debate has been very clear: the Holodomor was a completely avoidable tragedy that serves as a reminder of the depths of inhumanity that can exist in this world. By continuing to debate and, above all, to commemorate the tragedy, we show our solidarity with the people of Ukraine and come together across the parties to remember those who were lost in that deplorable famine, which could so easily have been prevented.

The people of Scotland and Ukraine have intertwined histories, and Ukrainians continue to influence Scottish society positively. That is reflected by the shared celebration of our two national poets—Robert Burns and Taras Shevchenko—which is hosted by the Association of Ukrainians in Great Britain every year.

One of the most visible gifts to Scotland from the people of Ukraine came from Ukrainian prisoners of war who made Scotland their home in the first half of the 20th century—the Hallmuir Ukrainian chapel near Lockerbie. The Scottish Government places a very high value on the ongoing contribution of the Ukrainian community to Scotland as a whole, and we are very grateful for the chance to unite in commemoration today.

I want to say a little, as other members have, about the sequence of events that we are commemorating. In 1924, Joseph Stalin ascended to power in the USSR. In 1928, he introduced an agricultural programme of Government-owned farms and factories. As Clare Adamson mentioned, a bureaucracy was set up to develop the ideology around that and to oppose very violently any social groups that Stalin decided were in the way of that plan.

In 1929 and 1930, groups that Moscow considered to be dangerous and members of society who did not have the same way of thinking as Moscow were rounded up and sent to Siberian work camps. In 1932 and 1933, production quotas for Ukraine increased by some 44 per cent. That caused widespread hunger and starvation, and amounted to an attack on the whole people and culture of Ukraine.

Given that sequence of events, I wholeheartedly understand the basis for the calls across the chamber to designate the Holodomor as a genocide. Those are essentially criminal matters, on which the appropriate courts, such as the International Criminal Court, are best placed to make a judgment, taking into account the great deal of evidence that exists. It remains our position, which is shared by the United Kingdom Government, that recognition of genocide is a matter for judicial decision rather than Government policy. The fact that we, along with the UK Government and the European Parliament, take that view in no way lessens our horror at the severity and the inhumanity of the Holodomor and the enormity of suffering and loss of life that was deliberately caused; nor does it lessen our recognition that the policies and political decisions that were taken at the time by the then Soviet leadership were responsible for the famine resulting in the deaths of millions of Ukrainians.

The scale of the tragedy is, by any measure, truly staggering. By 1933, as we have heard, the death rate had reached 25,000 people a day, most of whom were children. By the end, millions of lives had been lost. It is no exaggeration to say that the Holodomor is one of history's starkest warnings and marks a devastating chapter in world affairs that must never be forgotten.

It has been 85 years since the beginning of the Holodomor, and in every one of those years people across the world have worked to honour those who died. It is important that we also take the opportunity today to pay tribute to the people who continue to work to keep alive the memory of all those who perished in the Holodomor.

I know that I speak for everyone in the chamber and Scotland when I say that we will continue to stand in solidarity with the people of Ukraine to share in their mourning of the terrible events that they commemorate.

*Meeting closed at 19:20.*



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