



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament (Hybrid)

Wednesday 26 August 2020

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

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Scottish Parliament

Wednesday 26 August 2020

[The Presiding Officer opened the meeting at 12:20]

First Minister's Question Time

The Presiding Officer (Ken Macintosh): Good afternoon. Before the first item of business, which is First Minister's question time, the First Minister will make a short statement.

The First Minister (Nicola Sturgeon): I will give a brief update on today's Covid statistics. An additional 67 cases were confirmed yesterday; that represents 0.5 per cent of people who were newly tested yesterday, and takes the total number of cases now to 19,988. A total of 249 patients are currently in hospital with confirmed Covid, which is six more than yesterday, and two people are in intensive care, which is an increase of one since yesterday.

Unfortunately, I also have to report that, in the past 24 hours, two deaths were reported to Public Health Scotland of patients who first tested positive in the previous 28 days. This is the first time that any newly registered deaths have been reported in our daily figures since 16 July, and it means that the number of deaths under that measurement is now 2,494.

We have all become used to hearing news of no deaths under these daily figures. The two new deaths today are devastating for those who will be grieving the loss, but they should also be a reminder for all of us that the threat of Covid has not yet gone away.

National Records of Scotland has also just published its weekly update, which includes deaths of people who have been confirmed through a test as having Covid, as do our daily figures, as well as cases in which Covid is a suspected or contributory cause of death.

The latest NRS update covers the period to Sunday 23 August and shows that, by Sunday, the total number of registered deaths with either a confirmed or presumed link to Covid was 4,222. Of those, six deaths were registered in the seven days up to Sunday, which is an increase of three on the week before. Four of those six deaths were in care homes. The total number of deaths recorded last week from all causes, not just Covid, was 40 higher than the five-year average for the same time of year. However, as we have seen in recent weeks, that figure fluctuates. Public Health Scotland has today published a new report that

provides more detailed analysis of the causes of excess deaths during the pandemic.

I will give a brief update on the main clusters that we have been dealing with in recent days. First, with regard to the outbreak that was linked to the 2 Sisters Food Group processing plant in Coupar Angus, as of yesterday, 156 positive cases were linked to that cluster—138 workers of the factory and 18 of their contacts. That is a rise of four cases on the previous figure, and all four new cases are workers in the factory.

Almost all the workers at the factory have now been tested; in total, more than 5,000 people have been tested in Tayside over the past seven days. That is good progress, and I thank everyone who is working hard to manage that outbreak. So far, the testing has not revealed a large number of positive cases among contacts of the workforce. At this stage, there is still no evidence of wider community transmission, although contact tracing and testing is still on-going. Workers at the factory and their households should continue to self-isolate until Monday 31 August; that restriction applies even if any of those individuals have received a negative test result.

I will also give a quick update on the situation at Kingspark school in Dundee. In total, 31 cases have been identified as part of that cluster. Two of those 31 cases are pupils at the school. All school staff, pupils and household contacts of pupils have been given advice on self-isolation, as have other relevant contacts. In addition, testing has been undertaken for all staff who work at the school and is available for children who have been identified as close contacts.

Finally, in relation to the outbreak in Aberdeen, 261 cases are now associated with the cluster that is linked to pubs; that figure is unchanged from yesterday. The total number of cases in Grampian as a whole over the past month is 435. Hospitality in Aberdeen is due to reopen from today; in preparation for that, Aberdeen City Council has been carrying out environmental health checks at premises across the city. I am grateful for those efforts, and I thank everyone in Aberdeen for complying so well with the restrictions.

The clusters remind us, again, how easily Covid can spread if we give it the opportunity, so all of us need to continue to play our part in keeping the virus under control.

Among other things, that means following the restrictions on household and social gatherings, and, more broadly, of course, it means following the five rules of the FACTS campaign. I will conclude with a reminder of what those rules are: wearing face coverings in enclosed spaces; avoiding crowded places; cleaning hands and hard surfaces regularly; 2m distancing as the overall

rule; and self-isolating and booking a test if someone has symptoms.

If all of us follow those rules, we can continue, I hope, to drag down the virus and to protect ourselves, our loved ones and the wider community. I again thank everyone who is helping us do exactly that.

The Presiding Officer: We turn to First Minister's questions. I remind members that we will take all the supplementaries after question 8. However, if you want to ask a supplementary, you can press your request-to-speak button at any point—in fact, you should press it as soon as possible.

Care Homes

1. Ruth Davidson (Edinburgh Central) (Con):

I return to the subject of care homes, as some questions last week did not receive a satisfactory answer, including those on the issue of who knew what when. Let me ask again: when was the First Minister first informed that Covid-positive patients had been transferred into care homes? Was she first told in March, April, May, June, July or August?

The First Minister (Nicola Sturgeon): As I reported last week, we are still waiting for the analysis from Public Health Scotland of the numbers of people discharged from hospital into care homes who may have had the virus, whether they had been tested and what the circumstances were. We will make that information available fully as soon as it is available.

I turn again to the position that I set out clearly last week. Ministers set the policy. The guidance was clear from 13 March about the need to clinically assess patients being discharged from hospital before being admitted to care homes. Neither I nor any other minister would expect to know the individual details of the clinical risk assessment that was undertaken in respect of any patient.

Of course, ministers were clear—indeed, we made it clear to the Parliament—that it was our objective, as it has been for many years, to reduce the numbers of people in delayed discharge in our hospitals. We set an initial target of doing that by 400. We then said that we had exceeded the target.

Ministers have been clear about the policy objectives that we set and about the guidance that has been put in place. However, ministers in this Government—I am pretty sure that this will have been the case in previous Governments and in other Governments across the United Kingdom—are not party to the clinical risk assessments that are done on individual patients.

Ruth Davidson: We will get on to the policy objective in a minute, but that is the fourth time that that question has been asked at First Minister's question—twice by me last week, once by Richard Leonard and once by me again today—and it is the fourth time that the First Minister has ducked it. I cannot work out why. She keeps on saying that the Government will be open about its mistakes. Putting people with Covid into care homes was clearly a mistake, and part of fixing mistakes is working out who knew what when.

Either the situation happened and the Government knew that it had happened and that informed its later decision making, or the situation happened without the Government knowing and it found out, as the rest of us did, only through a newspaper report last week. Which is it?

The First Minister: Ruth Davidson has asked the question and I am answering the question. I do not know the clinical condition of patients who are being discharged from hospital to their homes, community settings or care homes. That is not information that ministers would have.

We have asked Public Health Scotland—I think that I am correct in saying that we are the only Government in the UK so far to ask for this information—to look in detail at the situation with patients being discharged from hospital to care homes, whether they were Covid positive, whether they had been tested and, if not, what the rationale for that was. When we have that information, we will, transparently and fully, make it available to Parliament, and I am sure that we will have further exchanges on that.

It is the responsibility of Government to set the guidance, and the first guidance on Covid was issued to care homes on 13 March. I think that we have talked about the contents before. The guidance was updated as appropriate.

Of course, we very openly and transparently set an objective of reducing delayed discharge. It is interesting that Opposition politicians are now trying to suggest that they did not know that that was the case, because we set that out to Parliament. The Cabinet Secretary for Health and Sport set it out on 17 March, I talked about it on 1 April and the health secretary talked about it again in Parliament on 1 April.

On 10 March, Miles Briggs from the Conservatives asked:

“what ... progress has been made in the past week to increase bed capacity in every NHS hospital across Scotland?”—[*Official Report*, 10 March 2020; c 12.]

On 1 April, Jamie Greene from the Conservatives said:

“evidence suggests that many people who are ready to leave hospital are still stuck in hospital settings ... I therefore ask the First Minister, how many people are currently in a hospital setting”.—[*Official Report*, 1 April 2020; c 85.]

He asked me what I was doing to ensure that that was addressed.

The policy was clear. We will continue to provide as much detail as we can on how the policy was implemented. We will do that as soon as Public Health Scotland has completed the analysis that we have asked it to do.

Ruth Davidson: I am well aware that individual discharges are clinical decisions, but I do not understand why the First Minister will not say when she was first informed that discharges had occurred.

Perhaps we should recap on what has changed between last week, when I asked the same questions, and now. We have learned that NHS Scotland wrote to health boards on 6 March—more than two weeks before lockdown—to tell them to move patients out of hospital. We know that a target was set to move 900 patients out of hospital by the end of April. We have learned that, in early April, the Cabinet Secretary for Health and Sport congratulated health boards on their tremendous progress in doing so.

Despite the First Minister’s previous protestations, which have changed today, we have learned that the Government was driving the policy, yet it appears that we are also supposed to believe that the Government knew nothing about how the policy was being achieved and was not aware of the decision to move Covid-positive patients into care homes. Is that really credible?

The First Minister: If it is the case that Ruth Davidson learned about the policy only in the past couple of weeks, that raises more questions about her attention to the situation than about anything else. On 17 March, the health secretary stood up in Parliament and said:

“I have set a goal of reducing”

delayed discharges

“by at least 400 by the end of this month.”—[*Official Report*, 17 March 2020; c 7.]

On 1 April, I stood up in Parliament and said:

“The target that we set at the start of the month of quickly reducing delayed discharge cases by 400 has already been met and we are now working to go further.”—[*Official Report*, 1 April 2020; c 66.]

On 1 April, the health secretary repeated that. On 10 March, Miles Briggs demanded to know what progress we had made in increasing bed capacity.

If the Conservatives did not know that the policy objective was to reduce delayed discharge—for

years, Opposition politicians have rightly been pressuring the Government to do that—for the additional objective of freeing up hospital capacity because of what we thought was about to happen to our hospitals, I have to wonder where they were and what they were paying attention to, because it was not what was going on with Covid.

Ruth Davidson: The First Minister is clearly irked by this line of questioning. We have spoken to a number of families who have been affected, and they want to know why, when and how many Covid patients were put into the care homes in which their loved ones died. Nearly 2,000 people have died in Scottish care homes throughout the crisis.

We have called for the public inquiry into care homes to start immediately, because it is not right, and nor is it fair on families, to have information emerge bit by bit, piece by piece. Families deserve answers now. It should not be left to freedom of information requests or newspaper investigations to find out what happened, one piece of correspondence at a time.

If the First Minister will not start the public inquiry now—she has said that she will not—will she at least commit today to publish all the correspondence between herself, the health secretary, NHS boards and care homes throughout the pandemic in order to give families the clarity that they deserve?

The First Minister: I am happy to make any relevant information available, but I am going further than that, as the Cabinet Secretary for Health and Sport has already set out. I happen to agree that it is right that families get answers to any questions that they have. That is why, unlike our counterparts in any of the other Governments in the United Kingdom as far as I am aware, this Government has asked Public Health Scotland to specifically consider those questions and whether patients who were discharged from hospitals to care homes were tested; if they were not, why not; and whether they had Covid. We have asked that the exercise be completed by the end of September, and we will publish it in full.

Such a level of transparency around the matter is not being replicated or matched anywhere else in the UK. The Cabinet Secretary for Health and Sport has actually written to other Governments in the UK suggesting that they do likewise, so that we have the picture from all four nations. We will have the information here and, when it is available, not only can the questions be answered but the answers can be scrutinised by the Opposition.

We are going about it in the right way and, as we do so, we continue to focus on making sure that we have the right policies and procedures in

place. It is not the case that policies were not in place—we had guidance in place for care homes, which included a requirement to do a risk assessment for patients. We also had guidance in place on infection prevention and control in care homes. Those are the appropriate things that we should have done, and we will continue to ensure that such matters are subject to scrutiny and transparency as we learn lessons and continue to navigate our way through the pandemic.

Extension of Job Retention Scheme

2. Richard Leonard (Central Scotland) (Lab): Today's "Government Expenditure and Revenue Scotland" figures show that Scotland has a fiscal deficit of £15 billion and rising. The figures also show how much we need active Government and how much it can do. They show the value of tax-funded public services and the value of redistribution according to need.

Scottish Labour's greatest concern is about ensuring that those who are in need get support when they need it. The Covid-19 pandemic has shown the value of solidarity and working together. That is why we are calling on the United Kingdom Government to extend the coronavirus job retention scheme beyond October to save businesses and jobs. That is why we are calling on the Scottish Government to deliver a quality-jobs guarantee scheme, and why we are calling on both Governments to co-operate and work together to deliver job retention and job creation.

Will the First Minister join us in pressuring the UK Government to extend the job retention scheme, will she commit to a Scottish quality-jobs guarantee scheme that would deliver secure jobs based on the principles of fair work, and will she do so before the end of October?

The First Minister (Nicola Sturgeon): I do not know where Richard Leonard has been for the past few weeks. I have for weeks been asking almost every day for the UK Government to continue the furlough job retention scheme. I am glad that Richard Leonard has now decided to back that call. In addition, the Scottish Government has set out plans for a youth jobs guarantee scheme, and will set out more detail in the coming days and weeks.

I have to say that Richard Leonard is still capable of surprising us, in the chamber. I did not think that it would be he who would stand up today to extol the virtues of Scotland's being governed by a Conservative Westminster Government. I thought that that might come from members on the other side of the chamber.

The furlough scheme is funded by the UK Government borrowing money. The reason why it borrows money for us is because we do not have

the powers here to do it ourselves. I say that Richard Leonard should use his imagination, and imagine that Scotland was independent right now. He would not have to ask me to plead with a UK Government to borrow more money to extend the job retention scheme; we could do it ourselves, here in Scotland, like other independent countries the world over do.

It is probably that conclusion that has led to the situation that we have right now, in which almost half of Richard Leonard's remaining Labour supporters—which, I grant, is a dwindling band of people—now support Scotland becoming an independent country.

Richard Leonard: The First Minister will need to answer the questions about how she will make up that £15 billion deficit, and where she is going to find the £100 billion that it will take to set up the separate Scottish currency that she now says she wants.

This public health and economic crisis is the greatest challenge that the Scottish Parliament has faced in its lifetime, and it is time for all political parties in Parliament to focus on and to do what the Parliament was set up to do. The First Minister must set out in next week's programme for government how her Government will use all the powers of the Parliament. All our attention, now and in the foreseeable future, needs to be on jobs, on reshaping the economy, on investing in public services, on building back better and on tackling poverty and inequalities.

Let me give one example. People are anxious about losing their homes, and more and more people are anxious about losing their jobs. Those anxieties will rise. Unless the First Minister uses her powers and intervenes, more and more people will lose their homes, so will the First Minister commit today to using the Parliament's powers to ban evictions until the next session of Parliament? Will she ensure that, this time, it is a ban, and not merely a delay?

The First Minister: I think that I did this last week, or it might have been the week before, but I have already stood here and said that we will extend, for an additional six months, the protection against evictions that was in the original coronavirus legislation. Again, I say that Richard Leonard really needs to keep up with announcements as they are made by the Government. I am afraid that I do not have the luxury of going at his pace on such things; we have to power ahead and get them completed.

In the programme for government and in the budgets that will come, we will use our powers and our resources to the fullest possible effect. However, if we had the powers and resources that independent countries have at their disposal, we

would not be in this position right now, as we face the two biggest threats to Scotland's jobs. The first is the withdrawal of the job retention scheme. If we were independent, we would not have to be going cap in hand to the UK Government, to plead with it to continue that scheme; we could do it ourselves. The other big threat is a no-deal Brexit at the end of this year. If we were independent, we would not have to face that prospect, either.

Richard Leonard is aping the Tories in using GERS, but those figures are a reflection of Scotland's fiscal position within the United Kingdom, and not a reflection of how Scotland would fare as an independent country. Talking about deficits, I note that when the UK deficit is projected next year to be almost £400 billion, and at a time when UK debt has just topped £2 trillion, that is not the strongest territory for the Tories to be on, and it seems like politically suicidal territory for Labour to be on.

Richard Leonard: The Scottish deficit is about 9 per cent of gross domestic product, and the UK deficit is less than 3 per cent of GDP, so there is a comparison to make, which any reasonable and rational person would want to make.

Let me talk about something else that the First Minister has spoken about: powering ahead. Let us talk about powering ahead on the question of child poverty. Today, the Children and Young People's Commissioner Scotland and the chair of the Poverty and Inequality Commission have united in calling on the First Minister to bring forward and not to delay an equivalent of the Scottish child payment. In a joint plea to the First Minister, they argue that

"Women have been particularly hard hit by the economic storm that has engulfed us ... with women's poverty being inextricably linked to child poverty".

They go on to say that

"Without this urgent Scottish Government action, the colder months will bring the cold blasts of economic hardship, with families facing even greater struggle before the Scottish Child Payment begins its roll-out."

The Scottish Government has said that Covid makes that difficult, but Covid is what makes it urgent. If it is possible to introduce payments rapidly for businesses that are in need, surely it is possible to introduce payments rapidly for families and children who are in need. So, will the First Minister get the cash to the families who need it, now?

The First Minister: Scotland is about to become the only country in the UK that has a child payment. We will start to take applications for it in November this year, and the first payments will be made at the start of next year. No other Government in the UK, including the Welsh Labour Government, is getting anywhere near to

doing what we are doing in delivering what has been described by poverty campaigners as a game changer on child poverty. That is what we are doing within our powers.

Yes—because of the systems that have to be put in place to deliver that, and given the Covid challenges, that is the quickest timetable that we can set to deliver it. To criticise us for taking a couple of months to open applications when his colleagues in Wales are not doing it at all seems to me to be a rather hypocritical stance for Richard Leonard to take.

I come back to my point: if Richard Leonard started to really think about the current drivers of child poverty, he would stop being Boris Johnson's chief cheerleader in this Parliament and start standing up for this Parliament getting the powers that we need.

The welfare policies and austerity politics of Westminster Governments have driven more children into poverty. We are doing what we can to lift them out of it, but as long as the powers lie with Westminster and not in this Parliament, we will be doing it with one hand tied behind our backs.

To come back to an earlier point, I say that I suspect that that is why more and more of the dwindling band of Labour voters in this country now see that independence would be a better future for Scotland. The sooner Richard Leonard wakes up to that and stops defending Tory Governments taking decisions about Scotland, the better for all of us—and, probably, the better for his party.

Mercy Baguma

3. Alison Johnstone (Lothian) (Green): I am sure that members will join me in expressing sadness and outrage at the tragic death of Mercy Baguma. On Saturday, Mercy was found dead beside her malnourished baby in a Glasgow flat. Thankfully, her child has now been released from hospital.

That appalling tragedy occurred as a direct result of United Kingdom Government asylum policy, which forced Mercy into extreme poverty. We cannot allow mothers and babies to go hungry in 21st century Scotland. I know that the Home Office is responsible in this case, and the Home Secretary must answer for this entirely preventable death, but we cannot simply stand by; this is on all of us. What will the First Minister do to ensure that this tragedy is not repeated? Is she able to advise whether the Lord Advocate is initiating an inquiry into the incident?

The First Minister (Nicola Sturgeon): As Alison Johnstone knows, I cannot speak for the Lord Advocate on death inquiries. However, I am

sure that he will be perfectly willing to correspond with her on that.

I am grateful—although I do not know that that is the right word—to Alison Johnstone for raising the issue today. Like most people across this country, I find myself consumed with sadness and anger at the death of Mercy Baguma. First and foremost, my thoughts, and I am sure the thoughts of all of us, go to her family and friends following her tragic death.

The exact circumstances of Mercy Baguma's death are not yet known; it is important to be clear about that. I support all and any efforts to establish the facts of this tragic case. What I think we can all say—I think that we all knew this before this tragedy, but it has been underlined—is that the UK asylum system is not just broken but deeply inhumane and it must be changed. People who come to Scotland because they need a place of safety should have our support, and that is even more true at this time of crisis.

Asylum is wholly reserved to the UK Government and that includes the procurement and operation of asylum accommodation and support contracts. The communities secretary and this Government as a whole have repeatedly raised with the Home Office our concerns about accommodation and support for asylum seekers before and during the pandemic, and we will continue to do so. However, we need wholesale reform of our asylum system. We need to start from the principles of dignity, empathy and support for our fellow human beings who come to this country seeking support at desperate and dismal times of their lives. I appeal to members of the UK Government to look into their hearts as a result of this case and finally make the changes that are needed.

Alison Johnstone: I agree with the First Minister that wholesale reform is required.

In response to this tragedy, the Home Office said that

“it takes the well-being of all those in the asylum system extremely seriously”.

However, anyone who sees the cruel way in which asylum seekers are treated knows that that statement is simply not credible. This is the third death in recent months of an asylum seeker in Scotland.

Will the First Minister write to the Home Secretary to demand an independent inquiry into the deaths and suffering that are caused by the UK's hostile environment policy? Does she support the call from Positive Action in Housing for an inquiry into the housing of asylum seekers during the pandemic? Does she support the Scottish Green Party campaign for asylum

accommodation to be taken out of private hands and to be managed at local level with the support of the third sector? What specific actions is the Scottish Government taking now to deliver that change?

The First Minister: I support pretty much everything that Alison Johnstone has just said. I am happy for the Scottish Government to raise with the Home Office the issue of an inquiry. We have repeatedly raised those concerns with the Home Office. I do not want to politicise the issue, but I am afraid that it is another on which we need to stop having to plead with a UK Government to change the way in which it does things, and to start having the ability in the Parliament to put in place systems that reflect our values as a country.

I support Positive Action in Housing's call for an inquiry, and we will look at what we can do to give practical support to that.

I do not know all the details of the Green campaign—I will be very happy to look at it—but it sounds like something that we would support. Again, we would be happy to look at the practical steps that we can take to turn that support into action.

As I have said before, the fact that asylum is wholly reserved to the UK Government means that the procurement and operation of asylum accommodation is reserved, so there are constraints on what the Scottish Government can do in the circumstances. That is why I want us, over the longer term, to have more control of such decisions, here in our Parliament. When we have that control, it is not the case that we will get everything right all the time, but we will be able to have systems that reflect our values as a country. What happened to Mercy Baguma—albeit that we do not know all the details, it involves all the hallmarks of the UK's asylum system right now—does not reflect the values of the Scotland that I know and love.

Covid-19 Testing (International Students)

4. Willie Rennie (North East Fife) (LD): I share the grief of others at the tragic death of Mercy Baguma, and I agree that we must have the answers on that which we deserve.

Intelligent young people come to Scotland from all over the world because of our brilliant universities. We have a duty to keep them safe when they are here. Yesterday, we heard about 11 new virus testing centres, including one in St Andrews, which will be welcomed by locals, visitors and students. What we did not hear was a new policy on testing international students. Will the First Minister give an update?

The First Minister (Nicola Sturgeon): We will publish revised guidance for colleges, universities

and student accommodation, reflecting the most up-to-date scientific advice, by next Tuesday, 1 September. We are still finalising some of the details, including those about testing.

Testing has an important part to play in how we protect the student community, and wider communities where student populations are based. The new walk-in testing centre in St Andrews, to which I referred yesterday, will be an important part of that. Further walk-in testing centres will be established across the country between now and October. One of the priorities for those is to look at locations that support student populations.

I appreciate that Willie Rennie has raised the topic on a number of occasions. We are looking very carefully at all the details of the different steps that we have to take—not just at testing. Detail will be published early next week.

Willie Rennie: That is good news, but I am sure that the First Minister will understand my frustration. It has been a month since her adviser Devi Sridhar recommended that all international students should be tested on day 1 and day 5, and since then I have been asking about that almost every week, yet we must wait even longer for the policy. Students are arriving right now for the new term. It will be the biggest movement of people since the lockdown, and I think that we all have a duty to keep them safe. We know that there is a rise in cases in Italy because of young people returning from holiday. Germany and France are insisting on tests for all travellers from hotspot countries, including students.

If it is at all possible, may I have some answers now? Will all students be asked to get a test when they arrive in the country, and on day 5? When will the testing capacity be ready, and will it be a condition of their studies?

The First Minister: We will set out the detail on the testing policy when we publish the updated guidance. I am not going to give the specific detail on that, because I want to make sure that we properly finalise it and take the decisions that we think are right and are based on the best advice, and that we have the delivery mechanisms in place.

I want to be clear that, although we are finalising updated guidance that will be published this week, universities and colleges are working to deliver arrangements that are already in place. They include arrangements for blended learning, which will be a deliberate effort to reduce numbers on campus; enhanced cleaning and hygiene measures; and 2m physical distancing. In addition, staff and students who are arriving here from certain high-risk countries will have an obligation to quarantine for 14 days. That is a very important

foundation, whatever the final position is on testing. There is also a process for familiarising students with health protection measures and embedding that in student induction.

There is already a considerable amount of work on-going to ensure that students and wider communities are safe. The guidance that we will publish next week is an update on that and will cover whether there are additional steps that we intend to take.

Covid-19 (Winter Spikes)

5. Gillian Martin (Aberdeenshire East) (SNP):

To ask the First Minister how the Scottish Government is preparing for any spikes in Covid-19 infections over the winter period. (S5F-04313)

The First Minister (Nicola Sturgeon): We are working closely with health boards, other partners and the wider public sector to manage and plan for a potential resurgence of Covid-19, alongside our usual winter planning and the remobilisation of paused services. As part of that approach, we are implementing the revised testing strategy that was published, I think, a couple of weeks ago. We have put in place robust outbreak management arrangements, we are replenishing key equipment and personal protective equipment stockpiles and, of course, we are planning an expansion of the seasonal flu vaccination programme.

National health service boards have prepared their remobilisation plans to March 2021, which incorporate arrangements for potential surges in Covid over winter. We are currently reviewing those.

As part of a broader assessment of our preparedness, Professor Sir Harry Burns, our former chief medical officer, is making recommendations on winter preparedness.

Gillian Martin: The Scottish Government is, of course, in charge of health and social care and has demonstrated control over a range of policy issues that have equipped us to manage the effect of the pandemic since March. However, the gaps in the powers of the Scottish Government have been exposed, particularly in the economic and financial response. What is the First Minister doing now to ensure that, if we are in the unfortunate situation where further lockdowns are needed to control any spikes in infections, we have the powers to provide financial resilience for workers and businesses, particularly if the United Kingdom Government ceases programmes that it has funded through its borrowing powers?

The First Minister: We have taken a wide range of actions to support businesses and workers since the start of the pandemic, including the £2.3 billion-worth of business support, and we will continue to work closely with businesses and

local authorities in the event of any local restrictions. We launched a support fund for businesses that were affected by the measures that were introduced to contain the outbreak in Aberdeen.

As I said in my exchange with Richard Leonard, we do not have the borrowing powers to replicate a furlough scheme in Scotland. That would require action from the UK Government, so we are keen to work with it to ensure that any extended or replacement scheme—which we hope there will be—meets the needs of businesses and workers here in Scotland. On Friday, the Cabinet Secretary for Economy, Fair Work and Culture wrote again to UK ministers, asking that the furlough scheme be extended to provide support in areas where we know that it will be needed beyond 31 October, such as support for businesses and workers if local lockdown restrictions are put in place.

Disabled People (Abuse During Lockdown)

6. Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con): To ask the First Minister what action the Scottish Government is taking in response to Police Scotland figures suggesting that reports of abuse against disabled people almost doubled during the lockdown. (S5F-04309)

The First Minister (Nicola Sturgeon): Nobody should ever face abuse because they have a disability or an impairment. I am very clear that any form of hate crime, including abuse or prejudice, is totally unacceptable and must not be tolerated.

The Government takes these matters very seriously. We have met key organisations throughout the pandemic to listen to concerns directly from disabled people, and we recognise the damaging effect that abuse and hate crime have on victims, their families and communities. All of us have a responsibility to challenge that.

We continue to work closely with Police Scotland and partners to tackle hate crime, including through developing campaign activities to raise awareness and encourage reporting. I strongly encourage anyone who has experienced or witnessed such abuse—or any hate crime—to report it to the police.

Rachael Hamilton: The population is concerned about the risk of contracting coronavirus, and social distancing rules have helped to reduce the spread of the virus. However, the rules are inherently visual and almost impossible for blind and partially sighted people in Scotland to adhere to.

According to research by the Royal National Institute of Blind People, two thirds of blind and partially sighted people feel less independent than

they felt before lockdown, because of the abuse that they receive daily as they struggle to cope with getting out and about and maintaining physical distance. Some individuals have been shouted at and spat on, and the journalist Ian Hamilton said recently that he feels “more blind now” than he did before Covid.

Attitudes must change. Will the Scottish Government commit to a public awareness campaign to highlight the issue and ensure that public messages are underpinned by the reflection of how challenging physical distancing is for disabled people?

The First Minister: I will certainly consider that suggestion. It is important that we take every opportunity to raise awareness of the challenges that people with disabilities face, particularly during the pandemic, and the complete unacceptability of any abuse, discrimination, hate crime or stigma.

At the start of the pandemic, we provided funding to the British Deaf Association, Deafblind Scotland and the Glasgow Disability Alliance, which paid for key public health messages to be produced in British Sign Language, Braille and EasyRead. The Glasgow Disability Alliance used some of that funding to help disabled people to connect to the internet and keep up with guidance.

This is a difficult time for everybody, but I agree that it is more difficult for people who have disabilities, for all the reasons that have been set out. We will consider all possible ways of helping people to deal with the challenges and—fundamentally—we will make sure that we continue to challenge prejudice, abuse and discrimination in all their forms.

Hate Crime and Public Order (Scotland) Bill

7. James Kelly (Glasgow) (Lab): To ask the First Minister what action the Scottish Government is taking to address concerns that the Hate Crime and Public Order (Scotland) Bill is an attack on free speech. (S5F-04319)

The First Minister (Nicola Sturgeon): We have just heard an illustration of why it is really important that we tackle hate crime in any form.

The bill proposals seek to find a balance between protecting those who suffer the scourge of hate crime and respecting people’s freedom of speech and expression, which is extremely important. The bill approaches the matter through the prism of the European convention on human rights.

We know that hate crime is damaging and disruptive—we just heard that. It is rooted in prejudice and intolerance. As the Cabinet Secretary for Justice made clear in the Parliament

last week, the Scottish Government will engage, listen and seek to find common ground, to ensure that the bill helps to protect people from hate crime—which I hope that everybody will agree is important—while respecting freedom of speech and expression.

James Kelly: Action on hate crime is welcome and important, but it is clear that there is a serious problem with the offence of “stirring up hatred”, as proposed in the bill. The Law Society of Scotland, the Scottish Police Federation, the Catholic Church and a range of stakeholders have lined up to criticise the bill’s vague language and to express their concern that it is a threat to freedom of speech.

Does the First Minister accept that the Government has got its approach to the bill badly wrong and that the stirring up hatred offence needs to be fully deleted or heavily amended?

The First Minister: I do not accept that. What I accept—and I hope that everyone will enter into the legislative process in the same spirit—is that we have to consider these things, listen to views that are expressed and decide whether amendments to the bill are required. That is the right way to go about this. Nobody should go into the process with a closed mind, and that includes Opposition members, just as much as it includes the Scottish Government.

I hear the concerns that have been expressed. The Government will consider all of them carefully. That said, the concept of stirring up hatred offences is not new to Scots law; long-standing stirring up racial hatred offences have operated effectively in Scotland since, I think, the mid-1980s. The bill includes explicit provisions on freedom of expression and its provisions require to be interpreted in accordance with the European convention on human rights.

It is important that people express their views on this bill or any bill at the start of the legislative process and that they try to do so constructively. The Government has a duty to listen; we will listen and we will respond appropriately. However, let us not lose sight of what we were talking about in the previous question. Hate crime is a real problem in Scotland and we all have a duty to tackle it—that goes wider than legal ways of tackling it, but our approach must certainly include legal ways of doing so.

The Presiding Officer: Mark Ruskell joins us remotely.

University Towns (Covid-19 Measures)

8. Mark Ruskell (Mid Scotland and Fife) (Green): To ask the First Minister whether adequate measures are in place in Scotland’s university towns to prevent local Covid-19

outbreaks as students begin to return to campuses. (S5F-04306)

The First Minister (Nicola Sturgeon): I covered some of this content in my exchange with Willie Rennie. Colleges and universities are already working to ensure a safe environment for students as they return. That currently includes blended learning to reduce the numbers on campus, enhanced cleaning and hygiene measures, 2m physical distancing, quarantine for staff and students who arrive from certain countries, and the embedding of familiarisation with health protection measures in student induction.

However, as I mentioned earlier, revised guidance for colleges, universities and student accommodation that reflects the most up-to-date scientific advice will be published by Tuesday 1 September.

Mark Ruskell: Last week, I met members of the University and College Union at the University of St Andrews who are deeply concerned about a decision by the university to make in-person teaching the default. More than 9,000 students from around the world will return to the town from this week. The university has said that only the largest lectures will move online; that is clearly not blended learning.

Staff at the University of Edinburgh have reported similar concerns, whereas the University of Glasgow and the University of the Highlands and Islands have said that in-person teaching will not resume this calendar year.

Will the revision of the Scottish Government’s guidance ensure that all universities adopt the safest approach possible? Can the First Minister confirm whether universities pushing staff to deliver in-person teaching is consistent with the Government’s route map, which says that people should continue to work from home by default?

The First Minister: I do not think that staff in any sector of the economy should be put under pressure to do things that we do not advise. That is a general comment. Obviously, we are very clear on the need for a form of blended learning.

Different institutions will take different decisions based on their circumstances, and that is right and proper. However, all of them must have regard—very serious regard—to how they keep their student communities and the staff who work in their institutions safe, and to how they ensure that their arrangements do not pose a risk to the wider communities in which they are located. That is why the arrangements that I have set out are important.

We are also going through the process of assessing the guidance in the light of the most up-

to-date advice. As I have said a number of times, we will publish the updated guidance by next Tuesday.

The Presiding Officer: A fair number of members wish to ask supplementary questions.

GlaxoSmithKline (Job Losses)

Ruth Maguire (Cunninghame South) (SNP): GlaxoSmithKline has announced that around 60 jobs are set to be lost from its Irvine plant by the end of this year. That would be bitterly disappointing at any time, but in the current climate it will feel even more devastating for the people involved and our wider community. What support can the Scottish Government give to workers? Will sector or area-specific support be available to ensure that important life science jobs are retained in Ayrshire?

The First Minister (Nicola Sturgeon): Like Ruth Maguire, I am disappointed to learn that GSK is in consultation with its workforce in Irvine with a view to making a number of redundancies. This will obviously be an anxious time for those who are affected, particularly during the current situation.

Scottish Enterprise will continue to engage with the company throughout the consultation period to explore all possible options to support the business and its workforce. GSK sites in Scotland are very important to the company's global pharmaceutical supply network, and it is an important partner in Scotland's life sciences community.

Should there be job losses—we will explore every opportunity to avoid that—we will provide support through the partnership action for continuing employment initiative. Through providing skills development and employability support, PACE aims to minimise the time that any individual who is affected by redundancy is out of work.

The economy secretary will be happy to continue to update Ruth Maguire on the situation as it develops.

Covid-19 Testing (School Pupils)

Brian Whittle (South Scotland) (Con): Yesterday, I was contacted by a constituent whose child had been sent home from school with a blocked nose, streaming eyes and a chesty cough—in other words, what sounds like a cold. The school was fine, but when parents found out that that child had been sent home, pressure was put on my constituent to have their child tested for Covid. The inference was that if that child came back to school, those parents would not allow their children back into school unless that child had been tested. The parent eventually got the test

done, because they were worried about how their child would be treated when they went back to school.

If such behaviour is reflective of what will happen across winter, when half of the children in our schools will end up with the sniffles, that will inevitably overwhelm the testing process and lead to the spread of Covid-19, which is the very thing that we are trying to prevent. How will the Scottish Government ensure that the message gets out that Covid symptoms are not the same as those of the common cold?

The First Minister (Nicola Sturgeon): As we have always said, as we go into winter, when other viruses will be circulating, the demand for testing will inevitably increase. That is why we are further increasing our testing capacity. This week, we have had significant demand for testing, which is obviously a consequence of children being back at school. We are therefore activating contingency plans to increase capacity this week, and we have further medium to long-term plans for a permanent increase.

It is really important to be clear that when anybody, including a child, has one of the symptoms of Covid—which include a new, continuous cough—they should be going to be tested for that. That is the very clear advice that we are giving. Anybody who has a new cough, a fever or a loss of or change in their senses of taste or smell should be booking a test. If a child does not have any of those symptoms—for example, if they just have a blocked-up nose—there is no requirement for them to be tested. However, a cough is one of the relevant symptoms.

As for the implications for other children in schools, the test and protect system and local health protection teams will advise parents where any child has tested positive and other children are therefore required to isolate because they have been close contacts. I ask parents to follow such advice. If they are not getting such advice, there is no need for them to keep children without symptoms out of school.

It is important for all of us to be very clear on the symptoms for which we advise testing and on those that might be indicative of other illnesses and for which we do not require testing. We must all be careful not to inadvertently muddy the waters on that.

Covid-19 Testing (Remote Areas)

Rhoda Grant (Highlands and Islands) (Lab): At First Minister's question time on 17 June, I raised the issue of the collection of home testing kits. A constituent of mine had not been able to return his test within 72 hours and it was therefore rendered useless.

I have now received a letter from the Cabinet Secretary for Health and Sport, which says:

“I am aware that in some remote areas, home testing kits are not available because of difficulties with the delivery of the kits in a timely manner.”

She goes on to say that current locations for mobile testing units in Oban, Dornoch, Fort William, Ullapool, Kingussie, Thurso, Portree, Campbeltown and Lochgilphead will be available until the end of August.

Therefore, home testing is not available to many of my constituents, and mobile testing will be available only until the end of the month. That is simply wrong. What will the First Minister do to ensure that all my constituents can have access to Covid-19 testing, regardless of where they live?

The First Minister (Nicola Sturgeon): We are ensuring that people have access to testing. Home testing kits are delivered through the United Kingdom Government’s system. Sometimes there are issues with longer delivery times in remote areas, which is why we are also increasing the number of mobile units that are available. By their very nature, such units are able to move to different locations around the country, based on demand and need.

Through the contingency arrangements that we have brought to bear, three additional mobile units will be allocated this week—albeit that those will all be across the central belt, because of current demand patterns. However, we will also increase the number of mobile units over the period leading into winter. Further, we will carefully look at the locations of the 11 walk-in centres that were initially established, and more such centres will be set up as we go beyond that period.

We are looking carefully at patterns of demand and also at geographical issues, because we want to make testing available to people quickly. Right now, testing turnaround times are, in the main, within the timescales that we would seek. However, we also want to continue to make testing more accessible for people so that they do not have to travel inordinate distances to access it. Local and geographical access is therefore very much a priority as we continue to expand the testing system.

Covid-19 Testing Portal

Stuart McMillan (Greenock and Inverclyde) (SNP): The problems with the UK Government’s online Covid-19 testing portal this week have been well-documented. Applicants, including some of my constituents, have been sent to Argyll or even Northern Ireland for testing; for others, the system has not taken the application. What engagement has the Scottish Government undertaken with the UK Government to fix the online portal, which is so

important to my constituents and people across Scotland in getting the tests that they need?

The First Minister (Nicola Sturgeon): This week, we have had three particular challenges for testing, which interrelate in some way. There have been technical problems with the UK Government booking system and we are working with the Department of Health and Social Care in England to resolve those, including those situations where people in Scotland are being referred to testing centres that are a long way away and sometimes outside Scotland altogether. We hope that that issue will be resolved.

Yesterday, we had a weather-related problem—the regional testing centre in Edinburgh had to close because of high winds—which we hope will be resolved quickly.

The more fundamental issue is the peaks in demand, which is something that we have always known about and have planned for—those plans were activated this week. There has been high demand, not just in Scotland, over the weekend and into the early part of this week, which, from the analysis that we have done seems to be clearly related to the understandable concerns of parents about their children who have coughs and colds and who are being taken for testing. That is why this week we are activating additional contingency measures, including the three additional mobile testing units that I spoke about and NHS boards bringing in greater NHS capacity. For example, NHS Greater Glasgow and Clyde is making additional drive-through facilities available. There is also the planned increase in capacity as we go into winter.

We are working to resolve all those issues as they arise. We continue to try to advise people on when they should—or should not—get a test. There are some exceptions: if the test and protect service contacts someone and advises them to get a test, they should get a test even if they do not have symptoms; and certain professions have agreed access to testing, for example people working in schools. However, apart from those exceptions, people should book a test only if they have one of the symptoms of Covid—the cough, fever, or the loss or change in their sense of taste or smell. In those circumstances a person should seek to book a test.

Schools (Personal Protective Equipment)

Jamie Greene (West Scotland) (Con): Given that a decision was made this week on obligatory face coverings for over-five-year-olds on school transport and over-12-year-olds in other school settings, will the First Minister confirm that her Government will guarantee a supply of PPE, through whatever means necessary, if required by

any family that might struggle to meet those obligations?

The First Minister (Nicola Sturgeon): As I said on Monday, and yesterday, we will work with councils to ensure that schools have supplies of face coverings for young people should they need them. I also made the point, which I am sure that people will understand, that although we have—rightly—changed the guidance for school transport and high schools this week, children over five are already required to use face coverings on public transport and in shops, so I expect that many, if not most, children already had access to face coverings, even before the change to the school guidance.

However, it is important that schools have access to supplies because, as the member rightly says, there may be some families that are unable to make that provision. Inevitably, there will also be children who forget to pick up their face covering before they leave home in the morning and come to school without it, so it is important that there is access to supplies to cover that eventuality. We have made it clear that we will work with councils to ensure that that is the case.

Covid-19 Testing (Capacity)

Alex Rowley (Mid Scotland and Fife) (Lab): I was contacted this morning by the family of an elderly couple from Clackmannanshire. On the advice of their general practitioner, the couple had a test delivered to their house and were told to phone and make arrangements to do the test on Monday morning; it would then be picked up between 8 and 4. The test was never picked up, and, by the time that their family had managed to get through to someone, they were told that the elderly couple would have to take another test. As the First Minister has said, such tests can be quite intrusive. Is the First Minister confident that we have the testing capacity? People are being let down—I have seen case after case of that.

As we move into winter, the testing needs to be bumped up almost to the point of mass testing. Do we have the capacity to do that, and will the First Minister ensure that it happens? While I am on the subject, can she also say where we are with the antibody test and whether that will be introduced?

The First Minister (Nicola Sturgeon): I will come back to antibody testing in a moment. At such points, I wish I had the chief medical officer standing next to me, as he could probably give a more specialised answer to that question than I can.

On the issue of Alex Rowley's constituents who did not get their test picked up, if the member can send me the details of that, we can look into it. The home testing provision is part of the UK

Government administered system, but we will work with the UK Government if there are practical difficulties with it. That should not have happened. Obviously, I do not know why it happened, but I am keen to look into it.

In relation to capacity, yesterday, for example, around 22,000 tests were carried out across Scotland. The daily capacity is in the region of 40,000 tests a day, and we have plans to increase that to approximately 60,000 tests a day. We are confident in our plans to have that capacity right now and to build capacity as we go into winter.

One of the things that we have experienced this week, for which we have contingencies that have been activated, is that there will inevitably be points when demand peaks beyond the average level. There may be reasons for that that we can foresee and reasons for that that we do not foresee. For example, there may be a circulation of another virus in a particular area or a Covid outbreak in a particular area that increases demand. So, one of the key focuses for us this week has been on ensuring that those contingency arrangements for when we need short-term boosts in capacity are there and can be activated. Those are things that the Cabinet Secretary for Health and Sport and I, among others, consider with officials on a regular basis.

Overall, our testing system is working well. Test and protect is working very well, but we may face a period, as we go into winter, when the pressures become much more significant again. We are therefore looking ahead to make sure that we can cope with that.

We do antibody testing in Scotland for surveillance purposes. The issue with antibody tests right now is twofold: there are still questions around it, although I think the quality of the test is getting better and effective tests are now available, but the biggest problem is that we do not really know what the results of an antibody test mean. If somebody has an antibody test and it tells them that they have antibodies, we do not know whether that gives them immunity to Covid for a day, a week, a month, a year or forever. So, there is still a real problem with asking anybody to make any decisions about how they live their lives on the basis of antibody testing. Hopefully, that science will develop over the weeks and months to come, but we do not yet know that.

One of the developments that we saw earlier this week, in Hong Kong, was researchers thinking that they may have discovered the first case of reinfection with Covid, which suggests—although I do not think anybody can be definitive about this at this stage—that the period of immunity may not be that long. That is the biggest doubt about antibody testing, which is why we have to be cautious about the reliance that we place on it.

The Presiding Officer: There are quite a number of members who still want to ask questions, so I emphasise the need for concise questions and answers.

Comedy Venues (Support)

Sandra White (Glasgow Kelvin) (SNP): The First Minister will be aware of concerns raised in relation to the future of nightclubs, music venues and comedy venues such as The Stand comedy club in my constituency, which contributes greatly to the cultural scene and economy in Glasgow and beyond. What support is the Scottish Government giving and what support can it give to those venues to ensure that they continue to operate and remain part of Scotland's vibrant music and comedy sector?

The First Minister (Nicola Sturgeon): I thank Sandra White for raising the issue. Comedy is a very important part of our arts sector. We have already provided a range of support initiatives for culture and the arts generally, and many of those support streams have been available to people in the comedy sector. We are in the latter stages of finalising how the remainder of the £97 million of consequential for arts and culture will be allocated. Without going into detail, because we are finalising that and will hopefully announce it over the next few days, I hope that that will also support people in the comedy sector. Let me stress that we are very keen to do everything that we can to provide the support that is needed there, because of the importance of the contribution that those venues and artists make to our health and wellbeing as a country.

Weddings (Restrictions)

Oliver Mundell (Dumfriesshire) (Con): The Government's woeful approach to weddings has left many frustrated couples with their lives on hold and the wedding industry on its knees, with hundreds of jobs at risk, including in my Dumfriesshire constituency. Last week, the First Minister gave a glimmer of hope when she confirmed that larger weddings might be able to take place from the middle of September. However, does she recognise that, by not giving an indicative number now, she is making it impossible for couples and businesses to plan ahead, which risks further jobs and adds to delays?

The First Minister (Nicola Sturgeon): I apologise to Oliver Mundell that we, in the Government, are trying to take really difficult decisions in the best way that we can in order to keep people safe from an infectious virus. If he finds that "woeful", I am afraid that there is not much that I can do about that.

I understand the implications of the decisions for those who are affected and for businesses that are still not able to open at all or to operate to full capacity. However, we know from all the data that we are looking at right now that indoor social gatherings are among the biggest risks for transmission of the virus. That is why we have to take care. In fact, when there was an outbreak in the north of England a matter of weeks ago, wedding receptions were among the things that the United Kingdom Government put on hold for a couple of weeks. That reflects the fact that we know that that is a risk area.

We plan to issue new guidance that sets the numbers who can be at wedding receptions, and we hope to do that soon. However, these decisions have to be taken very carefully for reasons that people understand, which are to do with the protection of human health. In addition, if we allow the virus to get out of control in any sector of our economy again, we risk sending businesses backwards rather than supporting them to go forward, even if that sometimes involves supporting them to go forward at a slightly slower pace than I know and understand they want to go at.

Cameron House Hotel Fire

Jackie Baillie (Dumbarton) (Lab): The First Minister will have seen the front page of the *Daily Record* yesterday, with the heartfelt plea of Mrs Midgley, who lost her son Simon in the devastating fire at the Cameron House hotel. She has written to the First Minister because it has been almost 1,000 days since the fire and the families of those who lost loved ones still do not have answers from the Crown Office about what happened. I am sure that the First Minister will sympathise with Mrs Midgley, who has been caused severe and on-going distress by the lack of progress. Will she therefore seek an urgent update from the Crown Office and agree to meet Mrs Midgley when she comes to Scotland?

The First Minister (Nicola Sturgeon): Actually, I sent a reply to Mrs Midgley last night. She will receive that letter today or in the next couple of days. I sympathise deeply with Mrs Midgley for her loss, the loss that her family has suffered and the frustration caused by the delays in any process around the investigation of what happened at Cameron House, which will be contributing to her grief.

What I tried to do in my letter—I will not go into all the details, because it was a letter to Mrs Midgley—was explain the reasons. Jackie Baillie already understands those reasons. No matter what my personal feelings are or the anguish that I feel on Mrs Midgley's behalf, I cannot seek to intervene in any decisions about criminal

investigations or potential criminal prosecutions—it simply would not be right for me to do that. I know that that is always hard for victims or people who have suffered loss to understand, but I do not serve them well unless I set that out clearly.

I am sure that the Crown Office would give Jackie Baillie an update. It is simply not appropriate for me to seek to direct it in these matters in any way.

I am, of course, willing to meet Mrs Midgley if she wants me to do that when she comes to Scotland. However, I do not want to raise her expectations—nor do I want Jackie Baillie to do so on my behalf—about what I can reasonably do in the context of criminal investigations. That would not be fair to her or her family, although I absolutely understand her anguish.

Again, I convey my deep condolences and sympathy to Mrs Midgley and her loved ones for what they are suffering.

Showpeople (Funding)

Richard Lyle (Uddingston and Bellshill) (SNP): I refer members to my entry in the register of members' interests.

Funfairs have been able to operate since last Monday, but, because of current Scottish local government licensing laws, showpeople might not be able to hold a local funfair for at least another three months. Showpeople have not had any income since March. Under the present Covid-19 application requirements, they have not been able to access any funding—not even the tourism fund—due either to not being entitled previously to the small business bonus or to the fact that they do not have a business bank account. Both of those facts have ensured that their applications have been refused—that has been confirmed to me by the agencies that operate the funds. Will the Scottish Government review those conditions in order that showpeople may access funding to survive and bring back the fun to Scotland?

The First Minister (Nicola Sturgeon): I am all for bringing back fun, in whatever way we can get it, but I am not going to give a commitment to retrospectively change the conditions on funds that have already been disbursed. As we put in place any new support, we will look at the representations that Richard Lyle has made. We know that it is important that funfairs are able to operate again as quickly as it is safe for them to do so. Beyond that, I am happy to have the detail of Richard Lyle's question looked into, to see whether there is anything further that we can do, and I will respond to him in writing on that.

People's Action on Section 30

Gordon Lindhurst (Lothian) (Con): To ask the First Minister the cost of the Scottish Government's participation in the people's action on section 30, in the light of the recent decision to pull out of that case, and whether that decision ushers in a new era of prudence by the Scottish Government regarding the spending of public funds on legal actions.

The First Minister (Nicola Sturgeon): The Scottish Government always aims to be prudent in use of public money. In relation to the question, I do not have the details to hand but I am happy to see whether we can get those and provide them to the member later.

The Presiding Officer: I apologise to the more than a dozen members we did not get a chance to reach, but that concludes First Minister's question time. We will resume at 2.30 with a statement on life sciences.

13:31

Meeting suspended.

14:30

On resuming—

Life Sciences Innovation (Covid-19 Response)

The Deputy Presiding Officer (Linda Fabiani): Good afternoon, everyone. The next item of business is a statement by Ivan McKee on life sciences innovation and the Covid-19 response. The minister will take questions at the end of his statement, so there should be no interventions or interruptions. You have up to 10 minutes, minister.

14:30

The Minister for Trade, Investment and Innovation (Ivan McKee): Thank you, Presiding Officer.

This is my second parliamentary statement on the response of Scotland's businesses to Covid-19. Since the start of the pandemic, I have worked with Scotland-based manufacturing companies to develop a resilient business response to current and future needs.

On 27 May, I updated the Parliament on our work to create and strengthen Scottish supply chains to produce personal protective equipment and other critical products for NHS Scotland. A company that I mentioned in May, Alpha Solway, which is based in Annan and Dumfries, purchased machines to make masks and switched from making clothing to making visors. Earlier this month, Alpha Solway secured work for a £53 million order for NHS Scotland. Over the next year, it will supply 232 million surgical masks, 6 million respirator masks and 2 million visors—and it will create 200 new jobs in Dumfries. That is great news for the company and for the local area, and it shows that Scottish businesses can be cost competitive in that sector on the global stage.

Today I will focus on how life sciences companies are supporting our response. Much has been made possible by investment by the Scottish Government and our agencies. The sector has achieved, on average, year-on-year growth of 10 per cent since 2010 and has contributed £2.4 billion gross value added. It contributes around a fifth of Scotland's business enterprise research and development spend and is a major contributor to our exports.

I have the pleasure of co-chairing the life sciences Scotland industry leadership group, and I assure the Parliament that the sector remains ambitious and focused. I thank Dave Tudor, my co-chair, and members of the ILG, past and present, whose commitment and effort mean that we are delivering results. Dave Tudor's day job is

heading up the medicines manufacturing innovation centre, which is concentrating on strengthening our manufacturing capacity and supporting the United Kingdom vaccine task force.

My aims for the sector are to anchor high-quality companies in Scotland, build a world-class life sciences cluster and attract additional investment to Scotland. A recent example of support in that regard is the investment to anchor ODX Innovations and its medical testing business in Inverness. Highlands and Islands Enterprise made R and D investment of £1.75 million to support the company's fit-out at Solasta house—the Inverness city region deal health and life sciences building—creating up to 60 new jobs and growing the company's global reputation.

In this statement, I will not be able to do justice to all the companies in the sector. I apologise to those that I will miss out because of time pressures. However, I hope to give the Parliament a flavour of the ability and strength of our life sciences sector. There is a more comprehensive account of the response in the accompanying report that I will publish today.

I acknowledge the hard work of companies who have protected their staff and customers by adapting their workplaces to enable staff to work safely and securely. I thank the trade unions and the Health and Safety Executive, which supported the development of sectoral guidance.

Scotland-based companies have been active in critical parts of the Covid response, including testing supply, vaccine development, the vaccine supply chain and repurposing drugs. I will cover each in turn.

I have been working to develop a strong pipeline to achieve our test and protect priorities. We continue to build strong collaborative working across Scotland. One such partnership is with Thermo Fisher Scientific, which is based in Inchinnan and Perth. The company is a key partner in the lighthouse laboratory at the University of Glasgow Queen Elizabeth university hospital campus, and is partnered with two other Scotland-based businesses, BioAscent and BioClavis, and with the University of Dundee and the Beatson institute. The collaboration received dedicated support from Scottish Enterprise and the Scottish Manufacturing Advisory Service to optimise the throughput of test samples by the adoption of lean manufacturing principles in the lighthouse laboratory. Thermo Fisher Scientific expects increased demand for its products using the Covid-19 polymerase chain reaction testing workflow, and it is increasing manufacturing capacity in Scotland. It will shortly supply 20 million tests per week globally and is also supporting the United Kingdom response with 4.5 million sample collection and transport kits

provided weekly as the result of its \$25 million investment in its Perth facility.

Thermo Fisher Scientific is also making a substantial investment of \$100 million in the Inchinnan site to support European, middle eastern and Asian bioprocessing customers and, importantly, the vaccine development work that is happening in the UK. The company previously received regional selective assistance funding of £1.9 million from Scottish Enterprise to bring £12.6 million into its advanced granulation technology facility in Inchinnan, which created 30 jobs and safeguarded 47.

At a time of global shortages, we sought companies that could offer an immediate response to the pandemic. One of those was Dundee-based Hutchison Technologies, which was supported with £250,000 of RSA funding from Scottish Enterprise in 2016 for new premises. This year, the company worked with NHS Scotland to source 3.4 million approved and quality-assessed swab-sample test kits to address our urgent need.

Extraction media for use with test swabs was also in short supply. E&O Laboratories, which is based in Bonnybridge, rose to that challenge. The company previously received support to expand its premises, including a £425,000 RSA grant from Scottish Enterprise in 2015 to build an additional lab facility in Cumbernauld. This year, the company expanded from making filled petri dishes to producing viral transport medium. To do that, it has re-engineered machines for automation and retrained staff, leading to a £7 million contract with NHS Scotland.

The development of a reliable and clinically approved vaccine is of fundamental importance in the fight against Covid. Scotland has historically been strong in pharmaceutical services and has a major role to play in the response, including in two major UK collaborations at Imperial College London and the University of Oxford. We are also supporting the wider supply chain.

Valneva Scotland Ltd, in Livingston, which is part of a French group, is expected to create 75 additional jobs in developing a new coronavirus vaccine. If proven to be safe and effective in clinical trials, the expanded Livingston facility could supply up to 100 million vaccine doses worldwide. The site has had continued Scottish Enterprise support, including £250,000 to support the creation of a research and development hub in 2015. The company recently received a £925,000 research and development grant related to the development of a separate viral vaccine.

ReproCell Europe is also supporting vaccine development following recent expansion, supported by £150,000 from Scottish Enterprise in 2017, to move into the West of Scotland Science

Park. The company joined a European consortium to develop a messenger RNA vaccine for high-risk populations.

Vaccine development has a complex global supply chain. Stirling-based Symbiosis Pharmaceutical Services is a contract manufacturing business that specialises in fill-finish. The Scottish National Investment Bank has a 25 per cent equity stake in the company, which announced an agreement with AstraZeneca to provide access to sterile manufacturing capabilities for clinical trials.

SGS UK Ltd, in Clydebank, also has an agreement with AstraZeneca. Part of a Swiss group, the company provides analytical testing services to support the Oxford collaboration. The company received Scottish Enterprise support for its expansion project in 2017. That support was worth £9.6 million, supported 19 new scientific jobs and safeguarded 50 other jobs. The company also received a research and development grant award of £1.79 million.

Merck BioReliance in Irvine supplies chemicals that control vaccine pH levels. It has been working primarily with the Jenner Institute in Oxford on a project that reduced the vaccine development time from one year to two months. During the past five years, the company has received Scottish Enterprise support of £125,000, primarily in capital investment to support laboratory expansion and training.

The Covid-19 response has also resulted in diversification of products as companies respond to the longer-term impact on patients. Novabiotics in Aberdeen has been testing one of its drugs on Covid-19 patients with secondary lung infections—an antibiotic that helps them tackle drug-resistant bacteria. Since 2005, the company has been provided with £3 million in equity and loans by the Scottish Investment Bank, representing an 18.2 per cent stake in the company.

Pneumagen in St Andrews has run successful trials to prevent coronavirus-related respiratory tract infections. In May, it received £4 million of investment from Thairm Bio and the Scottish National Investment Bank for work on the development of Neumifil for prevention and treatment, which is due to start next year.

This is a fast-moving sector. Only last week, LumiraDx, which is based in Stirling, received emergency use authorisation from the US Food and Drug Administration for its new antigen test, which is going through the final stages of validation for use in Scotland. This UK-based company has developed a Covid-19 test whose results can be available in only 12 minutes, which could revolutionise the fight against the virus. Today I can announce a £6.76 million deal to

purchase the test devices, which will be manufactured in Scotland, thereby creating local jobs and again highlighting the important R and D work that is being done here. The company has been recognised by the Bill and Melinda Gates Foundation for its innovative work. It will supply NHS Scotland with 300 instruments and a minimum of 500,000 tests, which will be of huge importance to our test and protect strategy.

Looking ahead, we expect to see continued developments in our testing capability by making sample collection simpler and turnaround times quicker. We continue our work on supply chain resilience and on future needs, and progress is being made to develop rapid or near point-of-care testing, especially in remote areas.

As Minister for Trade, Investment and Innovation, I am keen to ensure that opportunities in Scotland are communicated to trading partners and companies that wish to collaborate to support economic growth and the achievement of our health and wellbeing priorities.

I have set out some examples of the great work that is taking place right here in Scotland, which demonstrate the capability and skills in our life sciences sector and the key roles that such businesses play in the global response to Covid-19. I am very proud of all that has been achieved, and I look forward to seeing the sector continue to grow and thrive in the future.

The Deputy Presiding Officer: The minister will now take questions on the issues that were raised in his statement. I will allow around 20 minutes for those, but I would appreciate succinct questions and answers, please. It would be helpful if members who wish to ask questions would press their request-to-speak buttons now.

Donald Cameron (Highlands and Islands) (Con): I thank the minister for advance sight of his statement. I, too, pay tribute to the many companies that are contributing to the fight against Covid-19—especially those that are involved in the PPE supply chain, vaccine development and supply, and testing, which he mentioned in his statement.

I also acknowledge the minister's comments about the medicines manufacturing innovation centre supporting the UK's vaccines task force. That is a good example of Scottish and UK agencies collaborating in the fight against the virus.

I have two questions. First, the 2017 life sciences strategy for Scotland pledged to increase the industry's contribution to the Scottish economy to £8 billion by 2025. In light of the pandemic, I ask the minister whether that is still the target that the Scottish Government is working towards and, if so, whether it will be achieved. Secondly, I welcome

the development of rapid or near point-of-care testing in rural areas, especially given the issues that we have had this week. Can the minister provide any more details of when that service will become available?

Ivan McKee: On the member's first question, he might be aware that the sector was previously running well ahead of the target to hit turnover of £8 billion by 2025. Last year's numbers were significantly higher than those for the year before. Clearly, Covid-19 has had an impact across the whole of our economy, and the life sciences sector is not immune to that. That said, many parts of the sector will, of course, see their business increase as a consequence of the pandemic.

It is too early to say whether that target will be achieved. I am keen to see us still shooting for it—I think that it will still be possible—but, until the dust settles and we see the impact of the pandemic on the sector, it is probably too early to commit to that in its entirety. I would also like to talk to the life sciences Scotland industry leadership group and reflect further on that.

The member's second point was about the impact that the LumiraDx technology, which will be manufactured in Scotland, will have on point-of-care testing. Of course, being able to have a test result available within 12 minutes would be significant. As I said in my statement, the final stages of assessment of that technology are happening in Scotland, with a view to its being used here, and we should receive those assessments soon. The number of units that the company will be able to produce will be constrained by its manufacturing capacity, but we expect to receive the first of them very soon. We have offered the company every assistance—such as help with the acquisition of skills; lean manufacturing support through the Scottish Manufacturing Advisory Service; and any support that it might need from us to enable its broader supply chain to accelerate the manufacture of instrumentation required for such tests. Therefore we should start to see those tests coming on stream very soon.

Rhoda Grant (Highlands and Islands) (Lab): The "Government Expenditure and Revenue Scotland"—GERS—figures that were published today make grim reading, so the Scottish Government needs to use every lever at its disposal to build our economy. Life sciences provide opportunities to do that, and we need to support them, especially when they begin to export. We need to ensure that ownership is retained in Scotland.

We also know that the sector lacks suitably skilled entrants, especially women. Will the Scottish Government therefore use its jobs guarantee scheme to fill that gap and encourage

people to join the sector or, indeed, to reskill within the sector? There is a shortage of women in the sector, and women are also disproportionately impacted by Covid-19—indeed, they face an unemployment rate that is 50 per cent higher than that for men. Will the Scottish Government change its wrong-headed approach to its youth jobs guarantee scheme and include women, thereby building the life sciences sector and dealing with the impact of Covid-19?

Ivan McKee: My colleagues in the economy and business portfolios will comment on the jobs guarantee.

With regard to the broader aspects of skills, the report that was published today contains a section on skills. Skills are something that we have addressed through working with the life sciences sector. It is one of the key pillars of the strategy that we have jointly developed with the sector through the ILG, and there has been a continued focus on increasing the skills level for life sciences entrants, as across all science, technology, engineering and mathematics—STEM—subjects and technical careers, because we see that as being fundamentally important to the future of Scotland's economy.

The member will be well aware that, in all those skills development plans, there is a huge focus on increasing the gender balance and encouraging more female participants—and, indeed, participants from other parts of society—to be engaged in the sector. It is something that there is a great focus on, and that focus will remain as we further develop the sector.

Angela Constance (Almond Valley) (SNP): The minister spoke with hope about the clinical trials that are being undertaken by Valneva in Livingston and the potential to supply 100 million coronavirus vaccine doses worldwide. However, also in Livingston we have the largest life sciences employer in Scotland—IQVIA Q² Solutions—which supports clinical trials at a global level that are targeted at cancer and other diseases. What will the Scottish Government do to ensure that that job-creating and life-saving work in my constituency continues to scale up, to show global leadership and not be blown off course by Brexit or economic recession?

Ivan McKee: The member benefits from having Valneva and IQVIA in her constituency. I visited IQVIA not long ago and was impressed by the scale of its operations.

Valneva has received funding of £250,000 to support the creation of an R and D hub in Livingston, and it recently received a £925,000 responding-to-Covid grant for R and D in life sciences innovation relating to the development of a separate viral vaccine.

We are pleased to see both companies thriving, and we continue to work closely with them to support them. As the member mentioned, Brexit will have a significant impact on the sector across a range of aspects including access to skills, access to markets, regulation and co-operation with our European partners. We work hard to develop the sector, notwithstanding the negative impact that Brexit will have.

Brian Whittle (South Scotland) (Con): The minister highlights the ability of business to adapt and innovate at pace whenever necessary. He also highlights the investment from businesses and Governments to enable that innovation. We hope that those efforts to curtail Covid will be successful.

What consideration has the Scottish Government given to retaining that business response for this and any future eventualities while also dealing with the reduction in current response requirements and the need for businesses to reinvest and adapt to a business world that is, hopefully, without Covid?

Ivan McKee: That is a good question. Clearly, advances in life sciences technology are rapid and there are many aspects to the work that businesses do in the sector. Unfortunately, we will not run out of diseases to cure any time soon, so we will continue to work with the sector on the areas that it identifies as being a priority, to look for opportunities to bring investment and businesses with the most advanced technology to Scotland. The fact that we have such an excellent academic underpinning of that work in Scotland—some of our universities are in the top echelons globally in life sciences research and development—acts as a magnet to attract those businesses and helps them to work with us to focus on the sector and understand where the opportunities will be post-Covid.

Kenneth Gibson (Cunninghame North) (SNP): GlaxoSmithKline employs around 330 people in North Ayrshire, where it will cease manufacture of 6-aminopenicillanic acid, which is used to produce antibiotics, resulting in a significant cost reduction but the loss of up to 50 jobs. The company believes that that will improve sustainability, fuel investment plans in R and D and boost new product launches. The minister mentioned GSK's development of new products. Has he discussed its collaboration with Sanofi on a Covid-19 vaccine and how the Scottish Government can best work with GSK to secure its future in North Ayrshire?

Ivan McKee: I have met around 15 or 16 of the businesses that are mentioned in the report so far, and I am working my way around the rest. GSK is one of the businesses that I intend to speak to soon. As I mentioned, the life sciences sector is

unfortunately not immune from the impact of Covid on the economy. Clearly, parts of the sector have a lot of work and are expanding as a consequence of the Covid pandemic, but that does not mean that all of the sector is immune. The unfortunate situation with the potential job losses at GSK is something that we will be talking to the company about in the broader context, to understand whether there is anything we can do to support the aspects of its work that would absorb those employees and, if that is not the case, to find alternative solutions through partnership action for continuing employment activity, which would look to find other opportunities for those individuals to continue their careers in the life sciences sector in Scotland.

Patrick Harvie (Glasgow) (Green): I hope that we all share support for innovation and co-operation in the interests of public health. However, all too predictably, we see companies around the world competing to be the first to bring products to market regardless of safety. The Royal College of Pathologists has expressed concerns about the direct sale to consumers of antibody testing, and concerns have also been raised about products that do not meet an acceptable standard here and that are manufactured in countries that do not use those products themselves but export them. Will the minister give us an assurance that the Scottish Government will support the manufacture in Scotland or the export from Scotland only of products that meet a standard that would allow them to be used in Scotland?

Ivan McKee: The member will be aware that we have high standards in Scotland regarding life sciences products. That applies to both their manufacture and their use, and it is very important to us. We will continue to maintain those standards, working with businesses that apply those standards and with the sector to ensure that those high standards are maintained here, in Scotland, and internationally.

Clare Adamson (Motherwell and Wishaw) (SNP): I thank the minister for his statement, and I look forward to the publication of the report. The life sciences industry is a truly global industry that is key in the fight against Covid-19. However, it is dependent on collaboration, R and D, and horizon 2020 funding, in particular. What concerns does the minister have as we fast approach a no-deal Brexit, and what impact may that have on our life sciences industry?

Ivan McKee: The member is absolutely correct—the fight against the pandemic, as the word suggests, is global, and Scottish businesses are engaged in all aspects of that activity. Members will see in the report that around half of the businesses that we identified are foreign owned and are part of larger global groups. All

those businesses work across the UK and Europe, as well as globally, and that collaboration is hugely important in this effort, as it is in all efforts in the sector.

It is clear that Brexit will have a negative impact on horizon 2020 funding, which has been mentioned, as well as on research, access to skills, the transfer of skills across borders, regulatory issues and complex supply chains. We and the sector have been very concerned about that since 2016, and we continue to be concerned about it as the prospect of a no-deal Brexit continues to loom on the horizon.

David Stewart (Highlands and Islands) (Lab): I welcome the statement and share the minister's enthusiasm for the future potential of the life sciences. I flag up to the minister the first-class work that is being carried out in my Highlands and Islands region by LifeScan and the centre for health science, and their focus on diabetes research and development.

How do we attract inward investment? How do we retain jobs? How do we upskill training and development? Will the minister join me in congratulating Highlands and Islands Enterprise on the work that it does, such as with ODx Innovations? It is crucial that its budget is maintained and indeed enhanced, and not cut.

Ivan McKee: I share David Stewart's appreciation of the great work that Highlands and Islands Enterprise does, along with our other economic development agencies across Scotland, and I recognise the great work of LifeScan and the cluster that is developing in the Inverness area around the life sciences and medical devices. That is hugely welcome.

I have already talked about skills. They continue to be a huge focus for the sector, and we are working closely with it to execute and bring forward as many plans to upskill as possible.

A lot of work has been done on foreign direct investment over the past months. In the next few weeks, we will launch our new foreign direct investment plan to accompany our export plan, which we launched last year. I recommend it to David Stewart and other members. It clearly identifies a strategic approach and the key sectors that we want to focus on to attract inward investment and position Scotland's assets and strengths in order to do that and continue the strength that we have in the area.

I can let David Stewart know, although it will be no secret, that the life sciences will be among the key sectors that we will focus on to attract global investment into Scotland, further strengthen the sector here, build clusters, and work with and strengthen the existing local supply chains.

Alex Neil (Airdrie and Shotts) (SNP): I, too, welcome the minister's statement. The life sciences are among the highest multipliers in the economy and they produce many more jobs and sources of wealth creation outwith the sector as well as in it. A very good example of that is ILC Therapeutics in BioCity in my constituency. It is engaged in immunotherapy, which is a hugely growing area for the life sciences.

I draw the minister's attention to the huge potential in the expansion of animal life sciences. As we will discuss agriculture this afternoon, it is particularly relevant that we consider the two together and look at the huge benefits that would accrue for Scotland from substantially increased investment in animal life sciences as well as in human life sciences.

Ivan McKee: Alex Neil is fortunate to have BioCity in his constituency. ILC Therapeutics is one of the businesses there, and others that are based in BioCity are mentioned in the report. I have had the pleasure of visiting BioCity twice, I think, in my tenure as the minister responsible for the life sciences.

Alex Neil is absolutely correct: the life sciences sector in Scotland is broad. It covers a number of areas including testing and vaccine development, which we have talked about; therapeutics; medical devices, which were mentioned with regard to Inverness; and the animal, aquaculture and agriculture—or triple A—aspects, which are very important to the sector. We all know many examples of innovation in that subsector, and it is very much part of the focus as we move forward to continue to build and grow the sector and its roots in Scotland.

Alex Cole-Hamilton (Edinburgh Western) (LD): The minister has acknowledged the valuable work of the Glasgow-based Tissue Solutions partnership with the Cambridge blood and stem cell biobank, which has been working to contribute to the development of a vaccine and potential treatments. However, despite providing in the region of 1,400 blood samples over the past few months, the partnership has been unable to access the necessary material from Scottish biorepositories. I understand from Tissue Solutions that the minister is now working to enable access to Scottish biorepositories, but why has the process taken so long when the impacts of such access from the start could have led to potentially life-saving efficiency?

Ivan McKee: The vaccine development and supply chain is complicated and it has been further complicated by the impact of Covid on some of the operations. I am aware of Tissue Solutions and I undertake to look into the member's specific concern to understand whether there is anything else that I can do as minister to help to accelerate

action on this particular challenge. However, he can rest assured that we are hugely focused on making the process as efficient and speedy as possible as we move forward on a great many fronts, as I have highlighted, to try to find solutions, vaccines and cures for the current Covid situation.

Annabelle Ewing (Cowdenbeath) (SNP): The minister touched on some of the collaboration between industry and academia that is part and parcel of the response to Covid-19. Does he agree that having five Scottish universities in the top 20 for biological sciences, as graded by the good university guide, is testament to the strength of the Scottish life sciences sector?

Ivan McKee: Yes. I mentioned that the triple helix—the co-operation between industry, the NHS and the universities in Scotland—is absolutely fundamental to the sector's success, and we see it as underpinning how we go forward. I will name check the five universities: they are Dundee, St Andrews, Strathclyde, Glasgow and Edinburgh. Dundee, which comes in at number 3 in the table, is a global leader in drug discovery, so it is particularly to be commended for the great work that it has done over many years in the life sciences sector.

It is also worth highlighting that Dundee and Edinburgh universities are both involved in the €77 million pan-European corona accelerated R and D in Europe—or CARE—consortium, which is seeking to accelerate the development of therapies for Covid-19 and future coronaviruses. We are hugely focused on that. We recognise the importance of universities to the work in the sector and we will continue to co-operate with them to move forward with the work.

Jamie Halcro Johnston (Highlands and Islands) (Con): It is good that the minister has highlighted the importance of the work of Scotland's universities. What discussions has he had with the Cabinet Secretary for Finance to ensure that the vital funding is in place so that that collaboration can continue?

Ivan McKee: The member will be aware that we are in the middle of budget processes, and those discussions are continuing. He can rest assured that I am making every effort to explain the importance of the sector and many other high-technology sectors in Scotland to ensure that they and the university work that underpins them receive support, because these sectors are the future and they are where we need to be focusing our resource. Of course, this is all part of a bigger picture, and the finance secretary and the Cabinet will take their decisions on the allocation of funds in due course.

The Deputy Presiding Officer: That concludes questions on the minister's statement, and we will shortly move on to the next item of business.

Business Motion

15:04

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-22549, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Agriculture (Retained EU Law and Data) (Scotland) Bill.

Motion moved,

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

Groups 1 to 4: 1 hour 5 minutes

Groups 5 to 8: 2 hours.—[*Graeme Dey*]

Motion agreed to.

Agriculture (Retained EU Law and Data) (Scotland) Bill: Stage 3

15:04

The Presiding Officer (Ken Macintosh): We turn now to the stage 3 proceedings on the Agriculture (Retained EU Law and Data) (Scotland) Bill.

In dealing with the amendments, members should have the bill as amended at stage 2, the marshalled list and the groupings. I remind members that the division bell will sound and proceedings will be suspended for a short technical break for the first division of the afternoon. There will be a one-minute vote after we have had the technical break. Members who wish to speak in the debate on any group of amendments should press their request-to-speak buttons as soon as possible after I call the group. Members should now refer to the marshalled list of amendments.

After section 1

The Presiding Officer: Group 1 is on objectives of secondary legislation. Amendment 21, in the name of Colin Smyth, is the only amendment in the group.

Colin Smyth (South Scotland) (Lab): Amendment 21 is in my name, but it has the support of other parties. The amendment seeks to introduce a purpose clause to the bill to guide the secondary legislation that will flow from it and provide a broad sense of policy direction during the transition period that the bill is likely to cover. As it stands, there is a lack of clarity about the Scottish Government's plans for the future, both for the long term and for the possible changes during the next four years, which the bill is primarily focused on.

The bill is an enabling one that provides significant powers to ministers to make changes to existing policy primarily during that transition period, but it is silent on the principles that will shape the use of any regulation-making powers introduced by the bill. A purpose clause requiring all secondary legislation to contribute to what are broad, high-level principles would address that weakness without being unnecessarily restrictive or pre-empting the outcomes of existing work on the long-term policy.

At stage 2, Rachael Hamilton, John Finnie and I lodged amendments setting out such a purpose clause. At that point, the cabinet secretary opposed the specific amendments and the concept of a purpose clause on the basis that it would be impossible to agree on wording.

The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing): The reason why we opposed the purpose clause is that the purpose of the bill is not to determine those matters; the purpose of the bill is as set out in the supporting documents: to enable the process to allow us to make changes to EU law and to retain them.

Colin Smyth: Amendment 21 is a technical amendment and would not introduce new detailed policy; it would simply guide what secondary legislation that is produced under the eventual act should do. That is well within the scope of the bill, but I appreciate why the cabinet secretary simply wants a blank cheque.

As I said, during stage 2 the cabinet secretary opposed a purpose clause and said that he did not believe that the wording could be agreed. We have come back with wording that is agreed by Labour, the Greens, the Conservatives and, crucially, stakeholders who genuinely engaged with MSPs in the process for stages 2 and 3, representing a wide range of interests. They have helped to shape an amendment that strikes a balance between providing much-needed direction and not restricting ministers' options. Amendment 21 incorporates a range of key priorities and ambitions, which I am sure members across the chamber share, for our agriculture sector, from carbon reduction to improved productivity and stronger working conditions.

When the Rural Economy and Connectivity Committee took evidence on the bill, one of the strongest messages that came from stakeholders was that the bill lacked an overarching purpose or direction. The committee recommended that ministers address that issue; they failed to do so, but amendment 21 does. I am therefore pleased to move amendment 21 in my name and I am grateful to other members and the many stakeholders who properly engaged in the process to agree the joint wording.

I move amendment 21.

Willie Rennie (North East Fife) (LD): We are supportive of much of the content of the proposed purpose clause, but we do not believe that amendment 21 is the right vehicle for it. First, the bill is a technical one, as the cabinet secretary set out, to ensure that payments for farm support continue. Secondly, what amendment 21 proposes would cut across the work of the farming and food production future policy group. Members will remember that that group was established following the Parliament's agreement in 2019 to set it up. It was done via a Mike Rumbles amendment and we should follow that through to its conclusion.

Oliver Mundell (Dumfriesshire) (Con): Where is that group's report and will MSPs have a chance to scrutinise it any time soon?

Willie Rennie: The work is continuing and I am sure that, as the cabinet secretary has set out previously, the Parliament will be able to debate the group's work. Much of the content of the proposed purpose clause is included in the remit of that policy group, so we would cut right across the group's work if we were to agree to prejudice the conclusions of that work. We therefore cannot support amendment 21.

Many farming sector organisations do not support the purpose clause either. In fact, they support much of the content of it but, like me, do not support amendment 21 being the vehicle for it. Therefore, let us follow through on the vote of the Scottish Parliament in 2019. Let the futures group do that work and debate it in the fullness of time. Let it then come back to the Parliament so we can reach a conclusion with the full knowledge of that group.

Oliver Mundell: Further to Colin Smyth's comments, I put on record the Scottish Conservatives' support for amendment 21. I will come to the amendment in a moment, but I will briefly take the opportunity to personally thank my predecessor Rachael Hamilton for the hard work that she has done on this amendment alongside other parties and stakeholders. Like many of the amendments that appear in my name, amendment 21 incorporates many of the points that Rachael Hamilton championed at stage 2 and reflects the Scottish Conservatives' genuine desire to improve the bill.

We believe that, without a purpose clause, the bill lacks focus and gives ministers far too expansive a remit. The amendment in the name of Colin Smyth has attracted support from three of the five parties in the chamber and has been drafted with the input of a wide range of stakeholders.

Fergus Ewing: I am puzzled about why Mr Mundell is supporting the purpose clause when his colleague Donald Cameron said at stage 1 that it was not appropriate and that the Tories did not support it.

Oliver Mundell: I do not think that that is the exact history, but when the facts change, so does our position. At stage 1, we thought that we were going to hear from the futures group and that we would have a chance to look at stage 3 in that context. We thought that the bill would sit within the context of a future policy direction for agriculture. The cabinet secretary may shake his head, but it is shameful that, after all the time that has passed, farmers in Scotland do not have an

idea of the future direction of travel for policy. That is not good enough.

Willie Rennie: It is becoming a bit of a habit for the Conservative Party to stand up against NFU Scotland. Peter Chapman did so just last week. Is Oliver Mundell doing so again today? I think that he is ill advised to do so.

Oliver Mundell: I respect what the NFU has to say and I am glad that Willie Rennie has confirmed that he does too. I look forward to receiving his support when we come to Peter Chapman's amendment 1 in group 4, which is very important.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): Andrew McCornick was supportive of a policy-driven bill. He said:

"this Bill does not set a clear policy direction for Scottish agriculture and NFUS is absolutely clear that a new policy-focussed Bill must also be introduced as soon as is reasonably possible."

Oliver Mundell: I thank Rachael Hamilton for that helpful intervention.

The Scottish Government would do well to take notice. Perhaps if we had had a clear steer from the cabinet secretary or a report from the futures group, we would have been in a very different place. Our support for amendment 21 is based on a balance of risks. Is it possible that we are tying ministers' hands too tightly? Possibly. However, there is a greater danger and a very present risk from the lack of focus in the bill and in giving too much discretion to the same ministers who refuse to take the big decisions. That is why we support amendment 21.

John Finnie (Highlands and Islands) (Green): I am surprised about the disagreement that there seems to be about this. The cabinet secretary is entirely right when he says that this is an enabling piece of legislation. However, if we look specifically at what is being asked, it most certainly does not cut across anything, as Willie Rennie suggests. In fact, it is quite the reverse—it complements much of what has gone before. The amendment says that

"the objectives are to ensure that agricultural activity contributes to—"

and then gives a lengthy list. The list is not exclusive, and it could be added to—

Fergus Ewing: I know that Mr Finnie supports agroforestry, agritourism and agrirenewables. Amendment 21 mentions none of those things. That means that we could not lodge regulations to support renewables, tourism and agroforestry on farms. Does he think that that is sensible?

15:15

John Finnie: I do not think that that is accurate. There is so much flexibility in the amendment, for example where it talks about “facilitating ... supply chains” or “delivering flourishing rural communities”. The latter is the cabinet secretary’s entire *raison d’être*, presumably, so there is no issue over delivering any of those things.

The important thing is that there are many things to be commended in the amendment—there is a lengthy list. For instance, I am delighted that Mr Mundell has lent his support to

“improving working conditions within the sector”,

which we will return to later in the debate. It is a welcome departure from some of the Victorian comments his colleagues have made in the past about that issue.

Clearly there are limitations to what the Scottish Government can do at the moment with regard to that, but there is nothing in the amendment that I for one second think that the cabinet secretary could find offensive. I encourage people to support amendment 21.

Richard Lyle (Uddingston and Bellshill) (SNP): Amendment 21 might be well intentioned, but it is totally harmful. The restriction that each purpose must not harm any of the others is so complex as to be unworkable. Indeed, it could mean that the legislation would be no significant improvement on the common agricultural policy.

Not for the first time, the Tories find themselves on the wrong side of the argument, against Scotland’s farmers and crofters. They are showing their true colours. They care more about the big landowners and not about those who produce food in this country. I hope that farmers and crofters are watching and seeing that they cannot trust Scotland’s Tories to put them first.

Fergus Ewing: This matter was fully debated at stage 2, when I set out clearly why such an amendment was neither necessary nor appropriate to include in the bill. The amendment was defeated by 9 votes to 2 at that point, when the Conservatives voted against inclusion of a purpose clause.

I have listened carefully to the debate today, but I am afraid that those arguments still hold. The main reason why amendment 21 should not be passed today is that it is not what farmers and crofters want. As drafted, the amendment would make it virtually impossible to deliver on some of the important—indeed, vital—changes that farmers and crofters want to see.

The point is well made by NFU Scotland in its briefing, which states:

“if passed, amendment 21 could in fact make it extremely difficult for Scottish Ministers to deliver on some of the changes that NFUS believes could move Scottish agriculture to a new policy settlement that delivers for both agricultural production and all that agricultural activities deliver in the public interest”.

John Finnie: The amendment says:

“The objectives are to ensure that agricultural activity contributes to ... encouraging innovation, productivity, profitability and resilience in agriculture”.

How does that square with what the cabinet secretary has just said?

Fergus Ewing: The amendment says that regulations can be brought forward “only” for matters that are expressly contained in the amendment, and the amendment does not include a number of matters that are essential. It follows that regulations on those vital matters would be subject to challenge if we sought to bring them forward. It is a matter of simple legal interpretation, I am afraid.

Let me revert to my arguments, Presiding Officer, because they are very important, as amendment 21 is probably the most important amendment before us this afternoon.

I have already consulted publicly on these proposals for simplification and improvement. They were supported overwhelmingly by the majority of respondents. Almost every farmer and crofter who I have ever spoken to during 21 years as an MSP believes that we must simplify the penalty regime, which I think most members will accept can be disproportionately punitive and excessive in its scope. They also believe that we should endeavour to simplify and streamline the overadministration of the inspection regime. The penalty and inspection regimes are two matters of vital importance to farmers and crofters, and they have been consulted on in public.

Amendment 21 would require a quite different approach to what has already been consulted on. It would require us to start again—to halt the work on the existing proposals, despite the fact that those matters must be regulated later this year. There is a time limit, and we have to comply with it. If we have to start again, we cannot do what farmers and crofters want; we would have to start over. That might mean that there would be no improvements in 2021 and doubt as to whether any changes could be made for 2022. That is not what farmers and crofters in Scotland want.

There are other problems with amendment 21. It fails to mention key areas of activity in farms, which have been godsend and mainstays of many businesses. There is no reference to tourism, yet agritourism—as I hope all members agree—is a vital and growing sector.

John Finnie: Will the cabinet secretary take an intervention?

Fergus Ewing: Hang on a second; I want to finish this section of my remarks.

If members look for the word “tourism”, they will see that it is not there. There is no reference to forestry, either, and agroforestry is a vital component on many farms—

Oliver Mundell: Will the cabinet secretary give way?

Fergus Ewing: I will finish this bit.

For example, agroforestry is a key way to provide shelter belts to some farmers, as those members who are farmers well know, and it is a source of diverse income and a sustainable asset.

Oliver Mundell: Will the cabinet secretary take an intervention?

Fergus Ewing: I want to finish my remarks on the group of three things that, for some reason—I do not know why—have been omitted from amendment 21.

The third thing is renewables. We want farmers to go green and to espouse wind energy, anaerobic digestion and, in some instances, hydro power. We want farmers to go green, but there is no reference—

Oliver Mundell: Will the cabinet secretary take an intervention?

Fergus Ewing: I will give way if I have time, Presiding Officer. I have more to get through, because there are so many serious arguments against amendment 21.

As we know, there are people who do not like, for various reasons—they are entitled to their views—tourism, forestry and renewables. It is simple: because tourism, forestry and renewables are not mentioned in amendment 21, those people could raise an action of judicial review in which they could say that there was no legal basis for providing financial support for any of those things, despite the fact that every member in this chamber agrees that they all play an essential part.

I will take an intervention from Mr Mundell.

Oliver Mundell: Perhaps if the cabinet secretary worked less on angry rants and more on reading the wording of the amendments, he would see that many of the things that he has mentioned are expressly covered. I find it hard to see how forestry is not covered by, for example, subsection (2)(a) of the new section that amendment 21 seeks to insert in the bill, and I do not understand how tourism does not form part of farm diversification and resilience.

Fergus Ewing: The words “forestry”, “tourism” and “renewables” are not mentioned in amendment 21. Therefore, people who do not like renewables—some spend their whole lives campaigning against wind farms—could go to the Court of Session to seek a judicial review, as many have before them. It is simple.

Rhoda Grant (Highlands and Islands) (Lab): Will the cabinet secretary take an intervention?

Fergus Ewing: I think that Mr Finnie wanted to come in first, so I give way to him by the *droit du seigneur*.

John Finnie: I am grateful to the cabinet secretary for taking an intervention.

Mr Mundell covered the point that I wanted to make, which was about diversification. Lots of words are not in amendment 21; the important thing is that the cabinet secretary cannot take offence at the words that are in it.

Fergus Ewing: If Mr Finnie thinks that it is sensible to pass legislation that foreseeably opens the door to judicial challenge, I respectfully disagree with him. That would move the debate from Parliament into the courts. The ultimate outcome could be to prevent the improvement of the current CAP scheme or the testing of new schemes. Surely not one member here thinks that that is anything other than a very stupid thing to do.

Rhoda Grant: Is the cabinet secretary seriously saying to us that tourism, renewables and forestry are not part of “delivering flourishing rural communities”? If he is, he is in the wrong job.

Fergus Ewing: Of course they are essential; that is precisely my argument. Why are they not mentioned in the amendment? [*Interruption.*] They are not in the amendment—that is a fact. I will move on.

A further technical issue would arise from the effect of amendment 21. The Scottish ministers could make regulations under part 1 of the bill only if they contributed to one or more of the prescriptive and complex objectives that are listed in subsection (2) of the new section that amendment 21 seeks to insert in the bill, while at the same time not undermining any of the other objectives. All of that means that amendment 21 would set up what is, at best, a difficult balance to strike and, at worst, a completely unworkable requirement.

I understand that farmers and crofters are eager to see the direction of travel for farming policy. However, they know that our document “Stability and Simplicity: proposals for a rural funding transition period” sets the scene and the course until 2024, which is further forward than elsewhere in the United Kingdom.

As Mr Rennie quite rightly argued, that debate is not for this bill. We need to allow the work of the farming and food production future policy group—which was set up by this Parliament—to conclude, and must then consider its advice at the appropriate juncture. This is not it. Parliament mandated us to set up the group. It obviously needs the opportunity to complete its report, which we will then debate.

Ultimately, the proposed purpose clause is not what farmers and crofters want. I began by saying that, and I conclude by informing members that NFU Scotland opposes it; the Scottish Tenant Farmers Association opposes it; the Scottish Crofting Federation opposes it; the Scottish Beef Association opposes it; and the sheep associations have confirmed to me that they oppose it. Some of those organisations may have already written to members, too.

Therefore, anyone who votes for the purpose clause that is proposed in amendment 21 will be going against the express wishes of just about every reputable professional organisation that represents our farmers and crofters. Members should have nothing to do with it.

The Presiding Officer: I call Colin Smyth to wind up and to press or withdraw his amendment.

Colin Smyth: A number of predictable criticisms have been made of amendment 21, none of which is convincing, particularly the cabinet secretary's rambling fantasy.

The cabinet secretary always has vague concerns about the implications of the wording of amendments but, throughout this process, he made no attempt whatsoever to engage with me or any other parties to raise concerns or consider a different approach.

It was made clear at stage 2 that I and others would return to the issue—indeed, the wording of the amendment was shared with the cabinet secretary and the Government in draft form before it was lodged. However, at no point was there any engagement from the cabinet secretary; at no time did he bother to seek to explain what he thought was wrong with the wording.

Despite the Government's lack of engagement, a great deal of work has been done to find wording that strikes the right balance between clarity and flexibility. I say to the cabinet secretary that, if he had spent a bit more time engaging with members instead of being on the phone to stakeholders in the past 24 hours, begging them to rubbish the purpose clause, we might have got wording that built a level of consensus.

The reality is that the cabinet secretary did that because he was scared that there was strong support for the purpose clause and he wanted to

come to the chamber to throw about a few names of organisations that are opposed to it. They are opposed to it only because he tried to press them into opposing it. *[Interruption.]* As a result, amendment 21 has strong support—*[Interruption.]* The cabinet secretary says that he has been speaking to organisations. He left it to the last two days to do so. I wonder why.

As a result, the amendment has support from multiple political parties and a range of stakeholders who are often very opposed in their views on certain issues.

Willie Rennie talked about listening to stakeholders. He seemed to claim that anyone who supports amendment 21 does not support the views of stakeholders, but the reality is that every environmental group that submitted views on the purpose clause supports it.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): Does the member not take into consideration the views of Patrick Krause of the Scottish Crofting Federation, who has said that the proposed purpose clause, which was introduced at the last minute, could have very negative consequences and could lead to significant delays in enacting the legislation, whereas members have been asking for it to be introduced quickly? He has also said that it could have a negative consequence for crofting, should the Scottish Government be minded to redistribute support to areas of natural constraint, which, as other members have said, could be challenged by the big landowners, who might suffer a relatively small loss of income. Are we really seeing the Labour Party and the Greens supporting the big farmers on the Tory benches?

15:30

Colin Smyth: Maureen Watt needs to reflect on why she has not read the detail of the submission from the Scottish Crofting Federation, which had no concerns about the purpose clause and did not engage in the process at all. The cabinet secretary lobbied the Crofting Federation in the past 24 hours to produce a submission at the last minute. The reality is that the Government was scared by the level of support for the purpose clause. *[Interruption.]*

Willie Rennie says that we should listen to the submissions from different groups, and Maureen Watt said the same. I have made the point that every environmental group wanted to support the purpose clause; they made that absolutely clear. The fact that Fergus Ewing is less progressive on the environment than the Conservatives is no surprise to anybody, but the fact that Willie Rennie is less progressive on the environment than the Conservative Party must be a worry—it would

appear that he is more Donald Trump than Greta Thunberg.

Willie Rennie and Fergus Ewing have suggested that amendment 21 pre-empts the work of the farming and food production future policy group in relation to future agricultural policy. Frankly, that is nonsense. The amendment applies to changes that are made over the next four years; it would not create an entirely new system, which is what the group has been tasked with considering and which would, ultimately, require new legislation.

Of course any principles should not contradict the long-term direction of the sector, which is why amendment 21 was carefully drafted with the group's work in mind. Had the group's long-awaited report been published on schedule, it would have been possible to align the amendment even more closely with the group's recommendations. More than a year after the Parliament agreed to establish the group, its report has, unfortunately, been delayed yet again.

Amendment 21 has been drafted to a high level and is entirely consistent with the themes and priorities that are set out in the group's remit. The group was tasked with developing detailed proposals based around the themes of sustainability, simplicity, profitability, innovation, inclusion and productivity, and it was to look at priorities such as addressing the global climate emergency, moving to net zero emissions faster, maintaining populations in rural areas, promoting inclusive growth, developing a low-carbon economy and tackling poverty and inequality. My amendment reflects those priorities entirely, but it in no way pre-empts the group's more detailed work. It is intended to complement that work.

Crucially, the bill is about the changes that are made during the transition period. Amendment 21 is the only opportunity that the Scottish Parliament will have to provide any meaningful direction to policy changes that are made during the next few years. The sunset clause in the bill, which was agreed to at stage 2, means that no regulations can be made beyond May 2026, so further legislation will still be required on long-term agricultural policy.

The choice that we have today is whether we simply hand the Government a blank cheque to propose whatever changes it wants, which I know is what the cabinet secretary wants, or we provide some direction of travel based on a shared set of principles that has widespread support in the sector, which is what any meaningful Opposition party would want to provide.

I am happy to press amendment 21.

The Presiding Officer: The question is, that amendment 21 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: As this will be the first division of the afternoon, we will suspend for a short technical break to ensure that all members are on board on the voting app.

15:33

Meeting suspended.

15:39

On resuming—

The Presiding Officer: We now move to the division on Colin Smyth's amendment 21. Members may cast their vote now.

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)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 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)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 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, Dr 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)
 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)
 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)
 Gougeon, Mairi (Angus North and Mearns) (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)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (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)
 McArthur, Liam (Orkney Islands) (LD)
 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)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (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)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 56, Against 65, Abstentions 0.

Amendment 21 disagreed to.

Section 2—Power to simplify or improve CAP legislation

The Presiding Officer: We come to group 2, on regulations and procedure. Amendment 2, in the name of Willie Rennie, is grouped with amendments 3, 8, 9, 12, 13, 17 and 18.

Willie Rennie: There has been such passion so far this afternoon; let me see if I can change that. [*Laughter.*]

Amendments 2, 8 and 12 in my name change the scrutiny for regulations made under sections 2, 5 and 6 from negative procedure to an “either way” procedure, by which I mean that the Scottish ministers will be able to decide whether regulations that they propose to make are to be subject to affirmative or negative procedure. Is everybody following so far?

There has been much debate at stages 1 and 2 about the adequacy of the parliamentary scrutiny of the use of the powers in the bill, particularly when it comes to the power to simplify or improve common agricultural policy legislation in section 2.

In its stage 1 report, the Delegated Powers and Law Reform Committee recommended

“that consideration is given to having a choice of procedure available in relation to this power so that the negative procedure can be used for ‘housekeeping’ matters and the affirmative procedure can be used when there are policy implications.”

In its stage 1 report, the Rural Economy and Connectivity Committee said:

“The Committee endorses the concerns expressed by the DPLR Committee and some stakeholders regarding the blanket use of the negative procedure for the exercise of powers conferred by section 2 of the Bill. It therefore believes that any measures introduced using these powers that have wider policy implications should be made subject to the affirmative procedure and calls on the Scottish Government to bring forward amendments at Stage 2 to this effect.”

I am aware that the cabinet secretary changed the procedure for regulations made under section 8, and I note his amendments 17 and 18, which seek to do the same for section 10. I welcome that, and I intend to support those amendments.

Although it is important that, as parliamentarians, we assert our and the Parliament’s right to scrutinise Government policy

and legislative changes, we need to be proportionate in that, not least so as to manage our own workload and so as not to use up valuable parliamentary time unnecessarily in scrutinising minor and technical regulations and changes to CAP schemes that the DPLR Committee described as “housekeeping” matters.

My amendments 2, 8 and 12 deliver exactly what Parliament sought through the recommendations of both the DPLR Committee and the Rural Economy and Connectivity Committee at stage 1, specifically in relation to section 2.

In my view, the same arguments apply to the power in section 5 to modify the law on public intervention and private storage aid and to the power in section 6 to modify the law on aid for fruit and vegetable producer organisations. Those would therefore become “either way” powers as well.

I hope that members across the chamber will agree with me and support my amendments. They represent a sensible compromise that will ensure that, when Parliament needs to spend more time considering substantive changes to current CAP schemes, that can be provided for.

I hope that members will also agree that there is now no need for Oliver Mundell’s amendments 3, 9, and 13, which seek to change the procedure to affirmative for sections 2, 5 and 6 of the bill. I appreciate that Oliver Mundell will want to speak to those amendments but hope that he will now not move them.

I move amendment 2.

15:45

Oliver Mundell: Mr Rennie does himself a disservice; that is one of the most passionate speeches I have heard him make in this Parliament. To double down on the insult, his has to be one of the most Lib Dem solutions to a problem that I have ever heard.

I would like to press ahead with my amendments. We support Willie Rennie’s amendments because they are an improvement on the current position in the bill, but the choice of whether things should be brought forward under the affirmative procedure or the negative procedure should not be a choice for the Government. In such matters, it is important that Parliament does that scrutiny work. Given the central role of farm support to Scottish agriculture and rural communities, there is nothing better that this Parliament could waste its time doing.

Throughout the process, we have heard the Scottish Government say that many of the changes would be minor and technical but, at this

time, when farmers are desperately looking for clarity and to determine the future direction of travel, it is especially important to take our time and do that scrutiny because there is no doubt that farmers the length and breadth of the country are going to pore over every decision that is taken during the transition period to work out whether it is a short-term change or whether it will form part of a longer-term trend.

There is no downside to going with the affirmative procedure. When consensus has been built, the affirmative procedure does not take up a huge amount of time in Parliament. A Government that is confident in its proposals should be happy to go down that route and build consensus. A Government that is unwilling to subject important changes to such scrutiny is not a Government that can trot out lines about power grabs and lack of respect for Parliament. At the very worst, we will spend time talking about important changes and giving farmers the time they deserve.

Fergus Ewing: Amendment 17 changes the procedure for regulations made under section 10 from negative to affirmative. Amendment 18 is a consequential amendment.

At stage 2, I listened carefully to the arguments that John Finnie made in support of his own similar amendment, and I thank him for not pressing that at the time because it gave me the necessary time to consider the full consequences of making such a change, which I am happy now so to do.

Changing the procedure from negative to affirmative creates helpful alignment with the change that I made for section 8 at stage 2. The regulation-making powers in sections 8 and 10 are needed to allow for the alignment of our marketing and classification schemes with those in the rest of the UK, or with EU regimes, when that is in Scottish interests. Any such change is not likely to be time sensitive—there are unlikely to be any changes made in the near future—and therefore allowing for fuller parliamentary scrutiny is feasible.

I hope that Parliament will support my amendments 17 and 18 unanimously, respecting the will of Parliament as expressed at stage 2.

I also hope that Parliament will support Willie Rennie’s—or should that be Willie “Passion Killer” Rennie’s—amendments 2, 8 and 12, as I will do.

During the debate at stages 1 and 2, I was clear that I acknowledge the need to allow Parliament the opportunity to fully scrutinise any real and substantive changes to current CAP schemes being made by regulations under this bill. However, there are two other considerations.

It does not seem appropriate to use valuable parliamentary time and energy on a lengthier parliamentary process for regulations that seek to give effect to technical or housekeeping measures. Willie Rennie has made that argument.

However, there is a convincing argument to allow for such scrutiny of more substantive changes. That applies to regulations that would be made under sections 5 and 6. As the Delegated Powers and Law Reform Committee recommended, in particular, the amendments allow for the so-called “each way” procedure to be adopted, and will enable ministers to choose the appropriate procedure, depending on the content of regulations to be made under sections 2, 5 and 6. That provides an appropriate level of flexibility. Accordingly, I encourage members to reject amendments 3, 9 and 13.

In relation to the procedures that should be applied to regulations that are made under sections 2, 5 and 6, the second consideration is of timescale. As I set out in the stage 2 debate, these are not normal times. The impact of coronavirus and the impact of Brexit are putting extra pressures on Parliament. Amendments 3, 9 and 13, if agreed, would unnecessarily add to that pressure, with no real gain. By making all changes made by regulations under those three sections subject to affirmative procedure, those amendments would require the use of more parliamentary time, no matter how minor the content. [*Interruption.*] I will just press on, if I may.

Some regulations will have to be laid and approved before 2021, including those that may be required in order to allow CAP payments to be made during that year. Plainly, one of the most important things that we have to do is to avoid any delay to farm payments. I believe therefore that this technical argument is important.

I have some sympathy with Oliver Mundell’s argument. Farming is, of course, important. However, I do not think that farmers would expect us to waste time on technical matters. They want us to get to the meat and the heart of the issues. Therefore, I cannot support Oliver Mundell’s amendments 3, 9 and 13.

I ask members to vote for amendments 17 and 18 in my name, and I encourage them to vote for Willie Rennie’s amendments 2, 8 and 12.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Unusually, Willie Rennie brings absolute sense to the debate. He and I were educated at the same institution, so he is bound to get things right from time to time—as I hope that members think I do, too.

I will address briefly the amendments in Oliver Mundell’s name, under the headings of scrutiny, effect and consistency.

I am an outlier in that, in the opportunities for scrutiny of secondary legislation, I do not see any difference between negative and affirmative procedure. On the Delegated Powers and Law Reform Committee’s agenda this week were an affirmative instrument, a negative instrument and an instrument that required no procedure. There was equal opportunity to consider them. Similarly, negative and affirmative instruments go to the three committees on which I serve. It will be no different elsewhere.

The only additional parliamentary time that is required for an affirmative instrument, over that of a negative instrument, is the 30 seconds at decision time, when we conclude whether we will support the instrument. However, that is neither here nor there.

Oliver Mundell would have us support amendments 3, 9 and 13. Amendment 3 relates to improving CAP legislation. To “improve the operation” might or might not involve a significant improvement; I do not know. However, it might be a matter of some urgency, and if we make it subject to affirmative procedure by law, and without the option of negative procedure, we could delay important improvements that might arise because of circumstances.

On amendment 9, issues of public intervention and private storage aid may involve a significant degree of urgency, and that is also the case with amendment 13, in relation to fruit and vegetable producers. By mandating that the procedure has to be affirmative, with the associated timetables, we would bind ourselves into an unfortunate corner.

On the matter of consistency, I note that, in clause 9(4) of the UK Agriculture Bill, the Conservatives in Westminster are saying:

“Regulations under this section are subject to negative resolution procedure”.

So the Tories in Edinburgh are saying that we should bind the hands of the Government, and the Tories in London are saying that we should give unfettered power over agriculture to the Government there. Once again, the Tories are doing what they always do: giving a free ticket to Westminster and trying to bind the hands of the Scottish Administration.

I am happy to oppose the Tory amendments and to support the amendments in Willie Rennie’s name.

Colin Smyth: Labour will support all the amendments in the group, but particularly amendments 3, 9 and 13 in the name of Oliver Mundell and amendment 17 in the name of the cabinet secretary.

The bill introduces wide regulation-making powers, and those enabling powers are being introduced with very little clarity over what they will be used for or the principles that will guide their use. Although I recognise the need for many changes to be made through secondary rather than primary legislation, I do not believe that that should be achieved through the widespread use of the negative procedure.

I am happy to support Willie Rennie's amendments 2, 8 and 12, which would at least remove the blunt requirement to use the negative procedure, but I do not think that they go far enough, as they fail to set out specifically when the affirmative procedure should be used. In short, they still give ministers the power to decide, which is a theme running through much of the Liberal Democrats' approach today.

For that reason, my strong preference is for Oliver Mundell's amendments, which would simply change the procedure for all regulations that are made under the relevant sections to the affirmative. That would ensure that all changes receive parliamentary scrutiny, at least to the level that secondary legislation receives scrutiny. All the sections of the bill allow changes that are significant enough to deserve the use of the affirmative procedure at all times.

If the changes are minor, that will be reflected in the amount of time that Parliament gives them. I think that Stewart Stevenson said that the extra time for a parliamentary vote would be around 30 seconds, which I do not think is a burden at all.

I am happy to support the amendments.

John Finnie: We will support the cabinet secretary's amendments 17 and 18 and Mr Mundell's amendments 3, 9 and 13. Mr Mundell gave the rationale as to why we will not support Willie Rennie's amendments 2, 8 and 12: it should not be for ministers to decide the procedure by which scrutiny takes place.

I have heard Mr Stevenson eloquently lay out his views on secondary legislation before, and I will not take issue with them. Colin Smyth touched on the issue of its taking 30 seconds to vote on what we were told could be important changes. If they are important changes, they should be subject to the maximum scrutiny. Mr Stevenson said that Oliver Mundell's amendments would "bind the hands of the Government",

but Parliament has a role, particularly in a unicameral set-up, to ensure maximum scrutiny.

We will support Mr Mundell's amendments.

Oliver Mundell: I felt compelled to come back in, because Scottish National Party MSPs have got a brass neck to come to the chamber and

lecture us on the potential for farm payment delays. The past fiascos that we have seen under the Government are precisely why it is important that Parliament oversees the technical mechanisms that are used to get payments out. I do not think that the affirmative procedure will cause the delays that have been talked about. It is important that the Parliament has the final say.

The Presiding Officer: Mr Rennie is ready to wind up, so I encourage members who have left the chamber to return. I anticipate a vote—although I might be wrong—so I encourage members not to refresh the voting page, but to open it up. I call Willie Rennie.

Willie Rennie: At the risk of triggering a frenzy, I have no more contributions to make to this debate.

Members: Oh!

The Presiding Officer: I am still grateful for your concision, Mr Rennie.

I see that the cabinet secretary would like to come in. Willie Rennie lodged the first amendment in the group, so normally he would get to conclude. However, if you wish to make a late statement, cabinet secretary, you may.

Fergus Ewing: I just want to inform Mr Mundell that, far from Scottish farmers and crofters not getting their money on time, on 1 September, 11,885 farmers and crofters will receive £296 million, and they will receive the money three months before farmers in England get anything.

16:00

The Presiding Officer: I am not sure that that was entirely an argument about the amendments. However, it has given members a chance to return to the chamber and open the voting app. I will just pause to find out whether anyone's voting app says that no votes are currently open; I will check with members online, too.

There are no issues. The question is, that amendment 2 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)
 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)

Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 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)
 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)
 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)
 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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 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)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 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, 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)

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)
 Mundell, Oliver (Dumfriesshire) (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)
 Rumbles, Mike (North East Scotland) (LD)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 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)
 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)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 116, Against 6, Abstentions 0.

Amendment 2 agreed to.

Amendment 3 moved—[Oliver Mundell].

The Presiding Officer: The question is, that amendment 3 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)
 Boyack, Sarah (Lothian) (Lab)
 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)
 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)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 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)
 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)
 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)
 Gougeon, Mairi (Angus North and Mearns) (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)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (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)
 McArthur, Liam (Orkney Islands) (LD)
 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)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (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)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 58, Against 65, Abstentions 0.

Amendment 3 disagreed to.

The Presiding Officer: We move to group 3, on regulations: consultation. Amendment 4, in the name of Oliver Mundell, is grouped with amendments 5 to 7, 10, 11, 14 and 15.

Oliver Mundell: I rise to speak in support of the amendments. Members will be relieved to know that I do not plan to repeat the arguments that I made in relation to group 2.

The amendments in this group are straightforward and are designed to make it a requirement that the Government consult on any changes. I suspect that we will hear that it plans to do that anyway. However, if that is the case I do not see any issue with making it a requirement of the legislation. These are important issues, and if

sensible proposals are made, around which consensus can be built, the cabinet secretary should have no fear of subjecting them to consultation.

I ask members to support the amendments in this group.

I move amendment 4.

Colin Smyth: I am happy to support the amendments in this group, which all seek to ensure that regulations that are made under the bill are subject to appropriate consultation. Many of the changes that are proposed in the relevant sections of the bill could have a huge impact on those who are directly affected, and it is critical that the Government consult and seek agreement on them.

At stage 2, the cabinet secretary raised concerns about consultation delaying the implementation of these regulations. However, ideally, the bill should have been introduced with more than enough time to allow for comprehensive consultation.

However, even with those tight constraints, I do not think that these amendments are burdensome enough to cause problems. They do not specify what form the consultation should take or who, exactly, must be consulted; they simply state that it should take place. Frankly, that should happen regardless, and the Government's refusal to put it in the bill should send warning signals to all MSPs. Therefore, it would be deeply disappointing if any Opposition party shared the Government's opposition to these amendments.

Fergus Ewing: I have already given commitments on consultation, on the record, at stages 1 and 2, and those commitments stand. I said that we will take steps to ensure that there is sufficient consultation of those who are closely involved with the impact of any proposed changes or measures in draft regulations. I also said:

"We will not make major changes without appropriate consultation and engagement. We always do that. We come to Parliament and we are constantly held to account by this committee."—[*Official Report, Rural Economy and Connectivity Committee*, 15 January 2020; c 26.]

That is rightly the case.

In their stage 1 reports, both the Delegated Powers and Law Reform Committee and the REC Committee indicated that they were satisfied with the assurances I gave—on the record—on consulting with stakeholders and Parliament. Indeed, similar amendments were considered and defeated at stage 2.

For reasons that are similar to those that I have already set out in relation to the amendments in group 2, I hope that members might accept my

voluntary undertakings and resist all the amendments in group 3.

As I explained at stage 2, my main reluctance to accept Oliver Mundell's amendments stems from the potential impact that a statutory requirement to consult would have on the timescales for making regulations. The Government's approach to consultation provides for a standard 12-week period for submissions to be made and for all appropriate submissions to be published and analysed before the Government sets out its response. There are occasions on which timescales can be reduced. However, we are usually looking at a minimum of six months for such a process. Applying the spirit of any statutory requirement to consult would mean using that consultation method, and I very much doubt that we would be able to lay any draft regulations in 2020.

That is not what farmers want; they want us to do things. Yes, they want us to debate things. However, they ultimately want us to be able to do things and not endlessly debate them. Let me give you one example: under section 4, we need to introduce regulations to provide for a ceiling for 2021 direct payments. Those regulations need to be in force by the beginning of the claim year, which is 1 January 2021. That will be technical legislation rather than legislation containing policy proposals, and it will largely be dictated by the UK Treasury, which will provide the funding. In essence, there is unlikely to be much to consult on, as we will not be able to take into account stakeholders' views, however much we might agree with them. The affirmative procedure will already apply, and that will give Parliament adequate opportunity to scrutinise what is provided for by the Treasury.

I appreciate the desire to ensure that there is a more substantive role for Parliament and stakeholders. However, we cannot do either—never mind both—and be confident of passing regulations by the end of this year that will allow changes to be made to the current CAP schemes timeously or, indeed, provide for the continuity that will be needed under section 3 of the bill. I do not believe that that is what farmers or crofters want.

I hope that the undertakings that I have given satisfy members and that Mr Mundell does not press his amendments. If he does, I invite members to vote against them.

Oliver Mundell: I am going to press my amendments. I do not think that the cabinet secretary has accurately reflected what they say. They would give him and ministers wide discretion to choose whom it would be appropriate to consult. I also think that he misrepresents the views of farmers. My impression is that they very much want to have their say on these changes.

They want to be consulted and are increasingly concerned that the Government is trying to take these decisions behind closed doors and is not being transparent about what the future of farm support in this country will look like.

I press amendment 4.

The Presiding Officer: There is going to be a vote. This is the danger of my trying to anticipate votes—sometimes I seem to be encouraging them. Before we come to the vote, I ask members to ensure that they have the voting page open. They need not refresh it—just open the page and wait.

Before I call the vote itself, I want to ensure again that all members have the page open and that it says, “No vote currently open.” If any member does not have that message, I ask them to raise their hand.

We are just waiting for a few members who are online. I am told that their issues have now been resolved, so we will move to the question.

The question is, that amendment 4 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)
 Boyack, Sarah (Lothian) (Lab)
 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)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Fraser, Murdo (Mid Scotland and Fife) (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)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)

Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 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, Dr 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)
 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)
 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)
 Gougeon, Mairi (Angus North and Mearns) (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)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (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)
 McArthur, Liam (Orkney Islands) (LD)
 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)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (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)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 56, Against 65, Abstentions 0.

Amendment 5 not moved.

Section 3—Power to provide for the operation of CAP legislation beyond 2020

Amendment 6 not moved.

Section 4—Power to modify financial provision in CAP legislation

Amendment 7 not moved.

The Presiding Officer: Group 4 is on a statement by the Scottish ministers under section 4. Amendment 1, in the name of Peter Chapman, is the only amendment in the group. [*Interruption.*] Mr Chapman, you will have to wait until your microphone comes on—it is not on yet. Is your card in properly, Mr Chapman? Please check it and push it further into the console. [*Interruption.*]

We will have a short suspension so that the seats can be cleaned before members change places and so that we can try to resolve the technical difficulty.

16:14

Meeting suspended.

16:16

On resuming—

The Presiding Officer: We can now resume proceedings on group 4. Amendment 1, in the name of Peter Chapman, is the only amendment in the group.

Peter Chapman (North East Scotland) (Con): I remind the chamber of my entry in the register of members' interests.

Before I start, I should say that everyone around me has said that what I am about to say had better be good, given all the palaver. However, I will leave members to judge that.

Amendment 1 is simple, practical and uncontentious, and I hope that it will receive support from across the chamber. The amendment does exactly what it says on the tin. It would ensure that any money that is saved as a result of changes to support mechanisms is recycled and remains within the agriculture portfolio.

We know that the support mechanisms for Scottish agriculture are about to change, and we also know that the capping of single farm payments is a real possibility. However, I only wish that, instead of me speculating about what those changes might look like, Fergus Ewing would at last come forward with his plans for the future and give our farmers some security and the ability to look ahead positively.

However, it is vital that all funds are retained to continue to support agriculture and are not siphoned off into other areas. I remind the chamber that more than 70 per cent of farms make a loss, when support payments are taken out of the balance sheet. I cannot overstate how important those payments are.

I move amendment 1.

The Presiding Officer: I call Stewart Stevenson.

Stewart Stevenson: Thank you, Presiding Officer. [*Interruption.*] I am afraid that some works are taking place next door. I hope that that does not affect the sound too much.

I have attended 978 committee meetings since I was elected to the Parliament, and 211 of them have been to do with rural issues. Every month, we get financial reports on how money is being spent to support farmers. No other portfolio issues such reports. The information that is provided about the support that is given to our agriculture sector is already precise, consistent and comprehensive, and I very much welcome that.

I want to look at the wording of the amendment that Mr Chapman would have us support. It talks about "improvements to any payment". I have no idea what an improvement to a payment is. It might be an improvement if we raise the payment that is given to a farmer but, from the Government's point of view, it might be an improvement to reduce it, because the Government would then have more money to spend on another policy area, in agriculture or not. I simply have no idea what the amendment means when it talks about

"improvements to any payment or expenditure".

More fundamentally, the difficulty is that we are introducing a process that would slow down, once again, the way in which things operate. Mr Chapman has suggested no reason why there is a requirement to do things in a way that is different from what has gone before in an area that is already reported on to a greater extent than any other part of Government.

I am extremely reluctant to contemplate supporting the amendment. We do not need it and it would remove flexibility from the way that we can deploy money; it simply would not work. The scrutiny and reporting is there, so there is no problem with that. It is unnecessary and would be potentially restrictive in an area where restriction would be most unwelcome to all stakeholders.

Colin Smyth: I am disappointed that Stewart Stevenson is not coming live from his local Honda garage, as he usually does.

I am happy to support amendment 1 from Peter Chapman, which calls for the Government to produce an accompanying statement when setting a cap on payments. It would help to provide some useful clarity for all interested parties. I am sure that those directly affected by any potential cap would be keen to know what the money was intended for, and stakeholders across the board have made it clear that they are keen to know what to expect from new projects and pilot schemes during this period. The pilot schemes trialled during the transition will be key to developing a strong and effective new support system, but we will still have almost no information on possible content, scale or even basic aims.

I support proposals to bring in a sensible cap on payments to help fund those new pilot schemes; I am sure that everyone agrees that the money must be well spent and amendment 1 would provide some accountability in that regard. If it is the Government's intention to do that anyway, there is no harm in clarifying it in the bill to provide some reassurance, rather than literally giving the Government a blank cheque.

Oliver Mundell: I start by pointing out to Willie Rennie that amendment 1 has the strong support of NFU Scotland and, having previously pulled me up for not supporting its position, I hope that he will be consistent and back Peter Chapman this time round.

We have heard Fergus Ewing say that another amendment is the most important of the day but, arguably, amendment 1 is the most important, because it asks the SNP Government and the Scottish Parliament to make a firm commitment to the principle of ring fencing the agricultural budget. Everyone is open to the potential of making the farm support system better and doing things differently, but that cannot and must not be an

excuse for diverting money saved away from agriculture.

I was therefore disappointed to hear through other parliamentarians that at the 11th hour the cabinet secretary and his helpers had technical concerns about the amendment. If that was the case, given that amendment 1 was lodged in good time, would it not have been wise and courteous to have approached the member, or indeed with the resource of the Government to hand to have proposed a workable amendment, rather than simply turning up to vote it down? Those kinds of games are disingenuous and they do farmers a disservice; they will do nothing to address the fears of farmers the length and breadth of the country that the central belt-dominated SNP will siphon off money at the first chance it gets when the power is returned from Brussels.

I urge members to support Peter Chapman's amendment and send a strong message that the Parliament will not tolerate an SNP rural budget grab. [*Interruption.*]

The Presiding Officer: Order, please.

John Finnie: I did not approach the member to tell him that I was not going to support the amendment and would be encouraging my colleagues not to support it, because that has been our position for some time. The language from the proposer, such as "siphoning off", is a concern. Mr Mundell talked about being open to the potential of doing things differently as we need flexibility, but I do not know whether Mr Chapman would be a strong supporter of money being directed to forestry, for instance. I am happy to take an intervention if he wants to make one.

Peter Chapman: I am very happy for money to be spent on forestry. I have always been an enthusiast of increasing our forests in Scotland, and I continue to be absolutely in that vein—I support forestry.

John Finnie: It is welcome that we have that comment from Peter Chapman about payments on the record. We need flexibility, but we also need to recognise that there are opportunities to scrutinise policies and legislation as they come through. The amendment would just create more paperwork and there is no need for it. If we do our jobs, we will be following the money anyway, so we will not support the amendment.

Fergus Ewing: I listened carefully to Mr Chapman, as I did when he lodged the very same amendment at stage 2. That amendment was defeated and we are debating the issue again.

Mr Mundell's comments about my not engaging are completely irrelevant, given that I made my views clear at stage 2. He will not be surprised to learn that they have not changed, because the

amendment is simply not needed. It is not necessary for the reasons that we heard from Stewart Stevenson and because we already have a parliamentary process to provide such information.

Any regulations that are brought forward under the section of the bill in question will almost certainly require a business and regulatory impact assessment, or BRIA, to be conducted. We have supporting documents for the bill, and any money resolution would require a BRIA. The point of a BRIA is to look at the implications of the regulations.

In addition, the regulations are subject to the affirmative procedure, which means that the Parliament already has the opportunity to scrutinise in detail any proposed modification of the financial provision. I think that Mr Finnie pointed that out. I associate myself with his remarks.

Any BRIA would accompany the draft regulations when they were laid before the Parliament and I suggest that that already serves the purpose. Moreover, like Mr Stevenson, I cannot think of any other portfolio that provides more information regularly and periodically to the relevant committee—in this case, the Rural Economy and Connectivity Committee—in order to inform members.

Oliver Mundell: Will the cabinet secretary give us a simple yes or no? Does the Scottish Government plan to take money out of the rural budget when changes are made?

Fergus Ewing: I think that the question is perhaps not the one that Oliver Mundell meant to ask. Of course we will take money out of the rural budget to pay to farmers and others who want it. I can try to answer the question that Oliver Mundell should have asked, but politics is not supposed to work like that, as many members know pretty well.

Oliver Mundell: Will the cabinet secretary give way?

Fergus Ewing: The member had a chance and he blew it. So there we are.

I will make one further, serious point. Mr Chapman is seriously making the argument, and I accept that it is a serious argument. However, if we agreed the amendment, we would have to use the money for the purposes that we had set out. We would tell the Parliament, “We will use the money to do this.” What would have happened if we had done that in February, before Covid came along, and then we decided that we urgently needed to use that money for Covid-related emergencies? We would not have been able to do that, because we would have had to come back to the Parliament, as Mr Finnie said, and have a

whole fresh debate and process. Meanwhile, the people waiting for compensation to survive in business would not have got the money. That is not very smart.

For all those reasons, although I understand Mr Chapman’s good intentions, I do not think that it would work out as he planned. I hope that he will vote against his amendment.

The Presiding Officer: We will move to our final speaker in this group of amendments, so, without anticipating whether we will have a vote, I urge members to return to the chamber and to open their voting apps. Peter Chapman will wind up and press or withdraw amendment 1.

Peter Chapman: Frankly, I am amazed and deeply worried that the cabinet secretary will not commit to supporting the amendment. If, as he has said, there is already ample scrutiny in the Parliament, he has nothing to fear. However, he has cited technical reasons. I do not understand what they are, and I certainly do not understand Stewart Stevenson’s nonsense. Nothing in my amendment speaks about improvement to support mechanisms; it speaks about changes.

As I said, the cabinet secretary cited technical reasons. I say to every Scottish farmer that the vote on the amendment is absolutely among the most important that we will have today. If Fergus Ewing and his SNP MSPs vote against the amendment, they will be setting the scene to be able to steal the money of Scottish farmers, cap their single farm payments, or take money from other schemes. They can then siphon that off—I use those words again—to pay for some other policy that is not within agriculture.

Our farmers are watching the cabinet secretary. I will press my amendment.

The Presiding Officer: Thank you, colleagues. Before we vote on amendment 1, can I confirm that all members have the voting app open and that they can see that no vote is currently open? If that is not the case, please raise your hand or notify us online.

The question is, that amendment 1 be agreed to. Are we agreed?

16:30

Members: No.

The Presiding Officer: There will be a division. Members may cast their votes now.

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)
 Boyack, Sarah (Lothian) (Lab)
 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)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 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)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 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)

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)
 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)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (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)
 McArthur, Liam (Orkney Islands) (LD)
 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)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (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)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 52, Against 71, Abstentions 0.

Amendment 1 disagreed to.

Section 5—Power to modify CAP legislation on public intervention and private storage aid

Amendment 8 moved—[Willie Rennie].

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

Members: No.

The Presiding Officer: There will be a one-minute division. *[Interruption.]* I beg your pardon,

colleagues—we have an online point of order from Stewart Stevenson.

Stewart Stevenson: On a point of order, Presiding Officer. I am working from the timed “Groupings of Amendments for Stage 3”, which lists the amendments in debating order. The version of amendment 1 that we have just voted on and that is before me refers to

“modifications or improvements to any payment or expenditure”.

However, I have just heard Peter Chapman claim that the word “improvements” was not in his amendment. I wonder whether I have been misled and there is a later version of the amendment. Perhaps I should have been working on a reprint of the amendment, about which I made the assertion that it included the word “improvements”. Can you advise me whether there has been a reprint that excludes the word “improvements”, as claimed by Mr Chapman? Thank you, Presiding Officer.

The Presiding Officer: That is not a point of order for me to rule on. It is a point of accuracy, which the member has pointed out. His comments are on the record and I am sure that members will have taken that on board. It is a debating point.

We will move to the vote on amendment 8. There 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)
 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)
 Boyack, Sarah (Lothian) (Lab)
 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)
 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)
 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)
 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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 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)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 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, 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)
 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)
 Mundell, Oliver (Dumfriesshire) (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 (Caitness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 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)
 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)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 117, Against 6, Abstentions 0.

Amendment 8 agreed to.

Amendment 9 moved—[Oliver Mundell].

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

Members: No.

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)
 Boyack, Sarah (Lothian) (Lab)
 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)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 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)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)

Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 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, Dr 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)
 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)
 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)
 Gougeon, Mairi (Angus North and Mearns) (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)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (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)
 McArthur, Liam (Orkney Islands) (LD)

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)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (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)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 57, Against 65, Abstentions 0.

Amendment 9 disagreed to.

Amendments 10 and 11 not moved.

Section 6—Power to simplify or improve CAP legislation on aid for fruit and vegetable producer organisations

Amendment 12 moved—[Willie Rennie].

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)
 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)
 Boyack, Sarah (Lothian) (Lab)
 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)
 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)
 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)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 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)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 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, 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)
 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)
 Mundell, Oliver (Dumfriesshire) (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)
 Rumbles, Mike (North East Scotland) (LD)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)

Scott, John (Ayr) (Con)
 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)
 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)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the decision is: For 116, Against 6, Abstentions 0.

Amendment 12 agreed to.

Amendment 13 moved—[Oliver Mundell].

The Presiding Officer: The question is, that amendment 13 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)
 Boyack, Sarah (Lothian) (Lab)
 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)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 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)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 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)
 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)
 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)
 Gougeon, Mairi (Angus North and Mearns) (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)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (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)
 McArthur, Liam (Orkney Islands) (LD)
 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)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (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)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 57, Against 65, Abstentions 0.

Amendment 13 disagreed to.

Amendments 14 and 15 not moved.

The Presiding Officer: As members may have noted, we have passed the agreed time limit for the debate on group 4 to finish. I exercise my power under rule 9.8.4A(c) to allow debate on the group to continue beyond the agreed time limit to avoid unreasonably curtailing the debate.

Section 8—Marketing standards

The Presiding Officer: We turn to group 5 on marketing standards: compatibility with UK standards and internal market. Amendment 16, in the name of Oliver Mundell, is the only amendment in the group.

Oliver Mundell: The arguments around amendment 16 have been well rehearsed in the Parliament in recent weeks. Nonetheless, it is important to make again the point that the UK internal market is crucial to Scottish agriculture, which is why we must do everything in our power to enhance the opportunities that flow from that market, not junk it or seek to disrupt it for narrow political purposes. The truth is that the SNP does not want the UK or Brexit to work and is happy for farmers to pay the price.

Amendment 16 offers a protective guarantee that none of the changes that would be brought about by the bill would be used to weaken the

links between Scotland and its most important market, which is the rest of the UK. Members can choose either to trust the SNP, which has already made clear its plans to adopt EU regulation without question, or to make it clear to farmers that the financial interests of our rural communities will always come first and that the many jobs that they support are just too important for political games.

I move amendment 16.

Colin Smyth: Amendment 16 raises an important issue. The UK is by far Scotland's most important market, particularly for agriculture. Maintaining the integrity of the single market is absolutely critical. The bill introduces regulation-making powers in a range of areas where significant divergence from the rest of the UK market could cause real problems. I understand the desire to clarify the need to prevent that in legislation, particularly with regard to marketing standards. However, I am not convinced that amendment 16 is the best way of delivering that as it would introduce a requirement for legislation in Scotland that does not exist elsewhere in the UK. That risks creating an uneven playing field that may unintentionally undermine genuine collaboration.

I believe that the development of a UK-wide common framework is still the most appropriate way to achieve the important intent behind the amendment. The apparent lack of progress on that front is incredibly worrying.

I hope that the cabinet secretary will provide an update on the progress of common framework negotiations and give a clear guarantee that it is not the Government's intention to use the regulation-making powers to create any unnecessary and harmful divergence from the rest of the UK market.

16:45

Emma Harper (South Scotland) (SNP): Amendment 16 seeks to restrict the power to make regulations under section 8, which is on marketing standards. It is remarkably similar to an amendment that the REC Committee voted against at stage 2, which had been lodged by one of the Conservative members. I am not sure why the Conservatives want to push the issue again. In fact, I am not sure why the Scottish Tories do not want to protect marketing standards and the high-quality standards in food production and processing in Scotland, and in turn protect Scottish farmers and food producers.

Standards matter, and high standards matter. I have raised that issue many times: in the debating chamber, in committee work and, last week, at an online event where experts Joe Stanley and Colin

Ferguson put forward their case for why standards matter.

I am concerned, given that the current UK Trade Bill looks to open up the UK food supply chain and the UK market to products that are produced and processed using increased levels of antibiotics, leading to antimicrobial resistance; given the use of hormones, not just in beef cattle but in pigs and dairy kye as well; and given the recent deregulation of the USA's chicken processing.

Oliver Mundell: Will the member take an intervention?

Emma Harper: I will, if Oliver Mundell can tell me that he is content to eat chicken that has had avian leukosis tumours cut off it that remain in the UK food supply chain.

Oliver Mundell: The member makes completely fictitious points that seek to doom-monger and cause unnecessary fear, and which are irresponsible. They expose the fact that this Government has nothing good to say about its own plans for farmers.

Does Emma Harper agree that being able to sell our produce—our high-standard Scottish produce, of which we are proud—to the rest of the UK is vital for Scottish farmers? Will she oppose the wholesale adoption of EU regulations that might prevent Scottish farmers from being able to sell their produce?

Emma Harper: I want to protect and promote the provenance of our produce in Scotland. That is crucial for us.

The US Food and Drug Administration also has a handbook on the acceptable level of defects in food. The Conservatives laughed at me when I spoke about rat poo previously, and I will not dwell on that today. However, the NFU has said that marketing standards are better dealt with by common frameworks than by primary legislation.

Amendment 16 seeks to restrict the Scottish Government's powers to protect its own marketing standards. Why would we want to relinquish powers to the UK Government? I will vote against the amendment, and I encourage members to do the same.

Fergus Ewing: It is disappointing that, despite being roundly defeated on a similar amendment at stage 2 by members of every other party, the Tories have brought this issue back again. I again make it clear that this Government is committed to doing its very best for Scotland's rural economy, and I will avoid any changes to marketing standards that would cause problems for Scottish businesses trading with the rest of the UK and beyond, or which would impact on the protection that the standards provide for consumers.

Mr Mundell did not mention any of the following, because in speaking to the amendment he did not cover any of the points in it whatsoever. Nonetheless, if one reads the amendment, one can see that it seeks compatibility with corresponding provisions in equivalent UK legislation, yet its central premise goes completely against that principle.

The UK Agriculture Bill sets up three separate regimes for marketing standards in the rest of the UK, and this Scottish bill completes the picture by establishing a similar regime in Scotland. The UK bill does not impose on any of the other Administrations restrictions that are similar to those in amendment 16. Although he did not make them in substance, if Mr Mundell's arguments were correct, the UK Government would have imposed those restrictions on the other devolved Administrations to prevent them from doing what Mr Mundell is afraid of.

The amendment is completely unnecessary, because his argument is, in every way, flawed. Amendment 16 would result in the unwelcome situation in which the Scottish Government's powers would be different from those elsewhere in the UK. Arguably, it would make it harder for our farmers and food producers to trade across the UK than at present. Every other Administration will have freedom to act; under the Tories' amendment 16, only Scotland would be restricted, despite the matter being devolved.

With regard to trade at the moment, farmers and crofters are worried about a free pass for importation from other countries of, for example, beef that is not produced to the same exacting and—correctly—high standards that we have here. Michael Gove said that that issue would be dealt with in legislation, in the form of a trade bill. That promise, which Mr Gove made to me at a ministerial meeting, has not been fulfilled. The real issue is the importation of cheap food produce undermining Scottish and British producers. What a shame that the Tories refuse to address the real issues.

The Presiding Officer: I call Oliver Mundell to wind up and to press or withdraw amendment 16.

Oliver Mundell: I will not take lectures from the cabinet secretary on addressing the real issues, when, every time he comes to the chamber, rather than setting out his plans for Scottish farmers, he seeks simply to air his tired old grievances about the UK Government. Let us be clear: if we are going to talk about low-standard produce, the only thing that Scottish farmers have to fear is the suboptimal chicken that is sitting in the cabinet secretary's chair, refusing to take the big decisions that will allow our farmers to take advantage of the opportunities—[*Interruption.*]

The Presiding Officer: Order! I am sorry, but in that case, the member used a metaphor, not a personal insult.

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): We will remember that.

The Presiding Officer: Thank you, Mr Swinney; your comment is noted.

Oliver Mundell: I thank the Presiding Officer for that ruling. I will get back to the substance of the amendment.

John Swinney: We will remember that when it is appropriate to use it against you.

Oliver Mundell: Presiding Officer, I enjoy the fact that the SNP members always shout from their seats when they are unhappy, yet when it comes to standing up and saying something positive about farming, they are found wanting.

Amendment 16 is important, because it makes the case for continuing frictionless trade between Scotland and our most important market. Farmers will see past the politicised nonsense and recognise that the most important thing is being able to sell their own produce at market.

The Presiding Officer: Thank you. [*Interruption.*] I recognise that the argument is heated; let us not get overly personal. Mr Mundell's comment was borderline, but it was part of the debate. [*Interruption.*]

If Mr Swinney had been present throughout the rest of the debate—

John Swinney: On a point of order, Presiding Officer. I do not regularly raise points of order, but the comment that Mr Mundell made was inappropriate in a parliamentary context. I look to you to establish what is acceptable and unacceptable; as a long-serving member of this institution, I fear that that type of comment is well below what is acceptable and leads to a lowering of standards in the national Parliament of Scotland.

The Presiding Officer: Thank you. I am acutely aware of comments that fly back and forth across the chamber; I listen out for them all the time. When arguments are heated—today's has been a passionate but, for the most part, good-natured and good-humoured debate—there is some leeway. I suggest that Mr Mundell's remark was nothing like as personal as some of the remarks that are exchanged, for example, at First Minister's question time. I try to let debate go on as much as possible. I recognise that members are passionate about what they believe in. Occasionally, they overstate their case, but I allow that, because I allow them to be passionate; that is a good thing. In this case, I accept that the comment was

borderline, but I thought that, in the nature of the debate, it was acceptable.

I hope that that discussion has allowed members the chance to open their voting app, and that their screen shows the text "Vote not open". I ask that anyone who does not see that to raise their hand. Very good. We now move to the vote.

Annabelle Ewing (Cowdenbeath) (SNP): On a point of order, Presiding Officer.

The Presiding Officer: Can we have that after the vote, if that is okay, Ms Ewing?

Annabelle Ewing: But I cannot vote.

The Presiding Officer: The question is, that amendment 16 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

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)
 Findlay, Neil (Lothian) (Lab)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Mason, Tom (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (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)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr 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)
 Boyack, Sarah (Lothian) (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)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (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)
 Gougeon, Mairi (Angus North and Mearns) (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 (Rutherghlen) (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)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 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, 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)
 McArthur, Liam (Orkney Islands) (LD)
 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)
 Rumbles, Mike (North East Scotland) (LD)
 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)
 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)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 30, Against 90, Abstentions 0.

Amendment 16 disagreed to.

Annabelle Ewing: On a point of order, Presiding Officer. I was not able to vote. I would have voted no, not least because of the language that Mr Mundell used against my brother in calling him a suboptimal chlorinated chicken. My 12-year-old niece would be hugely unimpressed with Mr Mundell.

The Presiding Officer: Thank you. The point is noted, and the member's comments about how she voted are on the record.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): On a point of order, Presiding Officer. I appreciate that Ms Ewing's vote did not affect the overall balance of the vote. However, members have not been able to cast their vote and follow our democratic process at yesterday's stage 3 and at today's stage 3 because of technical issues. Surely in any stage 3, irrespective of whether the result is clear, every vote should be logged, registered and counted.

I seek your reassurance that, if a member cannot vote, the vote will be aborted and rerun. Surely that is the right thing to do for stage 3. The vote on amendment 16 was not narrow, but we will get to votes at stage 3 in which one or two votes will decide on legislation. Surely it is unacceptable not to have all members' votes cast and counted.

The Presiding Officer: I recognise that point. We have discussed the issue at length in the Parliamentary Bureau and in the Scottish Parliamentary Corporate Body. The member is right that all votes count, and it is important that members have the right to vote and the confidence that they can rely on the voting system.

I assure the member that the voting system is working, that it is robust and that every member's vote has been accounted for. There have been occasions—one yesterday, one this morning and perhaps a second earlier—where there have been issues. In that situation, it is always the member's right to draw attention to the fact. It is then the chair's decision whether to rerun the vote. In this case, it was very important for Ms Ewing to get her vote on the record, as I believe Mr Doris or another member did yesterday.

Rachael Hamilton: On a point of order, Presiding Officer. I do not have confidence that my vote was cast, because the screen is exactly the same as it was when I trying to vote. In the past, the screen has cleared, which indicates that the vote is closed.

17:00

The Presiding Officer: It is a very new voting system, and there is no doubt that we are all coming to terms with it. There is an issue, which is our lack of familiarity with the system. That is why we are pausing before votes and letting the voting time run for longer. I assure members that we are monitoring every member who is logged on to the system and whether every member has voted.

It might be that some members have not voted. If I was to think for one second that that would alter the outcome of a vote, I assure members that the vote would not stand and it would be rerun. So far today, all the votes have been accounted for, so it is not the case that members' votes have not counted. In fact, we have been voting in far larger numbers than normal. More than 120 members are voting all the time.

Although there is some anxiety, I ask members to be patient and to trust that we are very much accounting for all members. We are ensuring that members in the chamber and on the system are using their votes. Every time a member's vote is not recognised, we query that, chase it up and take note of it. I hope that members will accept that assurance.

Liz Smith (Mid Scotland and Fife) (Con): On a point of order, Presiding Officer. I firmly believe that members have been extremely patient and that staff have been trying their level best to ensure that we adopt all the guidelines that have been issued.

This has been going on for five months. You have just described the process as robust. I could not disagree more—it is not robust. We are having constant problems when voting. The issue has been discussed at meetings of the Scottish Parliamentary Corporate Body and several times at meetings of the Parliamentary Bureau. At the moment, I am afraid that members do not have confidence in the system.

The Presiding Officer: I am not sure that that is the case. The system has been in place for only two weeks, not five months. Before the summer recess, we used reduced voting numbers following a political agreement. We then developed a system that clearly was not going to work, so we spent the summer developing another system.

That system is two weeks into operation. This is only the second day that we have used it to run a

series of votes. Despite some of the technical difficulties that we experienced yesterday, I assure members that, so far, the system appears to be very reliable, robust and secure. There will be an opportunity not just for members to feed their views back but for the bureau and the corporate body to look at the system in detail. Given that we are working in a hybrid situation, because some members are not able to come to the Parliament—if we did not have a voting system, those members would be disadvantaged and disenfranchised—the system has huge advantages, and it has been approved by the Parliamentary Bureau and the Scottish Parliamentary Corporate Body.

It is clear that the system is working at the moment. All the evidence from this end shows that it is working. I appreciate that there is some frustration and a lack of familiarity with it, but I assure members that, so far, none of the votes should be questioned in any way. The names align with all the votes.

Richard Lyle: On a point of order, Presiding Officer. I thank all the parliamentary staff. The only thing that I cannot do is shout “Yes”, “No” or whatever, virtually, from my house. We should thank every member of staff, because I think that the system is brilliant. They have done an excellent job. That is my personal view.

The Presiding Officer: Thank you very much for that point of order.

I suggest that we move back to the stage 3 proceedings, because we are running slightly behind time.

Section 10—Carcass classification

Amendments 17 and 18 moved—[Fergus Ewing]—and agreed to.

The Presiding Officer: We have lost some time, so I ask Graeme Dey to move a motion without notice under rule 9.8.5A to extend the time available for amendments by 30 minutes. The business managers have consulted on the issue, and the suggestion is that we extend the time by 30 minutes.

The Minister for Parliamentary Business and Veterans (Graeme Dey): Before I do so, Presiding Officer, to be clear, the business managers are looking to curtail the debate on the bill, to bring back some of the time for the benefit of members.

Motion moved,

That, under Rule 9.8.5A, the time available for amendments be extended by 30 minutes.—[*Graeme Dey*]

Motion agreed to.

Section 16—Purposes for which information may be required and processed

The Presiding Officer: Group 6 is on the purposes for which information may be required or processed. Amendment 22, in the name of Maureen Watt, is grouped with amendments 23 and 24.

Maureen Watt: I thank Colin Smyth for raising the important issue of food security at stage 2. Given the ever-increasing challenges that our society is facing, the need for an accessible and affordable food supply is becoming more acute. Colin Smyth's stage 2 amendment was too imprecise, so I welcome the fact that he allowed us all more time to think about what might be useful in that regard.

Amendment 22 seeks to achieve precision and to create greater alignment with the provisions in clause 17 of the UK Agriculture Bill, which requires the UK Secretary of State to provide a report on food security in the UK every five years and states what that report might cover. We will now be able to feed into that process any Scotland-specific data on a similar topic, should we wish to do so.

I note, too, that the cabinet secretary has helpfully set out in writing that there are existing powers to collect data on food safety and consumer confidence. I welcome the fact that he will now discuss with ministerial colleagues how we go about using all the data collection powers that are available to get a full picture of all the issues relating to food security.

Amendment 22 will extend the list of permissible purposes for which information may be required or processed under part 2 of the bill to include

“monitoring or analysing supply sources for food”

and/or

“household expenditure on food”.

Given that the proposed provision is more specific than the term “food security”, I think that it provides the clarity that we need about exactly what data can be collected, while still ensuring that the powers cover key areas of concern.

It is important to make it clear that amendment 22 would not require consumers to tell the Government anything, as the provision is restricted by clause 13(3) of the UK bill. However, the information that we need could be collected from other persons in or closely connected with the agrifood supply chain.

On amendments 23 and 24, I am happy to listen to Colin Smyth and other members, and will give my views when summing up.

I move amendment 22.

Colin Smyth: Amendment 23, in my name, allows for the collection of data for the purposes of preparing the national food plan, and amendment 24 provides a brief definition that broadly clarifies what such a plan should cover.

A national food plan could serve a range of roles by bringing together various elements of food policy into a single cohesive strategy and introducing targets and monitoring mechanisms.

From extreme weather, to the challenges of Brexit and coronavirus, if recent years have taught us anything, it is that we need a more comprehensive strategic approach to food policy. A national food plan would have a key role to play in improving resilience and food security in Scotland, thereby ensuring that we are equipped to withstand a crisis. The Government recently dropped the good food nation bill, which means that such resilience and security have become more important than ever before. The good food nation bill would have made an invaluable contribution at this time, and I very much hope that it will be on the legislative programme early in the next parliamentary session.

During stage 1 of the Agriculture (Retained EU Law and Data) (Scotland) Bill, I made a plea that we look at what legislation was passing through the Parliament to determine whether the bill could be expanded to incorporate key elements of the good food nation bill. However, I accept that it became clear that the Government did not have an appetite for such an approach, so I have not sought to take that approach during stages 2 and 3. My amendments today are strictly within the scope of the bill, and do not attempt to replace the good food nation legislation. However, my amendments lay some groundwork and support existing Government commitments on those issues.

Amendments 23 and 24 serve two purposes. The first is to put down a marker for the need for an ambitious national food plan in the future. I appreciate that the Scottish Government has now committed to publishing a non-statutory food policy, and I absolutely welcome that commitment, particularly given the delays to the good food nation bill. I look forward to seeing what is produced. However, I do not agree with the argument that that means that there is no need for a robust statutory national food plan further down the line. Indeed, the Government has itself made it clear that it believes that such a plan should be statutory. My amendments help to deliver that.

The second purpose of my amendments is a practical one. Amendment 23 simply allows data to be collected for the purpose of preparing a future national food plan. A huge amount of data that would be needed for a national food plan is not currently collected, such as data on food and

feed imports and food price differentials between areas. If we want to have a national food plan, or indeed if we just want to keep that option open, we need to be able to collect the necessary data from across Government to inform that. That is what amendment 23 allows.

I will support amendment 22 from Maureen Watt, which is coincidentally very similar to an amendment that I lodged at stage 2 but did not move, at the request of the cabinet secretary, when I made it clear that I was happy to work with the Government on a way forward. Unfortunately, the cabinet secretary did not take me up on the offer.

However, amid the sudden barrage of documents from the Government on the issue in recent days, after I had lodged my amendments for this stage, the cabinet secretary said that he would lodge amendments on the issue—coincidentally, after the Government had been sent a draft of my amendment. The fact that amendment 22 was lodged by one of the cabinet secretary's back benchers suggests that the Government missed a deadline for its own amendments, so it may have been a bit of an afterthought.

The issue of food poverty and food insecurity shames Scotland. Taking every action possible to tackle it should be a priority for the Parliament. Proper monitoring of both food supply and expenditure can provide us with a better understanding of the nature and extent of the issue, which will be invaluable in developing a policy to address it. That is exactly what my amendments seek to do.

Oliver Mundell: We will be supporting the amendments in this group. We believe that, in the absence of Scottish Government legislation, they will provide and allow for important data to be gathered and used to benefit both the industry and public health. As other members have said, we have seen in recent months just how important food security is. My colleagues, most notably Brian Whittle, never tire of pushing the importance of local procurement of food in the public sector.

The Parliament still has much work to do on those issues, and the amendments in this group can only help to inform and encourage this debate.

Fergus Ewing: The recent Covid crisis demonstrates the critical role that farmers, crofters and everyone in the food industry plays, and we should all thank them for their work during lockdown to keep Scotland fed. Food security and insecurity are key issues for society, and Brexit and the coronavirus pandemic highlight the importance of an adequate, affordable and accessible food supply for all.

I thank Mr Smyth for agreeing not to move his stage 2 amendment to allow further consideration of this issue. I welcome Maureen Watt's amendment 22, which augments and improves the data collection powers in part 2, as she has set out.

I want to highlight why we have not replicated clause 17(2)(e) of the UK Agriculture Bill, which covers

“food safety and consumer confidence in food.”

It is because similar powers already exist in Scots law, under the Food (Scotland) Act 2015. Members will have seen an exchange of correspondence on the matter between me, the Minister for Public Health, Sport and Wellbeing and the Cabinet Secretary for Communities and Local Government. We are agreed that it would not be sensible to try and cut across the existing powers.

I hope that members will also note that we intend to work together across Government to consider how we might use all our available powers and resources to gather data on all aspects of food security so as to help inform future policy development.

Richard Lyle: Can the cabinet secretary advise whether, once the ministerial group has developed a statement on food policy, stakeholders will be consulted and Parliament will be given an opportunity to comment?

Fergus Ewing: Yes, I am happy to give the assurance that there will of course be parliamentary involvement at the appropriate time, as there always is. I am happy that Mr Lyle has enabled that to be clarified.

I am grateful to Mr Smyth for initiating this activity with his stage 2 amendment. However, I cannot support amendments 23 and 24, for three key reasons.

17:15

First, we cannot pass measures in this bill to make up for the fact that, because of Brexit, we did not have parliamentary time to deliver the good food nation bill. Secondly, we have not debated or considered any evidence on a national food plan, either at stage 1 or stage 2 of this bill. Mr Rumbles has repeatedly made the point that we should not be debating at stage 3 or indeed stage 2 new and important matters of principle when we have not had proper input and consultation from stakeholders. It is a point of principle about the procedures in this place and, maybe because Mr Rumbles and I are both long in the tooth, if he does not mind me saying that in his absence, we both think that those principles should be adhered to. Bringing in important new issues at stage 3 is

not sensible and it carries with it the risk of legislating in haste and repenting later at leisure.

However, I have acted to deliver one of the measures that were contemplated for the good food nation bill, which is to develop and publish a statement of policy on food. The Government is absolutely committed to achieving our vision of Scotland as a good food nation, where everyone has ready access to the healthy and nutritious food that they need. The decision to pause the good food nation bill was not one that I took lightly but, because of Brexit, there was simply not enough parliamentary time. That is the reality.

At stage 2, I offered to consider what more we might do to give effect to the core premise of the good food nation bill, to develop a statement of policy on food. Last week, I announced that the ministerial task force on food will now reconvene, with the involvement of a number of cabinet secretaries and ministers from across Government, to develop and publish such a statement. I am happy to give a further undertaking today that, as part of that work, we will include consideration of the matters set out in paragraphs (a) to (e) that amendment 24 would insert in section 16(5).

In light of all that, I invite Colin Smyth not to move amendments 23 and 24. Should he do so, I encourage members to vote against them.

Maureen Watt: I welcome members' support for amendment 22, and I am pleased that we have been able to influence the bill positively. Amendments 23 and 24, however, would take us beyond the principal aims of part 2 of the bill.

I was also disappointed when the good food nation bill had to be shelved earlier this year. However, with responding to the Covid-19 crisis and making preparations for the end of the Brexit transition period to contend with, I accept that many things had to be dropped from Parliament's legislative timetable.

As other members have said, we cannot insert such elements into this bill. Amendments 23 and 24 simply do not work. There is no national food plan. There is not even a plan for such a plan. There was no intention to provide for such a thing in the draft good food nation bill, nor have we heard any evidence about it. We cannot shoehorn in such commitments to the final stages of a bill that is effectively about a discrete set of issues that are specific to agriculture. Moreover, the cabinet secretary indicated at stage 2 that he would take away the matter to see what might be done to act on the legislative intentions in the bill. I therefore welcome that. Rather than waiting for the opportunity to legislate for a statement on food policy, the Scottish ministers are simply getting on with the task of developing one, as was set out in

the answer to last week's Government-inspired question. That is a better way forward and I will not support Colin Smyth's amendments 23 and 24. I urge members to support amendment 22 in my name.

The Presiding Officer: Before I move to the question on amendment 22, in this case I ask all members, including those who are attending online, to refresh the voting app. They should not just open the page; they should refresh the app. You can either pull the screen down or press the refresh button, which is a little arrow in the top right-hand corner on the web browser. Members who are attending online should also refresh their app and not just open it. There should be a little circular arrow in the top right hand corner; you should press that. In some screens, you can pull the screen down and let it go back up again.

Before we come to the vote, I check again: if you do not have open the page which says "Vote not open", put up your hand to attract attention.

Thank you. I ask you again to verify that you have the page that says "Vote not open". We move to the vote on Maureen Watt's amendment.

The question is, that amendment 22—*[Interruption.]* We will wait for Ms Grahame.

Thank you, colleagues.

The question is, that amendment 22, in the name of Maureen Watt, be agreed to. Are we agreed?

Members: Yes.

The Presiding Officer: Are we agreed?

Members: Yes.

The Presiding Officer: We are agreed. *[Laughter.]*

Amendment 22 agreed to.

Amendment 23 moved—[Colin Smyth.]

The Presiding Officer: The question is, that amendment 23 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)
 Boyack, Sarah (Lothian) (Lab)
 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)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 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)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 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, Dr 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)
 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)
 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)
 Gougeon, Mairi (Angus North and Mearns) (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)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (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)
 McArthur, Liam (Orkney Islands) (LD)
 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)
 Rennie, Willie (North East Fife) (LD)
 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)
 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)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 57, Against 64, Abstentions 0.

Amendment 23 disagreed to.

Amendment 24 not moved.

After section 20

The Presiding Officer: Group 7 is on the requirement for a new Scottish agricultural policy. Amendment 19, in the name of Oliver Mundell, is the only amendment in the group.

Oliver Mundell: As NFU Scotland states in its briefing, amendment 19

“is an important inclusion which, whilst not requiring the implementation of any new policy, would ensure appropriate reporting mechanisms on the projected implementation of that new policy at such a time that it is deemed appropriate and deliverable.”

I have set the last date for doing so as 31 December 2024, and I sincerely hope, for the sake of Scottish agriculture, that it is possible for the

Government to set out clearly the future policy direction by then.

Amendment 19 provides an important safeguard, holds ministers' feet to the fire and puts this Parliament at the heart of the process. I hope that members will support it, because if providing stability and simplicity is to be a meaningful aspiration, the Government and the cabinet secretary must be able to provide a clear sense of direction and a definitive timeline for any changes that are coming.

Farming is a long-term industry, and in this moment of significant change and opportunity we can ill afford to make the big decisions behind closed doors and put off sharing that information with farmers.

I move amendment 19.

John Finnie: I have found myself today in the unusual position of sharing the same voting intentions as Mr Mundell. I commended him in the debate on the very first amendment this afternoon—amendment 21, on the objectives of secondary legislation—when he was very happy to see workers' rights respected. Sadly, that is not replicated in his interests when it comes to amendment 19.

In the debate on Mr Chapman's amendment 1, I said that I am not a fan of reports. On-going scrutiny is what is important. I note that Mr Mundell wants to know about productivity and profitability, but, as I said, improving the conditions of workers in the sector has been dropped, so for that reason we will not support amendment 19.

Edward Mountain (Highlands and Islands) (Con): I declare an interest in that I am in a family farming partnership. I have been farming for more than 40 years, and I have been giving advice to farmers for a similar period.

I have followed the bill during its progress through the Parliament, not just as a member but as the convener of the REC Committee. I watched it go through stages 1 and 2—[*Interruption.*] Presiding Officer, it is difficult to talk when members are talking and not listening. If they do not want to listen to me, may I ask for silence, please?

The Presiding Officer: Thank you, Mr Mountain. Order at the back of the chamber, please.

17:30

Edward Mountain: Thank you, Presiding Officer.

Farmers need some process, which is what the bill is about—I have accepted what the cabinet secretary said about the bill being about process.

Farmers also need policy if they are to be able to deliver on all the requirements that the Government has of them.

At stage 2, some good amendments were lodged not only by members of my party—members would expect me to say that—but by Colin Smyth for the Labour Party and by John Finnie for the Green Party. They were all defeated by an SNP and Lib Dem alliance. That unholy alliance was negotiated by Mr Rumbles so that he could get his proposed sunset clause through. That was all that he wanted. It was a little bizarre, if I might say so, because if he had bothered to speak to the other members of the committee he would have been able to get a sunset clause agreed to that met the requirements of all the other parties and that might have got the support of the cabinet secretary.

We have seen that alliance continue during stage 3, which means that amendment 19 will probably be defeated. That would be a huge mistake, because farmers need to know where they are going. They need to see a cabinet secretary, whoever it is, come before the Parliament and lay down a policy that they can see and follow in the future. Amendment 19 would get the Government to agree a timescale in that regard.

Farmers need amendment 19, the Parliament needs it and Scotland needs it. To vote against it would be an act of vandalism. Therefore, I urge members of all parties to support the farmers who have supported them so well and so diligently over the past six months and for many years before that.

Colin Smyth: Labour will support amendment 19. The development of not just an agricultural but a rural support system over the next few years is an urgent priority for the Government, and farmers, crofters and growers in rural communities across Scotland are desperate for clarity on what lies ahead. A requirement to report on progress will provide for accountability and ensure that the Government sticks to the proposed timescales and develops such a policy.

Like John Finnie, I would have liked the report that is proposed in amendment 19 to have had more content. However, it would be better than no report at all. Amendment 19 proposes an extremely generous timeframe and makes no unreasonable demands; it would simply guarantee in law a process of scrutiny and accountability that we would expect anyway and that should be underpinned in law. I am happy to support amendment 19.

Fergus Ewing: During stage 1, I set out how I update the Parliament regularly on the steps that are being taken to develop future policy on farming

and food production. Most committees accepted my explanation. Indeed, the REC Committee said in its stage 1 report:

“the Committee is satisfied that there is no need for a statutory requirement on periodic reporting to the Parliament to be included in the Bill.”

At stage 2, I made a similar commitment to keep the Parliament updated, in response to amendments in Rachael Hamilton’s name.

However, I am aware that some members and stakeholders would welcome more certainty around the process for establishing new policy proposals for rural support beyond 2024. Until then, the paper “Stability and simplicity: proposals for a rural funding transition period” provides exactly what its title says—stability and simplicity for farmers and crofters—and, broadly speaking, is welcomed across those communities.

Although I have some concerns about the binding and specific nature of the requirements in relation to the contents of the report for which amendment 19 makes provision, and although I have some sympathy with Mr Finnie’s points about what the report is not asked to cover, on balance I can support amendment 19 in the spirit of co-operation for which I hope that I am renowned. I encourage members to support amendment 19.

Oliver Mundell: Given that unexpected support, I will press amendment 19 and simply sit back down.

The Presiding Officer: The question is, that amendment 19 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, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 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)
 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)
 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)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 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, 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)
 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)
 Mundell, Oliver (Dumfriesshire) (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)
 Russell, Michael (Argyll and Bute) (SNP)

Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 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)
 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)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Wightman, Andy (Lothian) (Green)

Abstentions

White, Sandra (Glasgow Kelvin) (SNP)

The Presiding Officer: The result of the division is: For 114, Against 6, Abstentions 1.

Amendment 19 agreed to.

After section 22

The Presiding Officer: Our last group is group 8, on Crown application. Amendment 20, in the name of the cabinet secretary, is the only amendment in the group.

Fergus Ewing: Amendment 20 is a technical amendment that inserts a new section into the bill on Crown application.

The provisions in the bill, including any offences created under sections 8 or 10, will by default bind the Crown. However, it is a matter of general policy that the Crown should not be liable to prosecution for committing any such criminal offence. Instead, any non-compliance by the Crown is to be enforced through the civil courts.

Accordingly, amendment 20 inserts a standard provision that exempts the Crown—excluding persons in the service of the Crown—from being held criminally liable for any non-compliance with a regulatory provision made using the powers in this bill. As an alternative means of enforcement, it provides for the Lord Advocate to apply to the Court of Session for a declaration that the Crown has acted, or failed to act, in a way that is unlawful.

I urge members to vote for this technical amendment.

I move amendment 20.

John Finnie: The cabinet secretary describes this as a technical amendment that is standard practice. Let us be quite clear about what proposed new subsection (1) says. It says that

“Nothing in or under this Act makes the Crown criminally liable.”

The reality is that any individual or body that acts in a criminal way should face the consequences. If this amendment were to pass, the Crown will join 18 other groups or organisations that have been given immunity since 2009, including European Union military staff, the European Police College and the Organisation for Joint Armament Cooperation. I ask the cabinet secretary—noting his comments about stage 3—whether the Scottish Government was approached by the Crown seeking criminal immunity, or whether he consulted the Crown on this.

The Presiding Officer: No other member has indicated that they wish to contribute, and the cabinet secretary is indicating that he does not wish to make any concluding remarks, so we will move straight to the vote.

The question is, that amendment 20 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

I will just double-check that members have the voting app open again and that the page says, “No vote is currently open”. We will wait for a few seconds for that to happen. If it does not happen in the next 15 seconds—[*Interruption.*] I am being advised to remind members that voting is not open yet. Members should not have to refresh their screens—just open the app and then wait about 10 seconds. Do not refresh—just open the app, which should show a page that says, “No vote is currently open”. If any member does not have that page, they should raise their hand. We are just waiting for one member who is online.

I thank members. We are all ready to go now. Voting on amendment 20 will open now. This will be a one-minute division. [*Interruption.*]

I apologise to members. I am afraid that that attempt stopped mid-vote, so we will have to rerun the vote. That was not the fault of members—it was us. There will be a short pause while we reset the vote.

I again ask members to ensure that their voting app is kept on. We are about to run the vote again. Does everyone have a page that says, “No vote is currently open”?

Members: Yes.

The Presiding Officer: Good. In that case, we will run the vote again. The vote is on amendment 20, which is in the name of the cabinet secretary. Members may vote now. This will be a one-minute division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 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)
 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)
 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)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)

Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 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, 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)
 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)
 Mundell, Oliver (Dumfriesshire) (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)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 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)
 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)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 115, Against 6, Abstentions 0.

Amendment 20 agreed to.

The Presiding Officer: That ends consideration of amendments—thank you for your time and understanding.

17:45

As members will be aware, at this stage in the proceedings, I am required under standing orders to decide whether, in my view, any provision in the bill relates to a protected subject matter—that is, whether it modifies the electoral system or the franchise for Scottish Parliament elections. As the bill does no such thing, it does not require a supermajority to be passed at stage 3.

I have checked with business managers, and all the main speakers want to press on with the stage 3 debate. There will be a short pause before we do so. Decision time will be 45 minutes after we start the debate.

Agriculture (Retained EU Law and Data) (Scotland) Bill

The Deputy Presiding Officer (Christine Grahame): The next item of business is a debate on motion S5M-22514, in the name of Fergus Ewing, on the Agriculture (Retained EU Law and Data) (Scotland) Bill.

I call the cabinet secretary to signify Crown consent to the bill and to open the debate.

17:47

The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing): I am delighted to present the Agriculture (Retained EU Law and Data) (Scotland) Bill to Parliament for its stage 3 debate. First, I will deal with an important formality.

As members know, it is a requirement of standing orders that I signify Crown consent to the bill, when that is needed. Therefore, 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 Agriculture (Retained EU Law and Data) (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.

I thank farmers and crofters for the work that they do for Scotland, especially during this Covid pandemic, when they are working so hard to ensure that there is food on the table. I want to make it clear that this Government is committed to continuing to support them in the production of high-quality food, as custodians of the countryside and as pillars of our rural and island communities. That is why it has been my determination to ensure that support payments are received by farmers and crofters as quickly as possible, so I confirm today that the first of our loan-payment runs this year has been completed. It will see 11,885 farmers receive £296 million on Tuesday 1 September.

Scotland was the first United Kingdom paying agency to make advance payments again this year, and those payments will reach the bank accounts of farmers in Scotland a full three months ahead of payments to farmers in England. That is very important, because it means that at a time of real financial pressure in the rural community, that money will be used and circulated to make payments to other leading businesses in rural Scotland.

My aim for the bill is set out in the “Stability and Simplicity: proposals for a rural funding transition period” consultation. It is that it should provide farmers, crofters and land managers with as much

certainty as possible in the current climate, while we develop our longer-term rural policy, which will apply beyond 2024. It is a technical bill about mechanisms and process rather than about policy change. Indeed, at stage 1, I said that it was

“a tool in the box—a spanner that enables us to do a specific task”—[*Official Report*, 5 May 2020; c 77.]

We need the powers in part 1 of the bill to allow the common agricultural policy schemes to be rolled over into retained European Union law to continue beyond the end of this year. I can confirm that we will use the powers in the bill to ensure that the CAP schemes will continue in 2021.

However, the measures in part 1 will also enable us to modify existing CAP schemes and rules by making appropriate simplifications and improvements to meet our needs and interests. There are some simplifications and improvements that I want to introduce next year; regulations will need to be laid and passed before the end of this year to achieve that.

I have listened and have given undertakings to consult and engage stakeholders and Parliament, as I would always do and have always done, and I have accepted the compromise of the each-way procedure applying to the use of the key powers in sections 2, 5 and 6. I am grateful to Mr Rennie for moving the appropriate amendment, to Mr Rumbles for moving the amendment on the sunset clause, and to both for the constructive roles that they have played throughout the passage of the bill.

The provisions in part 2 are also technical in nature; they update existing powers for the collection of agricultural and agrifood supply-chain data, making those more transparent and clearly linked to the principles of the general data protection regulation and the Data Protection Act 2018.

The bill was not intended to change or to formulate future substantive policy on farming and food production beyond 2024. That work is under way through a different process, as we have heard today, and I expect to receive, in the relatively near future, a report from the farming and food production future policy group.

However, we need this technical bill—

Members rose.

Fergus Ewing: I will not take an intervention because I am approaching the close of my speech in order to try to curtail these proceedings, which have lasted quite some time, as we have been debating again matters that we debated extensively at stage 2.

We need this technical bill to be passed in order to allow CAP support to continue, and to provide

farmers, crofters and land managers with as much certainty and stability as possible. The bill is fundamentally about them and for them.

I move,

That the Parliament agrees that the Agriculture (Retained EU Law and Data) (Scotland) Bill be passed.

The Deputy Presiding Officer: I thank members, including those on the front benches, who have allowed their timings to be truncated, and those who have withdrawn from the debate to allow it to finish at a reasonable time.

17:54

Oliver Mundell (Dumfriesshire) (Con): Agriculture is the beating heart of our rural economy and we must never tire of promoting farming as a good, in and of itself. To break or weaken the connection between farming and our rural communities is to accept as inevitable rural depopulation and a managed decline in our countryside.

In that context, farm and rural support payments remain central to the future not only of Scottish agriculture but of rural Scotland. It is disappointing, as we enter the final stage of this legislative process, that the bill does little better than scrape over the low technical bar that was set for it.

It is doubly disappointing that that is combined with the fact that we have not yet seen the future policy group's report, which I feel today joins a long list of missed opportunities for the Scottish National Party Government to chart a course for rural Scotland. Fortunately though, for the cabinet secretary, the clock is ticking and we agree that the bill must be supported—but not without some regret.

We think that the bill and the cabinet secretary fail to recognise that policy and process are often linked, which is why we have heard heated discussion about some amendments today. Rather than enabling ministers to take key decisions later, we could have been setting a clearer direction of travel and giving our farmers the stability and security that they are looking for.

At stage 3, Parliament and the many voices that it represents should have been considering matters through the prism of the report of the farming and food production future policy group. I will give up some of my speaking time if the cabinet secretary can give a firmer indication of when we expect to see that long-awaited report.

I do not think that there will be an intervention.

Without that report, we are left with little choice but to hand powers to ministers to kick the can a little further down the road. I hope that they have the energy and commitment to use those powers

well. For example, as I said during the stage 3 debates on amendments, we share the fear of farmers that a future SNP Government might well siphon money out of the rural budget to support other projects.

Farmers deserve clarity on what any capping of individual payments would look like. Like NFU Scotland, we are absolutely crystal clear that any funds that are saved through capping must remain within the agriculture portfolio. I would welcome the cabinet secretary standing up and making that guarantee, rather than twisting my words, because that guarantee is sadly lacking.

To use the new powers to cut back on rural funding would represent an unforgivable betrayal of our rural communities. It is alarming that the SNP Government was not able to support Peter Chapman.

It is fast becoming clear that, rather than the manufactured grievance of a UK power grab, the biggest risk of Brexit is an SNP budget grab that would mean that Scottish farmers would be the losers.

The power to set a ceiling on individual payments dispels another myth that we hear too often in the chamber. That is just one example of the many serious decision-making powers that are returning to Scotland from Brussels. Indeed, the very need for the bill in the first place should confirm that we are getting a power surge.

There is nowhere left to hide. The big choices and the big decisions that lie ahead will be taken in Scotland. It does a disservice to the Scottish Government for it to suggest otherwise.

The Deputy Presiding Officer: I call Colin Smyth to open for Labour.

17:57

Colin Smyth (South Scotland) (Lab): There is probably more that could be said about what the bill fails to do and should have done than there is to say about what it does. Labour will support it, and I welcome the fact that it provides certainty on agricultural payments in the short term, but it is deeply disappointing that the SNP, with the support of the Liberal Democrats, has gone out of its way to ensure that the bill and the debate have focused on little more than that.

Every piece of legislation that goes through the Parliament is an opportunity to change things for the better, but the aim of the SNP and the Liberal Democrats appears to have been to try to avoid changing very much. That is particularly frustrating when the pressure on parliamentary time means that many important pieces of legislation, from the good food nation bill to the crofting bill, have been dropped.

I appreciate that the purpose of the Agriculture (Retained EU Law and Data) (Scotland) Bill is to provide continuity, but that should not have come at the expense of using the bill to give direction on the important but largely ignored powers that it provides—namely, powers to allow changes to be made to existing payment schemes.

The Scottish Government has committed to introducing an entirely new system of agricultural and rural support to replace the common agricultural policy by 2024. It remains to be seen whether that will happen. That will be an opportunity to make some much-needed improvements to how support is allocated and to what that support delivers, but it will be a significant change for the sector. It is critical that the four short years between now and then are used to lay the groundwork for that change and help the sector to prepare. However, within and outwith the bill, the Government has refused to set out its plans in any meaningful way for the transition period, let alone its vision for what will follow after that.

In the absence of any clarity or leadership from the Government, Opposition parties, with the support of a range of stakeholders, sought to provide in the bill some policy direction for the next four years, but that was ignored. We urgently need to see a different, more constructive and more ambitious approach from the Government if we are to build a consensus on the future of agricultural and rural support.

Time and again, we have come to the chamber and asked the Government to set out its plans, even in the most high-level terms, but it has failed to do so. The cabinet secretary has justified that by eventually establishing the farming and food production future policy group and insisting that any hint of leadership whatsoever from the Government would undermine the group's work.

That is not to dismiss the group's vital work—its expertise and insight are invaluable and should be at the heart of any policy making in the future. The problem is that, for the cabinet secretary, setting up such groups seems to be his only answer, and now the publication of the long-awaited report has been postponed. Meanwhile, across Scotland, farmers and crofters are waiting for information on what could be the most drastic overhaul of support for decades, unable to prepare or plan.

The sector faces ambitious targets in 2030 for both productivity and carbon reduction but it remains reliant on a support system that fails to properly support either. The message that I get from the sector over and over again is that it is ready and willing to change but is being held back by a support system that is not fit for purpose and is unsure whether, when or how that system will be changed.

Whatever the details of the new system, it is likely to be—and indeed should be—a significant change from the CAP. A new agricultural support system has the potential to deliver a huge range of benefits in addition to those already provided by the CAP. It can do more to support our environment, our economy and our rural communities, and it can distribute funding more equitably. There is broad consensus on the way forward and on the need for a support system that better incentivises sustainability and innovation, delivering clear public good for public money.

Although that will be to the sector's advantage in the long run, it is bound to require significant adjustment, and the only way to minimise disruption is to allow preparations to begin as far in advance as possible, ensuring a smooth transition. Back in 2018, the Government made a commitment to introduce the new system in a short period of time. Two years later, we are no further forward on what the new system looks like but we are now just four years away from its implementation. A long-term sector such as agriculture needs advance planning, but that becomes increasingly difficult the more time it takes the Government to get its act together.

As we look to the future, I am optimistic that, whatever challenges the sector faces, it will do its best to meet them in the same way that it has met the challenge of the current Covid pandemic. However, ultimately, the bill will be remembered—if it is remembered at all—as a testament to the Government's lack of ambition or imagination in relation to the future of agriculture. The Government has no vision for the future of agricultural support and seems in no rush to develop any, having even delayed the publication of the group's report.

If the cabinet secretary spent half as much time developing that vision as he seems to have spent running around in the past 24 hours desperately trying to drum up support for his opposition to amendments that were lodged today, the sector would have had more of an idea about what the bill would mean for it in the next few years. The clock is ticking on the need to meet our climate change commitment and deliver a sustainable agricultural sector. The stakes are far too high for any more dithering. The sector needs clarity on what lies ahead, and it needs that clarity now.

18:02

John Finnie (Highlands and Islands) (Green): The Scottish Green Party will support the bill. The cabinet secretary describes it as technical—it is about mechanisms and process. The tension that is apparent in relation to what might seem a fairly innocuous piece of legislation is because expectations were built up that it would be much

more. Those expectations were there because—but I see the cabinet secretary shrugging. He is well aware of the frustrations that exist about where we are going. We are facing a climate emergency and a nature emergency. The consensus that was built around the first amendment that was discussed today was an opportunity to at least do something, but there was no meaningful discussion regarding the important provisions in that amendment.

The bill gives powers to simplify and improve the operation of any part of the CAP. Millions of pounds are involved. Are they spent properly at the moment? Do they reflect the emergencies that we are facing at the moment? What discussion is there about how they will be spent in the future? It might not be the case that money will come out of the rural sector, as Mr Mundell said; there is a strong case for more money to go into the rural sector.

I have consistently congratulated the cabinet secretary on some of the things that happen in my region—the crofting house grant, for instance. Those are the things that should have featured in the bill if we were interested in sustaining communities. Sadly, the Lib Dems seem to be closely connected to the Scottish Government, including in relation to all that happened at stage 2.

Mention has been made of payments and reports and it is important to congratulate the rural payments and inspections division staff. I think that they have a fine system and they have done a fine job of late, and we get regular updates on that. We must move forward; we cannot go back to previous problems that have been resolved, and I certainly welcome the significant moneys that have gone into doing that.

We all want an efficient system, we know that the simplification task force recommended changes and we are all familiar with the groups that have been set up, such as the farming and food production future policy group.

The first four proposals covered by the first amendment discussed today were:

“(a) land management and food production ...

(b) supporting the transitions required to meet ... net-zero emissions target ...

(c) increasing the resilience of the agricultural sector”

and

“(d) encouraging innovation, productivity, profitability and resilience in agriculture”.

Tremendous work has taken place in Scotland during the pandemic on facilitating local food supply chains, which all the parties have been involved in, and resilience for island communities.

The pandemic has shown how important those aspects are and it is important that we understand that food security is a huge issue, given the climate and nature emergencies. However, as many people have said, it is therefore unfortunate that the good food nation bill is not going ahead.

Delivering flourishing communities, improving working conditions within the sector and maintaining and enhancing animal welfare are all important, but there are huge frustrations that—sadly—we do not get rational debate on many matters in the chamber because we divide on constitutional lines. I do not know of anyone, including our colleagues on the Conservative side of the chamber, who want reduced animal welfare standards—I see agreement on that. We must be aware of unintended consequences. That is another point that could have been picked up for the debate in future.

Sadly, the bill has left a lot of people frustrated. Those who are not familiar with the parliamentary process will see its title and regard it as an opportunity or vehicle through which to prosecute their interests. There is much common ground and little division on the main issues, and there is a recognition that we need to keep coming back to the issue of the climate and nature emergencies.

If I heard him correctly, the cabinet secretary said that the bill is a technical mechanism and a process, but there are other mechanisms and processes. We must have a process to do more; it cannot simply be about payments. If we are going to have any future with regard to—

The Deputy Presiding Officer: Please conclude.

John Finnie: I beg your pardon?

The Deputy Presiding Officer: I said, “Please conclude”, Mr Finnie. You have spoken for four minutes, which is your allocated time.

John Finnie: I was not told what time I had. I will leave it there. We will support the motion on the bill.

The Deputy Presiding Officer: Thank you. That is very kind. It is hard on members who have sat through the entire debate to hear that instruction, but there we go.

I call Willie Rennie to open for the Liberal Democrats. For the avoidance of doubt, he has four minutes.

18:07

Willie Rennie (North East Fife) (LD): I, too, thank farmers and crofters for the work that they have done throughout the pandemic to put food on the table. While we were in lockdown, they were in

the fields and on the hills. They deserve our appreciation.

The cabinet secretary referred to the constructive role of the Liberal Democrats and to Mike Rumbles’s role in particular. That approval surprised us, because it does not happen too often in the chamber. Certainly, I acknowledge the valuable contribution of Mike Rumbles, who did a great degree of work on the bill to ensure that there will be future policy on food and farming production. That work is on-going and we will watch it closely to make sure that it delivers.

Edward Mountain (Highlands and Islands) (Con): The Liberals voted against nearly every amendment during stage 2, including an amendment to include a timescale for farming policy. I am bemused at Mr Rennie thanking Mr Rumbles for voting for it, when he clearly voted against it. Maybe that is the unholy alliance.

Willie Rennie: It is unhelpful on any occasion to talk about unholy alliances, particularly when people in different parties are trying to agree on what is valuable. Mike Rumbles made a significant contribution to the early part of the wider debate about future policy. It is right that, once we have set up a group of experts and advisers from different parts of society, we allow them to do their work, rather than try to second-guess them before they publish their work. That work will make a valuable contribution, and I thank Mike Rumbles for persuading the cabinet secretary to set up that group.

I also thank Oliver Mundell, Colin Smyth and Peter Chapman for their stage 3 amendments today. Although we did not support them, they helped to shape the debate in the chamber to allow for future discussion on creating a more rounded policy. I want a good food nation bill, and I want support for farmers to be protected; in fact, I want to see whether that support could also be enhanced. Most important, I want food and farming policy to be considered in the round and a mature policy to be developed. The amendments helped to focus minds, and I thank those members for that.

The bill is technical and it aims to make sure that farmers will continue to be paid in the interim. It should not have been necessary in the first place. We were told that leaving the European Union was going to make life easier. I do not think that this debate has been easy; it has plunged us into a great degree of uncertainty. The process was supposed to be less bureaucratic, yet we are just about to agree to another law and more regulations, and we will bring in negative and affirmative instruments as we progress. That will not make life easier. The claim that Brexit was to be good for our farmers and our future has fallen at the first stage.

I also thank the clerks and the members of the Rural Economy and Connectivity Committee for all their hard work on the bill.

It has been a testy afternoon. We have managed to explore many of the issues that are important to the future of our countryside, because the first and most important thing is to make sure that the food and farming sector, which makes a huge financial contribution to our country, is supported in every way possible. We should not lose sight of that as we debate technical matters.

The Deputy Presiding Officer: We move to the open debate.

18:11

Maureen Watt (Aberdeen South and North Kincardine) (SNP): I am pleased that we are at the stage of the final speeches for the bill at last. As a member of the Rural Economy and Connectivity Committee, it seems to me as though we have been considering the bill for many months—and we have, but we have to accept that much of the delay has been due to the pandemic disrupting the work of the Scottish Parliament.

The need for the bill is entirely a result of the UK's decision to leave the EU, which was not supported by the people of Scotland at the time of the referendum and is still not supported now, given how much more we know about the disastrous effects that it will have on our economy, especially with Covid-19 and the economic crash on top of that.

During the debate and in the amendments to the bill, it has been interesting to see how the Tories have abandoned food production as the main activity of farming. The Scottish Government must prepare to take the necessary powers to continue to support our farmers and crofters. Interestingly, we have legislated for Brexit faster than the UK Government has done but, unfortunately, that has been at the expense of the inshore fisheries bill and the good food nation bill. Without that primary legislation, the Scottish ministers would not be able to simplify or improve retained EU law. The Scottish Government chose—rightly, in my view—not to take powers through the UK bill and not to recommend legislative consent, as there are concerns that it could impose unwanted policies and rules on Scottish farmers in areas of devolved competence. Agriculture is devolved and legislation for devolved policy is a matter for the Scottish Parliament.

The current EU CAP schemes run from 2014 until only 2020. The bill gives the Scottish ministers the power to vary payment ceilings and financial provision in CAP schemes once they become domestic law. It allows for the continued operation of current CAP schemes and policies for

a transition period up to 2024 if needed and allows those measures to be progressively improved and simplified. The bill is urgent because not only do we need it to be passed, we also need the secondary legislation that will fall under it to be in place by the end of the year so that we can continue to make payments to farmers. That means that time is critical.

Throughout the passage of the bill, NFU Scotland has supported the Scottish Government's approach, in that the bill is focused on frameworks as opposed to policy. The NFUS agrees with the Scottish Government that the primary purpose of the bill is to enable a stability and simplicity approach, rather than enacting a future agricultural policy for Scotland.

The bill will also ensure that the Scottish Government has the ability to replicate changes that are made elsewhere in the UK, if that is what is best for Scotland. Those include avoidance of barriers to the movement and sale of goods within the UK after EU exit, and the adoption of UK-wide frameworks, which are beneficial in areas of pesticide regulation and animal health and welfare, as long as they are not imposed without our consent.

In closing, I congratulate the cabinet secretary on the very prompt distribution of farm payments, given the problems that we had with farm payments in the recent past. This bill is needed, and it is needed now. It is urgent, and I am pleased and relieved that it will pass this evening.

18:15

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I begin by thanking farmers and crofters for ensuring that our country is well fed and watered. They have played a significant part in keeping the UK's food supply going. This bill should herald a new dawn, in which producers are appreciated and valued and receive their fair share in the supply chain. I also thank Scottish Land & Estates, Scottish Environment LINK, WWF, NFU Scotland and others for their input at all stages of the bill, as well as the committee clerks and the legislative team for their hard work.

The bill is important, and we will support its final passage today. It provides for the vital continuation of farm payments to Scottish farmers. We cannot overestimate the importance of agriculture. A staggering 70 per cent of land in Scotland is used for agriculture, and that is why we must respect farmers and crofters across Scotland who want clear direction.

We have a chance to ditch an outdated common agricultural policy system, which serves every country from the Arctic to the Mediterranean with impractical demands, such as the three-crop rule

and unnecessary red tape. However, that requires a Government that is willing to embrace positive change and willing to invest in increasing efficiency, driving up productivity and helping farmers promote environmental—

The Deputy Presiding Officer: I am sorry to interrupt, Ms Hamilton. In a very quiet chamber, we can hear everything that is being said at the back. It is very impolite to talk when the member is making a speech.

Rachael Hamilton: Shaping new policy that is informed by pilot schemes and trials will be key to determining the future direction of a system that is based on a principle of public good for public money. During the entire passage of the bill, there has been a lack of policy direction from the Scottish National Party Government. We have yet to see the farming and food production future policy group report, which was intended to be launched in June at the Royal Highland Show. Those with an interest in the future of farming are quite rightly concerned at the lack of detail. I ask the cabinet secretary not to leave Scotland behind.

Moving on to the amendments, I note that one of the saddest parts of stage 3 was that Mike Rumbles and the other Lib Dems had been courted by the SNP—there was a backroom deal for a sunset clause that jeopardised all the other amendments, and all for a cheap bottle of Chianti. Sadly, despite the Scottish Conservatives lodging an amendment with a purpose clause at stage 2, it was not agreed to. Today we missed an opportunity to strengthen the law, support farmers and take greater action on food security, nature and the climate.

There have been minor flaws in the bill, which I believe have still not been addressed. I fear that the bill lacks the consultation power, and it goes without saying that organisations such as the NFUS agree with my party and have been extremely vocal that agricultural stakeholders should have a say in reform. I am grateful that the SNP has agreed to lay before Parliament a report on progress towards a new Scottish agricultural policy.

It is also concerning that the Government could make drastic shifts in funding between the two pillars. The cabinet secretary has not provided enough of a guarantee that funds will stay in the agricultural portfolio. Ministers change, and promises are not kept. We need clarity from the Government.

I will finish where I started. Farming has a vital role to play in addressing climate change, driving productivity and making farming more efficient.

The Deputy Presiding Officer: I call Claudia Beamish to close for Labour.

18:18

Claudia Beamish (South Scotland) (Lab): The cabinet secretary's approach seems to be no answers and no ambition. That complacency does not reflect this decade's countdown to 2030, by which time we must have reduced our emissions by 75 per cent, along with making many other serious shifts that are needed in the agriculture and land use sector. This is the decade for heavy lifting. The Government needs to show us that the time between now and 2024, when the new support system is promised, is being well spent.

More detail must be given on the pilot schemes. What are their overarching aims? What will be their scope? How will they prepare farmers for the upcoming changes? When will those details be shared? We ask so many questions, but there are so few answers about that, let alone about a vision for the long-term CAP replacement scheme.

Labour shares the consensus that the system should work for the environment and climate and to bolster the productivity of the sector. Farmers, land managers and, importantly, agricultural workers are at the forefront of the challenge of climate change; they are tasked with mitigating the sector's heavy emissions, while adapting practices and businesses to a new future. I see that as a positive shift, but it will take Government intervention, support and direction, for which we wait and wait. In the view of Scottish Labour, the bill is a missed opportunity.

I commend my colleague Colin Smyth for his amendments throughout the bill's proceedings. I share his frustration at the Scottish Government's lack of engagement on many of the issues, once the Lib Dems came on side. The Labour amendments found support from other parties in the chamber and from many stakeholders, because the simultaneous transitions for the sector of Brexit and moving to net zero are significant and require conscientious yet transformative strategies. Colin Smyth's amendment 21 would have created a pathway of markers on equity and environmentalism for any future scheme.

Although leaving the EU is very worrisome, the opportunity to create purposes that are fit for climate and environmental emergencies and for Scottish farmers should have been seized. Colin Smyth's list of objectives describes an agriculture that I and many people in the chamber and beyond need to see—many Scottish citizens would agree. The list describes a resilient, inclusive, productive, fair, safe and local farming sector that stewards our environment and respects biodiversity and animal welfare.

Many of the cabinet secretary's concerns about the amendments are a puzzle to me, because

those objectives should underpin any future developments in the agricultural and land use sectors.

Similarly, amendment 24, which laid the groundwork for a national food plan, would have been invaluable, and the stakeholder backing from Scottish Environment LINK, Scottish Land & Estates and, importantly, the Scottish Food Coalition, indicates that.

It can be said that food is a mixture of need, emotion and science. Of course, we respect the fact that there has been Covid, but as a reason for delaying the good food nation bill it seems implausible. Again, this has gone on for far too long; Government should have supported it, and we need to get it right, because the issue has such an impact on the day-to-day lives of people in this country. Given the loss of the good food nation bill, amendment 24 would have gone some way towards addressing those issues, as will my colleague Elaine Smith's member's bill on enshrining a right to food for us all.

To sum up, along with my Scottish Labour colleagues, I will support the bill, due to its necessity in our sad disentanglement from the EU. I urge the Scottish Government to listen today to the calls for ambition and vision and to give Scottish crofters and farmers, on whom we depend, the certainty, security and future opportunity that they need; it will not come from this bill.

The Deputy Presiding Officer: Thank you. I call Edward Mountain to close for the Conservatives. I am afraid that you may speak for only three minutes.

18:23

Edward Mountain (Highlands and Islands) (Con): I know, Presiding Officer, and the good thing is that I will do it in less time than that.

First, I remind Parliament of my entry in the register of interests. I thank Willie Rennie for being so polite to the committee about the hard work that was put in, especially by the people behind the committee, such as the clerks who support us and enable the work to go ahead.

Farmers in Scotland just need direction. I have always found that, if we give them the direction, farmers find the solution. All that they want to do is produce quality food and produce. They want the highest possible standards. I agree with Mr Finnie: I have yet to meet a farmer who wants to reduce animal welfare; they all want to keep it up.

They never need a prompt to go to work. Most of them were somewhat surprised on 21 May this year, when the First Minister told them that they could go back to work. They had been working

non-stop, 24 hours a day, to get their crops sown and keep Scotland fed.

We now have a bill on the table, which, to my mind, could have been a lot better. It could have held the Government to more scrutiny. It could have stopped funds being siphoned out of rural budgets and into other areas.

However, I am pleased that the Government supported amendment 19. It is good news that there will be a policy on the table by 31 December 2024. We need to move forward, and I give the Parliament an assurance that I will make sure that that policy is on the table and that Scotland's farmers are supported as they need to be.

The Deputy Presiding Officer: Thank you very much. True to your word, you finished before your allocated time.

18:25

Fergus Ewing: I thank all the stakeholders and individuals who contributed in any way to the bill. Whether they agreed with me or with other members, I thank them for participating in the process. I hope that all can see that we have listened and considered carefully all suggestions for changes and improvements to the bill's measures.

I think that it is fair for me to point out that we have responded to Parliament, and to the views that were expressed to the Rural Economy and Connectivity Committee in particular.

We have responded by agreeing a sunset clause, after discussion with Mr Rumbles and after taking into account all the views expressed by the committee. We have changed our tack, listened and acted. We have changed our position on the statutory instrument process, as we have on issues relating to the good food nation policy. Even though that is not directly relevant to the bill, we nonetheless listened and responded, and we have acted today, as I said at stage 2 that we would seek to do.

Lastly, we responded to the Conservative amendment requiring us to report by 2024. We will be reporting long before then—it is impossible to leave things until 2024, if we want to implement change.

The fact is—I am being quite frank in saying this—that the CAP legislation and rules are highly complex. Any change is an extraordinarily complex matter; it is not really consistent with high-level debate and a list of things that are worthy and desirable in and of themselves. Change is far more complicated than that and we must pay attention to the detail to get it right. Much of that work is done in committee, as it was this morning when the Rural Economy and

Connectivity Committee discussed a legislative consent motion, for example.

The challenge is to work through the changes that farmers and crofters want, particularly in the short term. My assessment is that there is a special desire for reform and improvement on the penalties and inspections regime. I say that as someone who, like the REC Committee convener, has been around for quite a while and has represented farmers and crofters, some of whom have suffered extraordinarily high penalties—tens of thousands of pounds—for possibly relatively small administrative errors. That is quite shocking, and a real concern to those involved. I was passionately determined to get that right and now I have the opportunity to do that. Why? We have created through the bill the lever to do that.

The challenge is to work through what farmers and crofters want. Another thing that they want is certainty about continued income, as they are in essence running businesses. More than half of farmers and crofters in Scotland are dependent on that income for their livelihood, so it is essential that they get their money. I am delighted that they will get it three months ahead of those in England. That great achievement is thanks to the rural payments and inspections division staff, who have worked during Covid and done so well for the farming community. I pass on my sincere thanks to them.

I am determined to ensure that our hill farmers continue to receive the support to which they are entitled, not just for producing food, but as the custodians of the landscape at the heart of rural Scotland.

My discussions with farmers and crofters, such as the Lochaber group, which Donald Cameron, I think, brought along not so long ago, showed that they are far more concerned about the continuity of basic financial support than they are about having a purpose clause. Not a single farmer or crofter in this country has ever mentioned a purpose clause to me.

Members rose.

Fergus Ewing: I really have not got time—I am very sorry. Why Opposition members think that that is important really defeats me, because the bill is about passing legislation for a necessary purpose; it is not about substantive policy. The approach of Opposition members is entirely up to them, but I am not sure that it is doing them any good.

We did not vote to leave the EU. We are here because Brexit is being foisted on us, but we are determined to mitigate its impacts in every way. It is my intention to continue to do that by providing certainty, confidence, continuity of income, payment to farmers ahead of our friends down

south, and stability and simplicity for the next four years, which is not guaranteed in other parts of the country. The bill will help us to achieve those objectives.

Business Motion

18:31

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-22551, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 1 September 2020

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by First Minister Statement: Scottish Government's Programme for Government 2020-21

followed by Scottish Government Business

followed by Legislative Consent Motion: Agriculture Bill

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Wednesday 2 September 2020

12.20 pm Parliamentary Bureau Motions

12.20 pm First Minister's Questions

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Debate: Scottish Government's Programme for Government 2020-21

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.00 pm Decision Time

Thursday 3 September 2020

2.00 pm Portfolio Questions (Virtual): Communities and Local Government

2.30 pm Portfolio Questions (Virtual): Social Security and Older People

3.00 pm Portfolio Questions (Virtual): Finance

Tuesday 8 September 2020

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Business

followed by Financial Resolution: Period Products (Free Provision) (Scotland) Bill

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Wednesday 9 September 2020

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.00 pm Decision Time

Thursday 10 September 2020

12.20 pm Parliamentary Bureau Motions

12.20 pm First Minister's Questions

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Environment, Climate Change and Land Reform; Rural Economy and Tourism; Transport, Infrastructure and Connectivity

followed by Business Motions

followed by Parliamentary Bureau Motions

3.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 31 August 2020, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[*Graeme Dey*]

Motion agreed to.

Parliamentary Bureau Motions

The Presiding Officer (Ken Macintosh): The next item of business is consideration of Parliamentary Bureau motion S5M-22531, on approval of a Scottish statutory instrument on land and buildings transaction tax.

Motion moved,

That the Parliament agrees that the Land and Buildings Transaction Tax (Tax Rates and Tax Bands) (Scotland) Amendment (No. 2) (Coronavirus) Order 2020 (SSI 2020/215) be approved.—[*Graeme Dey*]

The Presiding Officer: Patrick Harvie wishes to speak on the motion.

18:31

Patrick Harvie (Glasgow) (Green): Thank you, Presiding Officer, for the opportunity to speak for a few moments on the proposal for a cut to land and buildings transaction tax. I start from a position of accepting that, when introduced, LBTT was a modest improvement on the stamp duty tax that went before it. However, it remains a flawed system that is inefficient, creates unwelcome consequences, is not progressive and should be replaced with a more modern system of property taxation, as the Mirrlees report recommended nearly a decade ago.

Even if the tax cut that is being proposed was seen in isolation, I would question whether a tax cut that is directed at those with the wealth to buy a £250,000 home should be a priority at the current time. There are surely people who are more in need of help and to whom the resources that are paying for the tax cut could be directed. At the Finance and Constitution Committee, I asked the Minister for Public Finance and Migration what tax policies that could have benefited those in greater need were considered as an alternative. He told me:

“Those are questions that we all need to ask ourselves”,—[*Official Report, Finance and Constitution Committee, 19 August 2020; c 6.*]

but he offered no answer. I can only assume that he did not consider any alternatives at all.

Of course, we do not see that policy in isolation; we cannot help but see it in the wider context of housing and the property market. That gives us more reasons to oppose it. As the Scottish Fiscal Commission sets out at paragraph 1.14 of its report, the tax cut will lead to an increase in prices. Why would it not? With less tax or no tax to pay, but with the same overall budget to spend, buyers will simply be in a position to bid a little bit higher for the property that they want to buy. The argument is not new. It is well understood that that kind of consequence will arise from such tax cuts.

That is why the Fiscal Commission made that prediction. The minister accepted that when he moved the motion on the SSI at the committee.

At the same time, the Scottish Government is continuing to increase so-called help-to-buy schemes for first-time buyers. That is another measure that will have the same effect—both directly and indirectly—of driving the cost of housing ever higher. At both ends of the market, Government policy will drive up prices when we should be doing exactly the opposite. We should be seeking to reduce the underlying cost of housing rather than pouring more money into the system, which will inflate prices further.

Why is that being done? It appears to be an almost unthinking response to a United Kingdom policy change. We should not be following in lockstep with the tax policies of a right-wing UK Government; we should not be directing tax cuts at those who need them the least; and we should certainly not be doing so in a way that makes the problem of high housing costs even more severe. We should be following through on the long-overdue reform of local taxation and replacing an outdated and perverse system of property tax with a modern alternative. That is why the Greens will oppose the measure tonight.

The Presiding Officer: Thank you, Mr Harvie. I call the Cabinet Secretary for Finance, Kate Forbes.

18:35

The Cabinet Secretary for Finance (Kate Forbes): This provisional affirmative order provides for the temporary changes to the LBTT bands and rates that I announced in the chamber on 9 July, when responding to the chancellor's economic update. For transactions with an effective date of between 15 July 2020 and 31 March 2021, the starting rate for residential LBTT is increased from £145,000 to £250,000.

Members will be aware that this is the first time that a change to rates and bands has been made outside the Scottish budget process. Our view was that it was necessary to act, and to act quickly, given the immediately destabilising impact of the UK Chancellor of the Exchequer's 8 July SDLT announcement on Scotland's housing market—an announcement of which we were given no advance notice aside from the media speculation. No change to LBTT has been delivered as quickly as this in order to deal with the negative impacts, and all the relevant policy, analytical, legal, operational and other tasks that are required to deliver the change were completed within five working days of the initial announcement.

The Green Party has, understandably, raised concerns this afternoon about the impact on house

prices and costs that home buyers might face. The Scottish Fiscal Commission's costing for the measure does consider that there will be an impact, but it estimates that such an impact is likely to be "small".

However, I recognise that we need to provide significant support to those who have been hardest hit by the pandemic. That is why, on the same day, I announced £100 million for skills and jobs, including the job guarantee scheme, to ensure that young people, in particular, have work or training opportunities.

On Patrick Harvie's point, we have considered and implemented a number of other changes to provide the support that people in Scotland need quite desperately right now. We know that the latest LBTT statistics show that transactions in the first four months of the year are down by almost 60 per cent compared with the same four months last year; therefore, the measure is providing some help to home buyers and companies throughout the housing market at a difficult time. We have also announced other initiatives: we have put in place support through the first home fund and other shared equity home ownership schemes.

Throughout the pandemic, we have had to balance our resources to support economic recovery but also, most critically, to help those hardest hit during the pandemic. The LBTT measure is just one form of our support, but our support is there, whether it is for businesses or for communities, to ensure that we get through the crisis and support economic recovery.

The Presiding Officer: Thank you, cabinet secretary. The question on the motion will be put at decision time.

The next item of business is consideration of 17 Parliamentary Bureau motions. I ask Graeme Dey, on behalf of the bureau, to move motions S5M-22530 and S5M-22532 to S5M-22544, on approval of SSIs, and S5M-22545 to S5M-22547, on designation of lead committees.

Motions moved,

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 10) Regulations 2020 (SSI 2020/236) be approved.

That the Parliament agrees that the Care Homes Emergency Intervention Orders (Coronavirus) (Scotland) Regulations 2020 (SSI 2020/201) be approved.

That the Parliament agrees that the Health Protection (Coronavirus, Restrictions) (Aberdeen City) Regulations 2020 (SSI 2020/234) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 3) Regulations 2020 (SSI 2020/209) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 4) Regulations 2020 (SSI 2020/221) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 5) Regulations 2020 (SSI 2020/224) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 6) Regulations 2020 (SSI 2020/229) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 7) Regulations 2020 (SSI 2020/233) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 8) Regulations 2020 (SSI 2020/235) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 5) Regulations 2020 (SSI 2020/190) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 6) Regulations 2020 (SSI 2020/199) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 7) Regulations 2020 (SSI 2020/210) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 8) Regulations 2020 (SSI 2020/211) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 9) Regulations 2020 (SSI 2020/232) be approved.

That the Parliament agrees that the Health and Sport Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Medicines and Medical Devices (Scotland) Bill.

That the Parliament agrees that the Rural Economy and Connectivity Committee be designated as the lead committee in consideration of the supplementary legislative consent memorandum in relation to the Agriculture Bill.

That the Parliament agrees that the Finance and Constitution Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Trade Bill.—[*Graeme Dey*]

Decision Time

18:38

The Presiding Officer (Ken Macintosh): We turn to decision time. Before we take the first question, which will be on the Agriculture (Retained EU Law and Data) (Scotland) Bill, I want to make sure that all members have their voting app open, and that it says, “No vote currently open”.

I thank colleagues—including colleagues online—for their patience. We were just waiting for everyone to open the app, and it is now open.

The first question is, that motion S5M-22514, in the name of Fergus Ewing, on the Agriculture (Retained EU Law and Data) (Scotland) Bill, be agreed to. Members should vote now.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 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)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 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)
 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)
 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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and

Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 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)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 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)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 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, 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)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 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)
 Mundell, Oliver (Dumfriesshire) (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)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 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, Kevin (Aberdeen Central) (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)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 113, Against 0, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Agriculture (Retained EU Law and Data) (Scotland) Bill be passed.

The Presiding Officer: As the motion is agreed to, the Agriculture (Retained EU Law and Data) (Scotland) Bill is passed. [*Applause.*]

The Presiding Officer: The next question is, that motion S5M-22531, in the name of Graeme Dey, on approval of a Scottish statutory instrument, 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, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 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)
 Boyack, Sarah (Lothian) (Lab)
 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)
 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)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fee, Mary (West Scotland) (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)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 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, 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)
 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)
 Mundell, Oliver (Dumfriesshire) (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)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (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)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 101, Against 6, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Land and Buildings Transaction Tax (Tax Rates and Tax Bands) (Scotland)

Amendment (No. 2) (Coronavirus) Order 2020 (SSI 2020/215) be approved.

The Presiding Officer: I propose to put a single question on 17 Parliamentary Bureau motions. Does any member object?

Members: No.

The Presiding Officer: The question is, that motions S5M-22530, S5M-22532 to S5M-22544 and S5M-22545 to S5M-22547, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, be agreed to.

Motions agreed to,

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 10) Regulations 2020 (SSI 2020/236) be approved.

That the Parliament agrees that the Care Homes Emergency Intervention Orders (Coronavirus) (Scotland) Regulations 2020 (SSI 2020/201) be approved.

That the Parliament agrees that the Health Protection (Coronavirus, Restrictions) (Aberdeen City) Regulations 2020 (SSI 2020/234) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 3) Regulations 2020 (SSI 2020/209) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 4) Regulations 2020 (SSI 2020/221) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 5) Regulations 2020 (SSI 2020/224) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 6) Regulations 2020 (SSI 2020/229) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 7) Regulations 2020 (SSI 2020/233) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 8) Regulations 2020 (SSI 2020/235) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 5) Regulations 2020 (SSI 2020/190) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 6) Regulations 2020 (SSI 2020/199) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 7) Regulations 2020 (SSI 2020/210) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 8) Regulations 2020 (SSI 2020/211) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 9) Regulations 2020 (SSI 2020/232) be approved.

That the Parliament agrees that the Health and Sport Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Medicines and Medical Devices (Scotland) Bill.

That the Parliament agrees that the Rural Economy and Connectivity Committee be designated as the lead committee in consideration of the supplementary legislative consent memorandum in relation to the Agriculture Bill.

That the Parliament agrees that the Finance and Constitution Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Trade Bill.

The Presiding Officer: That concludes decision time and I close this meeting.

Meeting closed at 18:48.

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

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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