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Scottish Parliament

Thursday 12 November 2020

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

First Minister's Question Time

The Presiding Officer (Ken Macintosh): Good afternoon, colleagues. Our first item of business is First Minister's question time. Before we turn to questions, the First Minister will update the Parliament on the Covid-19 situation.

The First Minister (Nicola Sturgeon): Many thanks, Presiding Officer. I will give a short update on today's statistics. The total number of positive cases reported yesterday was 1,212, which represents 6.1 per cent of all tests reported yesterday. The total number of cases therefore now stands at 77,660. Of the new cases, 474 are in Greater Glasgow and Clyde, 231 are in Lanarkshire, 141 are in Lothian, 76 are in Fife, and 76 are in Ayrshire and Arran. The remaining cases are spread across eight other health board areas.

There are 1,207 people in hospital, which is 28 fewer than yesterday, and there are 98 people in intensive care, which is five more than yesterday. Also, I regret to report that, in the past 24 hours, a further 45 deaths have been registered of patients who first tested positive in the previous 28 days. The total number of deaths under that daily measurement is now 3,188. Again, I want to convey my deepest condolences to everyone who has lost a loved one.

We will also shortly publish the latest estimate of Scotland's R number. We expect that that will show that the R number in Scotland is still hovering around 1 and might actually now be slightly below 1. That suggests that some progress has been made in recent weeks, and it reinforces the message that we are seeing from some other indicators. The current tough measures, and people's compliance with them, are undoubtedly having an effect. However, we must be aware that the national figures mask some very significant regional variations, which is, of course, why the levels approach is appropriate.

As I said on Tuesday, we are concerned, first, about local authority areas in which transmission of the virus is rising again, albeit from a relatively low base. Those include some areas in levels 1 and 2 where the restrictions are not as tight, so the virus has more opportunity to spread. I ask people in those lower-level areas not to drop their guard. They must still take care and abide by the rules.

Secondly, we are also concerned about some areas—particularly across the central belt—in which case numbers have stabilised but have done so at a stubbornly high level. That creates a risk for the winter period, and it also makes the risks associated with the Christmas period higher. Over the next few days, we will consider that aspect carefully and assess whether further action is required.

In the meantime, we can all play our part in avoiding the need for further restrictions by sticking to the rules, so I will finish with a reminder of what those are. Of course, anyone who is any doubt about the rules that apply in their area can visit the Scottish Government's website and use the postcode checker.

I remind everyone that, from tomorrow, level 3 areas will include Fife, Angus, and Perth and Kinross. People in those areas should not travel outside their own local authority area unless it is essential. People in other parts of Scotland should not travel into level 3 areas unless it is essential. People should try to avoid travelling outside Scotland, either to other parts of the United Kingdom or overseas.

From tomorrow, with the exception of people in Orkney, Shetland and the Western Isles, none of us should be visiting each other's homes except for essential purposes. When we do meet people from other households outdoors or in indoor public places, it should be with a maximum of six people from no more than two households.

Finally, I ask everybody to remember the FACTS advice: wear face coverings, avoid crowded places, clean your hands and hard surfaces regularly, keep a 2m distance from people in other households, and self-isolate and get tested immediately if you have any Covid symptoms.

My thanks again to everyone who is continuing to stick to those rules.

The Presiding Officer: We will turn to questions in a second. First, I remind members who wish to ask supplementary questions that, as usual, we will take all the supplementaries after the last question, which is question 7.

Covid-19 (Contact Tracing)

1. **Ruth Davidson (Edinburgh Central) (Con):** The public need to have confidence in the test and protect system. It is the most effective tool that we have until a vaccine arrives, and we all want it to succeed. However, this week, serious questions have been asked and the public deserve to hear honest and up-front answers.

We have learned that the figures showing the number of people who had been contacted by the

system were wrong. We also learned from the Cabinet Secretary for Health and Sport yesterday that the First Minister was told that they were wrong a week ago, and yet the findings were quietly buried in the revision to a Public Health Scotland paper and came to light only thanks to journalists digging.

The First Minister has made much of the need for transparency and accountability in the crisis. Does she feel that, in this instance, that standard has been met?

The First Minister (Nicola Sturgeon): Public Health Scotland issued a correction and made it available on the website. I agree with the need for openness and transparency. I also very much agree that it is important that we maintain public confidence in test and protect, and public confidence in test and protect is absolutely merited.

I will take a moment to explain what the coding error actually was and what the implications of it have been. The error meant that, previously, if someone had, for example, been tested at 9 am on a Monday morning and was then, having tested positive, contacted by a contact tracer at 11 o'clock on the Tuesday morning, the system was counting that as within 24 hours, because it was the next calendar day. In actual fact, it was slightly more than 24 hours and should therefore have been in the 24 to 48-hour period. In many cases, the difference was a very small number of hours. That said, it should not have happened, but it was an issue of how the information was presented. That has now been corrected, and the revised data is available on the website.

The most important thing in terms of public confidence is that test and protect is operating to a very high standard. It is exceeding, by a large margin, the World Health Organization standard, which requires that

“At least 80% of new cases have their close contacts traced and in quarantine within 72 hours of case confirmation”.

The most recent figures for test and protect show that it is achieving 95.8 per cent within 72 hours. It is actually achieving 88.7 per cent within 48 hours, thereby exceeding the WHO standard for 72 hours within 48 hours.

Where there are issues, we address those, but none of us should forget the fact that the people who are working in test and protect are doing a very good job. If we compare the performance of test and protect with test and trace in England, for example, we see that it is performing not only to a high standard on its own terms but to a relatively high standard, and the Government will continue to support it to do so.

Ruth Davidson: If the First Minister had wanted to bring people with her on this matter, she should have proactively fronted it up at one of her daily press conferences. People accept that mistakes will be made, but they also expect that their Government will hold its hands up.

Let us be clear: it is good news that we are currently exceeding the WHO targets thanks to the efforts of front-line staff. However, it is wrong of the First Minister not to acknowledge that, for eight consecutive weeks at the start of the Covid second wave, we were not meeting those targets, and we did not know that we were missing them because of the data error.

The First Minister is right that the WHO says that, in order to be effective, we need a contact rate of over 80 per cent in 72 hours. In the week of 10 October, when we were counting a contact as a physical conversation, we missed that target by a mile, recording under 70 per cent of contacts traced. Is that why, on 10 October, the Scottish Government moved to change what constituted a contact to a simple text on its own?

The First Minister: No. I was not aware of the coding error at that stage, and neither was Public Health Scotland.

I will repeat this, as it is important for the public to understand. Nobody, including me, is saying that it is not important that the coding error happened. It is, and it has been rectified. However, it is also important that we do not overstate the consequences and implications of that error. In many cases, people were still contacted the next day, but the time at which they were contacted would have taken them perhaps a few hours over the 24-hour period. Let us understand the context.

On the issue of people being texted, it is important to understand how the system works. All index cases—that is, people who test positive—are telephoned by test and protect. It makes repeated attempts to reach people if it does not reach them the first time. It is a small percentage—about 6 per cent—that test and protect has not managed to contact. That is not a failure of test and protect—it is, to be frank, a case of people not answering their phone to test and protect. We all have a personal responsibility here.

All index cases are contacted by telephone. On average, those calls last an hour and the information that test and protect gets is invaluable. For people who are identified as close contacts, there is a mix of SMS text messages and telephone calls. Sometimes, SMS messages are used for speed of contact, but around 40 per cent of close contacts are actually telephoned. As I understand it, that is different from the position elsewhere in the UK. In England, all close contacts

are only texted or emailed and they are not telephoned.

Where there are issues, we must of course make sure that they are addressed, but the system in Scotland is working well. Ruth Davidson is right to put that down to the hard work of the people on the front line, as I always do. I hope that people know by now that I am probably the last person to be complacent about any of this, but that is perhaps one of the reasons why right now, although we have big challenges with Covid, the prevalence and incidence of the virus are a bit lower in Scotland than in other parts of the UK. I have confidence in the system, and I think that people across Scotland should have confidence in it, too.

Ruth Davidson: We need to clarify some of the conflicting information that the Parliament is being given. Three weeks ago, a Scottish Government spokesman was quoted as saying that, "From Saturday 10 October", Public Health Scotland

"temporarily moved to a system of contacting all contacts of those who tested positive via text message."

Nicola Sturgeon seems to be suggesting that that is either wrong or out of date. Last night, when questioned, the health secretary was robust and said:

"We do not just send SMS messages: we phone contacts of index cases up to three times until we find them."—[*Official Report*, 11 November 2020; c 88.]

However, it turns out that the most recent Public Health Scotland Covid report, which was released only yesterday, says:

"Over the past few weeks, contact tracing of contacts has been primarily focused on SMS messages."

It continues:

"Once the SMS message has been delivered, the contact will be marked as complete."

Finally, it says:

"Where an SMS message is sent, contacts will be considered successfully contacted".

Therefore, a text is completion.

So can the First Minister tell us—because we really need to know this, and both of those things cannot be true—which one is right? Is it Jeane Freeman or that report?

Nicola Sturgeon: Let me go through the information very clearly again, and let me be clear in distinguishing between index cases—people who have tested positive—and close contacts of those people. First, for index cases, an individual is phoned and texted, if necessary, three times in 24 hours so that test and protect can make sure that the individual is aware of their positive test result. All index cases have a phone call with the contact tracing service. As I said, on average, that

phone call lasts around an hour, so that all the information on the close contacts can be given. That is the position with index cases.

With close contacts, the position is slightly different. There was a period when that was largely done by SMS text but now, and as of last week, the figures show that test and protect phoned approximately 40 per cent of contacts. We expect the percentage of close contacts being phoned rather than just texted to continue to increase. However, some are contacted by text. If those people need to, they are then able to phone back a contact tracer. As I said, as I understand it—I am only going on my understanding here—that is different from how some other systems work. In other systems, close contacts, rather than index cases, are all simply texted or emailed.

That is how the system in Scotland works. As we go through the pandemic, we continue to try to learn lessons where things happen that should not happen and where mistakes are made, in order to build the resilience of the system. The system is working well, and people in Scotland should have confidence in it. Why is it important that people have confidence in it? That is because it is really important that they trust the service and make sure that they use it when they have symptoms or test positive.

Ruth Davidson: I say again that we need clarification, because what the First Minister has just said is not what the health secretary said in the chamber last night. Let me read it back precisely. She said:

"We do not just send SMS messages: we phone contacts of index cases up to three times until we find them."—[*Official Report*, 11 November 2020; c 88.]

Perhaps the health secretary could be invited back to correct the record.

I wonder how, after eight weeks of missing WHO targets by a mile, we moved to simple text messages and suddenly we were hitting the target again. The reason why the issue is so important is because the data directly impacts the decisions that we make. Last night, Jeane Freeman tried to say that it does not impact on that. She said:

"I can confirm that none of the earlier or revised information, which members are welcome to look at, would have made any difference to the decisions that we have taken".—[*Official Report*, 11 November 2020; c 91.]

However, on 2 September, the First Minister told the chamber:

"The data that we now get from test and protect allows us to be much more targeted in the measures that we take."—[*Official Report*, 2 September 2020; c 4.]

One says that it makes no difference to the decisions, while the other says that it directs the decisions.

Accurate data is essential here. That is the First Minister's view, and I agree with her. Instead of responding to fair and reasonable questions with the hostile defensiveness that we have seen from the health secretary in particular, it would be better to front up to the problems that we are facing.

Yesterday, the health secretary was asked how many more people have been infected as a result of the error, and the answer is that we simply do not know. Is that not the problem here, First Minister?

The First Minister: I set out what the error was to give people assurance that it has not meant that large numbers of people have been missed or have gone undetected for long periods of time.

I will repeat the example that I gave. If someone got tested on a Monday morning at, say, 9 o'clock and they were contacted at, say, lunch time on the Tuesday, because that is the next calendar day, the coding error meant that that was counted as being within 24 hours when, in fact, it was slightly over 24 hours, but only by a small number of hours. I am not being defensive. That should not have happened, but it happened and it has been rectified. That does not change the fact that test and protect is operating to a very high standard.

In England, figures for test and trace have been released this morning. I know that that system is working hard and that huge efforts are being put in to improve it, but if we compare and contrast the figures on the performance of test and protect with those on test and trace, we can see that our system is working to a high standard.

When I talked about the data from test and protect being important in targeting action, that is correct. The test and protect data that we get is the data that contact tracers get from positive cases about where they have been. That allows us to draw conclusions about the settings in which transmission risks may be higher, which has rightly influenced some of the decisions that we have taken. Right now, such information is enabling us to take a more targeted and proportionate approach.

I want to make sure that there is no dubiety about this: for index cases, an individual is phoned and texted three times in 24 hours, if necessary—they might be got hold of on the first attempt. All index cases are phoned. A mix of phone calls and text messages is used for the contacts of index cases. That is an advance on what happens in some other systems in other countries.

We will continue to seek to improve the system, but it does not do anybody any service—by “anybody”, I do not mean the Government; I mean the people of Scotland—to suggest anything other than that test and protect is working well and that people should have confidence in it.

Test and Protect System (Performance)

2. Richard Leonard (Central Scotland) (Lab): Last night, the Cabinet Secretary for Health and Sport told Parliament that what undermines confidence in the test and protect system is “misrepresentation”. Since September, the First Minister has told Parliament on at least 10 occasions that test and protect is “excellent” and is “working well”. Is not that a misrepresentation?

The First Minister (Nicola Sturgeon): No. If, as Richard Leonard says, I have done that on 10 occasions, I am about to do it on an 11th occasion. Test and protect is working well—it is doing a good job—and I think that it is a disservice to the people who work in the system to suggest otherwise.

The issue of the coding error has rightly been raised, and it is right and proper that we are answering questions about that. I have set out what the coding error was; it was an error in how figures were being presented. It should not have happened, and it has been rectified. However, that does not change the fact that test and protect is working well.

I again remind people of the performance of test and protect against the World Health Organization standard, which is that 80 per cent of new cases should have their contacts traced and quarantined within 72 hours. The most recent figure is 95.8 per cent, and it was over 90 per cent the week before. Therefore, test and protect is working well and people should continue to have confidence in it, because it is vital to our overall approach to Covid that they do.

Richard Leonard: The data shows, however, that, in eight weeks over August to October, the Government failed to meet that WHO standard. The advice of the scientific advisory group for emergencies is that to make a significant impact on the R number, the delay should not be greater than 48 hours.

We are agreed that an effective tracing system is key to containing the virus, and that it is in all our interests for the Government to succeed, but that is why it is so worrying to see the system struggling so much. While the First Minister was standing in Parliament in recent weeks saying, as she has said again today, that the system was “working well”, one third of contacts were not being traced within 72 hours. Once again, there is a disconnect between the First Minister's parliamentary pronouncements and what is going on out there, in the real world.

It is not just tracing of contacts that is taking too long. The most recent reports from Public Health Scotland show that thousands of people—3,500, to be precise—have tested positive but have not been interviewed by test and protect. There have

been 400 in the past week alone. Is the First Minister seriously telling the people of Scotland that that shows that test and protect is working well? Does not it show us that the system is desperately short of resources and that the Government needs to get a grip?

The First Minister: I think that test and protect is working well. I am not complacent at all. An error was made in how the figures were presented, and that has been rectified. We have had to build up the resilience of test and protect, and the figures and performance that it is now achieving are, by the World Health Organization gold standard, exceptionally good.

Can I, in all seriousness, take on the point about the 3,500 people? Of course that is a concern, but it is simply factually wrong to describe that as a failure of test and protect, or to suggest that it is somehow down to a lack of resources. That number is about 6 per cent of the total number of people who have had to be contacted—index cases—over the whole period in which test and protect has been operational. Those are people who, despite the best efforts of test and protect, do not answer their phones and do not reply to text messages.

We all have a personal responsibility. We cannot blame test and protect if people are not answering phone calls from it, so let us all encourage the tiny minority who might be in that category to ensure that they answer their phones to test and protect. *[Interruption.]* Members across the chamber might not like that reality, but that is what that figure relates to. It is not about test and protect failing to try to contact people; it is about the service not successfully managing to contact people because they do not answer.

Richard Leonard: The 3,500 people who tested positive and could not be reached are a serious source of transmission of the virus. The 9,252 people who are contacts and could not be reached are also, potentially, a serious cause of transmission of the virus, so it is important that we get the system as accurate and as properly resourced as possible.

However, it is not just in test and protect that there is a disconnect between Government rhetoric and reality. One month on from the introduction of new guidance on care home visiting, 90 per cent of families who were contacted by the care home relatives Scotland group have seen no improvement in visiting arrangements. In fact, many have seen arrangements getting worse. One relative said that they feel

“Constant stress and separation anxiety as mum becomes frail and is asking for me.”

They also said:

“I feel I’m letting her down.”

That could be changed if care home visitors were being tested. After nine months of isolation and separation, families are calling for our help to reunite them with their loved ones in care homes. They say, in their words, that they are running out of time and that they need to see change happening now. If rapid testing can be introduced for students, why cannot the Scottish Government prioritise rapid testing for those desperate families?

The First Minister: We are prioritising that, and the health secretary will set out the timetable for it shortly.

I will come back to care home visiting in a second, but I do not want to miss out on finishing the final point on Richard Leonard’s question on test and protect. I agree with him that the 3,500 index cases and about 9,000 contacts that test and protect did not manage to contact are not things that we should not be concerned about, but it is absolutely not the case that those people have not been contacted because test and protect did not have the resources or did not try to contact them. They are the minority of people who have not responded to calls from test and protect. *[Interruption.]* Members may not want to accept that, but that is the reality of what the numbers mean.

What does that mean our message should be? The vast majority of people are complying and are responding magnificently when they are called by test and protect but, for whatever reason, there is a minority who are not, and we need to continue to send the message that they should.

If there are resource issues with test and protect, we will address them, but anybody who is trying to say that the problem is down to resource issues with test and protect is, frankly, not correct. It is important to be clear about that.

On care home visiting, we all want to see as much normality as possible, which is why we are introducing testing for care home visitors. The health secretary will set out the detail of the timing of that shortly. However, we have to strike the right balance between allowing families to visit—we all understand the importance of that—and, given that we are again in a period of higher prevalence of the virus, making sure that we keep care home residents safe. That is not an easy balance to strike. The situation is harder for families of people in care homes than it is for anybody else, so we will continue to take steps to get that balance right and to make sure that we are protecting people in care homes in the broadest sense.

Online Conspiracy Theories

3. **Patrick Harvie (Glasgow) (Green):** Around the world, people who believe in democracy breathed a collective sigh of relief last week at Donald Trump's defeat. However, as he refuses to concede and instead reverts to promoting online conspiracy theories, we need to recognise that that kind of toxic agenda is a threat in Scotland, too.

Investigative journalists at *The Ferret* have shown that online conspiracies are gaining an audience in Scotland. They include ideas linked to Covid denial, anti-vaccine myths, climate denial and other far-right ideologies that are very similar to the movements that Trump cultivated. They are a very real threat to public health. Research by Hope not Hate has shown that one in four people in this country agrees with online conspiracy theories, and the Royal Society has suggested that around a third of the public are uncertain or unlikely to accept a vaccine when it is available.

What action is the Scottish Government taking to address this dangerous movement, which has caused so much harm to both democracy and public health in the US, and what will it do here, in Scotland, to build public confidence in a future vaccine, so that we can maximise uptake?

The First Minister (Nicola Sturgeon): The risk that Patrick Harvie sets out is a very real risk, not only in a public health and Covid context, but, as he said, more widely to our democracy. All of us should guard against buying into conspiracy theories on the internet or anywhere else.

On Covid, that is particularly important. The first and really important thing to say about the vaccine is that it will go through all the appropriate and proper regulatory processes—that is what is happening right now. It is important that we are all very clear that, when vaccines are given clearance to be used, they are safe to use. The Scottish Government will make sure that all the information about the vaccine is made available, and we will take steps to address any concerns that people have.

There is no guarantee of this, but I hope that, even before the end of this year, and certainly very early next year, we will be in a position to start vaccinating people against Covid. Therefore, it is important that the message is very clear. If you are in one of the eligible groups, come forward for vaccination. You will be protecting yourself and helping to protect others. Politicians and Parliament as a whole will have a big part to play in that.

Patrick Harvie: We all have a part to play in that.

As well as protecting Scotland from the particular threat that Donald Trump helped to cultivate, we need to protect Scotland's good name from association with the toxic Trump brand itself. The First Minister is well aware that there are serious and long-standing concerns about Trump's business activities, including US evidence at Congress citing

"patterns of buying and selling that we thought were suggestive of money laundering"

and drawing particular attention to the golf courses in Scotland and Ireland.

The cause for concern is still growing. It has now been reported that the Manhattan district attorney's office is investigating the Trump Organization's inflation of assets and potential bank and insurance fraud. The Trump Organization has been accused of repeatedly reporting fraudulent financial details to the US Office of Government Ethics while reporting a different set of figures to the United Kingdom regulators, with regard to the Trump golf courses in Scotland.

The Scottish Government is able to go to court and ask for an unexplained wealth order to start getting answers. So far, it has refused to either confirm or deny that an investigation is even under way. Now that Trump is due to lose immunity from prosecution in the US, he may finally be held to account there. Is it not time that he is also held to account here? Is it not time for answers from the Trump Organization and for the Scottish Government to go to court to seek those answers?

The First Minister: I think that everyone is well aware of my views on the soon-to-be-former President of the United States, and those views are probably no different from those of Patrick Harvie and many other people across Scotland, so I do not think that the idea that I would somehow try to protect him from due accountability in Scotland holds much water.

On unexplained wealth orders, Patrick Harvie and I have had similar exchanges before in the chamber. Decisions on that issue are not for ministers but for the Crown Office. In matters such as this, the Crown Office operates independently of the Scottish ministers, as is right and proper. I am sure that, if Patrick Harvie feels that any further information can be provided, the Lord Advocate will provide it. However, I restate that these are properly matters for the Crown Office, not for the Scottish ministers.

Personal Protective Equipment

4. **Willie Rennie (North East Fife) (LD):** This week marks 50,000 people having lost their lives because of the coronavirus. That must be a reminder to us all that the efforts of those in

Government who make decisions and those of us who scrutinise, challenge and support their work have just not done enough.

I want to avoid a repeat of the personal protective equipment problems that we saw earlier this year. Last week, general practitioners were given new supplies of PPE. The supplies were supposed to include aprons but, instead, GPs were given white-tint polythene bags with holes cut out for heads and arms. GPs are annoyed about that. Why did it happen?

The First Minister: First, the figure of 50,000 deaths that the United Kingdom as a whole reported this week—obviously, we have reported quite a significant number of deaths in Scotland in the past few weeks—should remind us all of the severity of the challenge that we have faced and continue to face. As someone who is in Government, taking decisions on this matter every day, I do not need a reminder of that. These things are uppermost in my mind literally every minute of every day. That does not mean that I always get things right—far from it—but everybody should be assured that trying to save lives and minimise the health impact and the overall impact of Covid is the principal and primary driving focus of this Government each and every day.

On the issue of PPE, I will make two points. Before I make either of them, however, let me say that one of the most important responsibilities of Government is to ensure that those on the front line of our health and care services have the PPE that they need. The Government has taken a number of steps to ensure that that is the case, and it will continue to ensure that our stocks are resilient and that the quality of PPE is as it should be.

First, in this particular instance, there was a concern about the labelling of those aprons as bin bags that had been reformulated. It has been confirmed that that was a mislabelling and was not correct: they are PPE aprons. The second point—the most important point—is that those aprons comply fully with all regulations and have passed rigorous quality assurance tests.

Actually, I want to make a third point, which is addressed more to GPs than to Willie Rennie. Any GP who wants an apron of a different style to those—if, for whatever reason, they do not have confidence in them—can raise a replacement request through their local health board supplies team, and alternatives will be supplied. However, all the PPE that we provide goes through rigorous checks, and I think that people on the front line have a right to expect that.

Willie Rennie: Whatever the label says, they look like bin bags. Manufacturers believed that they were bin bags, and they are not making GPs

feel particularly valued at this time. The PPE hub told a GP that it was at the mercy of the PPE push from the Government and that no substitutes were available at that time. I think that GPs will want to know that those items will be taken out of circulation and that they will have aprons in the future.

Yesterday, at last, the Government agreed to test students, but the junior minister in charge refused to test students before their return to university after Christmas. That risks a repeat of the scenes in September, when thousands of students were locked up in halls. Will the First Minister overrule her minister and confirm that those students will be tested when they return from home?

The First Minister: Before I come on to testing, I am not sure that there is an argument for taking those aprons out of circulation, but I will ask that question of those who advise me. They are medical-grade aprons that have been independently tested—it is important to make that clear. If GPs prefer a different style of apron, they can request that, and I will query whether there is any reason why they should not be in circulation. We take seriously the responsibility of ensuring that those who work in our health service have the right protection.

On the testing of students, we have put arrangements in place for those who want and are able to go home for Christmas to do so. Not all students will want to, nor will all students, such as those who are care experienced, be able to do that—for some, university is home.

Testing is a part of those arrangements, but it is not the only part. We have not yet finalised the plans for the return of students or determined whether we will want students to return in the same way as they did in October, and we have not yet finalised what role testing will play if that is the case. It is not that we have ruled anything out; we are continuing to consult students and the sector to get the right arrangements in place.

For a variety of reasons—including the season, having had Christmas, and potential issues with students—January will potentially be a challenging month in terms of Covid. It is important that we take all due precautions and think carefully before finalising any plans. That is what we are doing regarding the return of students after Christmas, and we will set out the detail of that as soon as possible.

Scottish Child Payment

5. **Bob Doris (Glasgow Maryhill and Springburn) (SNP):** To ask the First Minister whether she will provide an update on the number

of people who have applied for the Scottish child payment. (S5F-04552)

The First Minister (Nicola Sturgeon): The Scottish child payment opened for applications on Monday. Initial management information indicates that by the end of Tuesday, over 28,000 applications had been received. *[Nicola Sturgeon has corrected this contribution. See end of report.]* The payment is intended to tackle child poverty, and with the economic impact of the pandemic meaning that more households are reliant on benefits, we need to make sure that the payment reaches all eligible families.

Our plans to promote the Scottish child payment, which have been set out publicly, include carrying out an extensive advertising campaign as well as making information available through a number of routes, including midwife and health visitor packs, the baby box and nursery and school enrolment packs. I encourage all parents and carers of the 194,000 children who could be eligible to make sure that they apply for that new benefit.

Bob Doris: The Scottish child payment is the most ambitious anti-poverty measure currently being undertaken anywhere in the United Kingdom. The First Minister is right that we must maximise uptake.

Last week, the Institute for Public Policy Research Scotland urged the UK Government to temporarily increase universal credit. That temporary increase should be permanent. The IPPR also recommended that the benefit cap and the two-child limit be removed. It described those as

“the most pernicious parts of the UK-wide benefit system”

and said that they were

“wrong”

even

“in the pre-pandemic context”.

They undermine our efforts to tackle child poverty as well as just being plain wrong.

Will the First Minister ask the UK Government to match the Scottish Government’s ambition to tackle child poverty?

The First Minister: Yes, absolutely. We have repeatedly called on the UK Government to scrap the needlessly punitive and, in my view, immoral two-child limit and the benefit cap. This week, the Welsh, Northern Irish and Scottish Governments sent a joint letter to the Secretary of State for Work and Pensions calling for the £20 uplift to universal credit to be made permanent.

We know that harmful policies like those that come from Westminster have a disproportionate

impact on single parent households. A recent Joseph Rowntree Foundation report found that withdrawing the £20 uplift will result in 700,000 more people, including 300,000 children, across the UK being pushed into poverty.

I hope that the UK Government will do the right thing on both of those issues, so that we can all work together to ensure that we tackle child poverty and do not make it worse.

Long Covid (National Support Service)

6. Donald Cameron (Highlands and Islands (Con): To ask the First Minister what the Scottish Government’s response is to Chest Heart & Stroke Scotland’s call for the introduction of a national support service for people with so-called long Covid. (S5F-04546)

The First Minister (Nicola Sturgeon): We have already met Chest Heart & Stroke Scotland and are considering its proposal about support for people with on-going Covid symptoms. The National Health Service is delivering care that is tailored to the individual needs of people who are experiencing long Covid across a range of specialisms. Of course, that is a developing area of clinical understanding and we need that greater understanding to drive our response in the future.

We are taking action to understand the longer-term effects of Covid. That includes investing in research and supporting the Scottish intercollegiate guidelines network—SIGN—and United Kingdom partners to develop a rapid clinical guideline, which is intended to be published before the end of this year. The guideline work and the deepening of our understanding of the impact of on-going symptoms are required in order to configure our response and to help the NHS to tailor the holistic diagnosis and treatment that people need.

Donald Cameron: I am grateful to the First Minister for her response, but that will not be enough for many people. There are people across Scotland who are suffering from this debilitating condition while trying to live their lives as best they can. A number of harrowing accounts of long Covid have appeared in the media recently.

I was contacted this morning by someone who wrote about her frustration at the lack of interventions and practical support for her symptoms. For her and for thousands like her, will the First Minister commit today to meet representatives of Chest Heart & Stroke Scotland and people living with long Covid? Will her Government urgently develop a much-needed national strategy to support treatment services, much like NHS England has done, by investing in the development of long Covid clinics to offer specialist help?

The First Minister: As I said in my initial answer, Scottish Government officials have already met representatives of Chest Heart & Stroke Scotland, although I am sure that the Cabinet Secretary for Health and Sport would be happy to engage as well.

Long Covid represents one of the most serious and profound implications of Covid, and I have cited it many times in the past as one of the reasons why younger people in particular should not be complacent about Covid.

We need to understand the condition better, and I have had long discussions with clinical advisers about it. On the point about trying to create specialist facilities, there is not yet enough understanding of what specialisms are required. We are investing £5 million in more than 50 rapid research projects, I think, in an attempt to quickly get a better understanding that allows us to tailor the support that is needed.

The NHS is already providing generalist support and care, but greater specialist care will undoubtedly be needed. I do not know exactly what the £10 million in England is being invested in, but that would be £800,000 in a Scottish context, which would not get us very much by way of specialist clinics. That is why we are investing significantly in the research that will then drive what I expect, in time, will be a significant investment in the creation of different types of care and specialist treatment. However, we cannot provide treatment before clinicians have a sufficient understanding of what specialist treatment people with long Covid need.

I understand how debilitating the condition must be—I, too, have read the accounts—and I assure people that we are doing as much work as we can to support experts, researchers and clinicians to understand it as quickly as possible so that we can improve services as soon as possible.

Children's Mental Health

7. Mary Fee (West Scotland) (Lab): To ask the First Minister what the Scottish Government is doing to support children's mental health throughout the pandemic and subsequent restrictions. (S5F-04565)

The First Minister (Nicola Sturgeon): This is a really important issue, and we know that Covid measures have had an impact on children's mental health. Last week we announced a further £15 million for local authorities, both to respond to children and young people's mental health issues that have been brought about by the pandemic and to begin the roll-out of long-term community mental health support across Scotland.

Our mental health transition and recovery plan outlines the Scottish Government's response to

the pandemic and sets out the wide range of actions that we will take, which include continuing improvements to child and adolescent mental health services. From early on in the pandemic, we have provided enhanced digital resources for mental health and wellbeing via the Young Scot website and social media.

Mary Fee: I thank the First Minister for that response. Earlier this week, Childline reported an increased number of calls to its helpline. In April, Young Scot reported that 77 per cent of children and young people surveyed were concerned about their mental wellbeing.

Dr Justin Williams, vice-chair of the CAMHS faculty at the Royal College of Psychiatrists, recently said:

"We have suffered from many years of neglect and disinterest in our services. We need to have real resources not cosmetic changes. Specialist mental health services need to be properly resourced. The government claims they've been increasing resources in CAMHS for years. They have not."

Does the First Minister agree with Dr Williams, and is she really confident that the small pockets of money that have been offered are capable of delivering real and tangible change to young people's mental health?

The First Minister: We have been increasing investment in mental health, but if Dr Williams or any other front-line clinician does not feel that that investment is having the impact that it needs to have, we must address the reasons for that.

Before the pandemic, we had lots of exchanges in Parliament, and I agree that there is a need for greater investment in CAMHS, but we also need to recast how services for young people are delivered. We absolutely need to make sure that specialist services are properly resourced and we are committed to doing that, but we also need to make sure that the burden on specialist services is not increasing because of the lack of early intervention and preventative services. We have been trying to invest in and redesign that part of the service, which is why the community wellbeing service and councillors in schools are so important.

All that work was important before the pandemic. Given the impact on young people's mental health as a result of the pandemic, it becomes even more important, which is why we are increasing investment and will continue to support clinicians and others across the service to make sure not just that services are well resourced, but that they are delivering in the way that best helps young people.

Let us not forget that behind all this talk about money and the redesign of services are our young people, who are suffering mental health impacts—

some of them very severe impacts. I take very seriously, as do the health secretary and the Government, our responsibility to respond to that appropriately.

Petroineos (Job Losses)

Angus MacDonald (Falkirk East) (SNP): The First Minister will be aware of the announcement by Petroineos on Tuesday, detailing its plans to reconfigure the Grangemouth refinery to protect 450 skilled jobs, but with the regrettable loss of up to 200 jobs as a result of reduced demand for fuel here and in Europe. There is also, of course, the added threat of possible imposition by the European Union of tariffs on fuel that is manufactured in the United Kingdom, in the event of no-deal Brexit.

I know that the partnership action for continuing employment team has offered its assistance to Petroineos and its employees, as has Falkirk Council. However, with the speed of change in the European refinery sector worsening, the challenges are likely to continue. What can the Scottish Government do to ensure that the Grangemouth refinery retains its role as critical industrial infrastructure? When can we expect to see the formation of the Grangemouth future industry board, as promised in the programme for government? It will be crucial, as we can see from Tuesday's news.

The First Minister (Nicola Sturgeon): I thank Angus MacDonald for that question, which is obviously of huge importance in his constituency. I share the concerns of those who are affected by the announcement and their families, and my thoughts are with them. We will do everything possible to support the people whose jobs are at risk.

I am told that the decision is a response to challenging market forces that have, largely, been brought about as a result of the pandemic, but it is also an attempt to reposition the refinery for the longer term.

We are also working within our devolved powers to support Scotland's industries to retain productive capacity and to recover from the economic impact of Covid. Industrial change will continue as we get closer to 2045, and planning for net zero emissions is the responsibility of the Government and industry. The programme for government includes extensive tangible support for further adjustments to transition.

Finally, I confirm that work to establish the Grangemouth future industry board is under way already. Future proofing that key industrial hub will help to support a long-term sustainable future for Grangemouth, which I am sure everybody in the local area wants.

Covid-19 ("Do Not Resuscitate" Notices)

Alexander Stewart (Mid Scotland and Fife) (Con): Age Scotland is becoming increasingly alarmed by the number of elderly patients and their families who feel that they have been pressured to sign DNR forms. They are concerned that DNR notices are being used as a tool to write off, because of their age, elderly patients who are otherwise healthy and living independently. What is the First Minister's response to Age Scotland's calls for a parliamentary inquiry into DNRs? Will she commit to publishing data on the number of forms that were issued during 2020?

The First Minister (Nicola Sturgeon): First, it is not for me to determine whether there are parliamentary inquiries into particular issues; that is for the appropriate committee.

Secondly, I will take away the point about data and look at whether we are able to publish that data. I do not know whether we are able to publish such data, but I will look into it.

Thirdly, and by way of introduction, I say that I always take the concerns of Age Scotland seriously, given how respected the organisation is in the field in which it operates.

I have been very clear about the matter when it has been raised periodically throughout the pandemic. No person—nobody, period—should ever be pressured to sign a DNR notice. It should not happen. In my experience, I have never spoken to a clinician who would say otherwise. Clinicians will often say that very sensitive conversations are needed with individuals—all of us could find ourselves in this position in the future—about end-of-life care, and DNRs might form part of those discussions. However, that should always be done very sensitively and take account of the wishes of the individual concerned and their wider family. Nobody, in any circumstances, should be under pressure to sign a DNR. I could not be clearer about that, and neither could the Government. Any decent clinician—which, in my experience, they all are—would be very clear about that, as well.

Christmas (Four-nations Arrangements)

Elaine Smith (Central Scotland) (Lab): Earlier, the First Minister mentioned Christmas, which is not only an important Christian feast but a national holiday celebration for people of all religions and none. They want to make plans, especially in Central Scotland where extreme measures have been in place for many weeks. What progress has been made in the four-nations talks on that, and what consultation is the First Minister having with other political parties and civic Scotland to try to avoid a bleak and lonely Christmas?

The First Minister (Nicola Sturgeon): Christmas is important for all of us. It is not the only festival that is important, but for the majority of us—even people who are not Christian—Christmas is important. I absolutely recognise that. Right now it is Diwali; many of our communities across the country have had important celebrations interrupted because of Covid. We have to recognise that there has been an impact on many different faith groups.

I had a four-nations discussion yesterday evening about a couple of things—one was the Christmas arrangements. Those discussions have not concluded and will continue. I was due to update party leaders shortly after that on matters Covid, when, no doubt, Christmas would have come up. However, due to a delayed vote in Parliament the discussion on that had, unfortunately, to be postponed.

These are important matters, so what is really important is that we strike the right balance. First, we have to recognise that people want to spend time with their loved ones at Christmas. I am no different from everybody else in that respect. We must also recognise that we have to give people confidence in any rules and restrictions that are in place, and encourage maximum compliance. That means recognising the reality of the Christmas period. We all want to get to that position.

However, we must also be sensible. If people are going to interact more over Christmas, we have to think about what we will advise them to do after Christmas, in January, to minimise risk. We must ensure that all of us being able to enjoy Christmas a bit more does not lead in January and February to loss of life and to illness that could otherwise have been avoided.

I wish—probably on this more than on many other aspects—that there was an easy answer, but there is not. We need to get to a sensible position, which is what the Scottish Government is trying to do. We are seeking to do that in partnership and in a way that is aligned with the other Governments of the United Kingdom.

Agriculture Act 2020

Maureen Watt (Aberdeen South and North Kincardine) (SNP): Does the First Minister agree that the United Kingdom Government's Agriculture Act 2020, which has now received royal assent, woefully fails to deliver on the promises that were made to Scotland during the European Union referendum—that European Union funding would at least be matched, and that no powers that impact on farming and food production would be grabbed from our Parliament?

The First Minister (Nicola Sturgeon): Yes, I agree with Maureen Watt. Promises have been

broken right, left and centre—from assurances about food standards to assurances about funding in agriculture. As yet, we have not seen any of them materialise.

We are now just over a week away from what is supposed to be the deadline for a deal for the end of the transition period, but we do not know whether a deal will be done. What we do know is that, even if a deal is done, it is likely to be a very basic deal that is bad for Scottish jobs in all sectors, including agriculture. I do not understand why, given that we are in the middle of a pandemic, we have a UK Government that is determined to press ahead and end the transition period at the end of this year, when that will put lots of Scottish and UK jobs at risk. That is, in my view, unforgivable.

Early Learning (Group Singing)

Jeremy Balfour (Lothian) (Con): I have been contacted by a number of constituents whose children are in nurseries and early learning centres. Under present guidelines they are not able to sing indoors as a group. That is having an effect on their early education and, in some cases, on their mental health. Can the Government look again at the guidelines to see whether some form of group singing could be allowed in early learning centres, so that children can continue to learn in a way that is best for them?

The First Minister (Nicola Sturgeon): We will always look at guidance on an on-going basis. None of us wants any of the restrictions to be in place for a moment longer than they have to be, so we will look all the time at whether we can ease them, as prevalence of the infection falls, as we learn more about the virus and as some things that we previously thought were risks might become of less concern.

The restriction that Jeremy Balfour has just outlined is, of course, one that nobody wants to be in place, but it is drawn from scientific evidence about how the virus transmits. It can transmit in particles, therefore people shouting over loud noise or singing can increase the risk of the virus spreading. If we are trying to limit, mitigate and minimise transmission, we have to take account of the areas where, and the activities in which, the risk is greatest. That is difficult for everybody. All this is most difficult for children right now, but we will not keep any restrictions in place for longer than we consider to be absolutely necessary.

Tied Pubs

Neil Bibby (West Scotland) (Lab): Organisations including the Scottish Licensed Trade Association, the Campaign for Real Ale, the Society of Independent Brewers, the Campaign for Pubs, the Pubs Advisory Service, GMB Scotland

and the Federation of Small Businesses in Scotland as well as many of Scotland's publicans want to see statutory protection for tied pubs in Scotland. Many of them are asking me why Scottish National Party MPs voted for legal protections for tied pubs in England, yet SNP MSPs on the Economy, Energy and Fair Work Committee oppose the same legal protections for tied pubs in Scotland. I cannot explain or justify why the SNP would be stronger for England's pubs. Can the First Minister explain?

The First Minister (Nicola Sturgeon): I am happy to look into the issue; my apologies to the member—I cannot immediately remember exactly what stage his bill on tied pubs is at. I assure him that we will continue to look sympathetically at proposals. I will make a point of looking at the proceedings of the Economy, Energy and Fair Work Committee this afternoon and I will come back to him once I have had the opportunity to do so.

European Union (Trading Relationship)

Annabelle Ewing (Cowdenbeath) (SNP): Does the First Minister share the frustration and deep concerns of Scottish businesses that, as a result of four years of chaos and incompetence on the part of the United Kingdom Government, we still have no idea what our trading relationship will be with the European Union, notwithstanding the fact that the transition period comes to an end in seven weeks?

The First Minister (Nicola Sturgeon): I very much share those deep and serious concerns. The transition period ends in seven weeks, but even more pressing is a deadline for agreeing a deal, if there is to be a deal. I am hopeful that there will be a deal; I think that it is in everybody's interests. However, we know that any deal that can be struck at this stage—and there are no guarantees that it will be struck—is likely to be such a flimsy and thin deal that the end of the transition period will bring disruption to Scottish businesses. That means lost revenue and potentially lost jobs at a time when businesses are already struggling with the impact of the pandemic. I think that the UK Government really needs to get its act together quickly, although, from watching the news over the past 24 hours, those involved seem to be preoccupied with fighting each other rather than making sure that issues to do with the pandemic or the Brexit deal are resolved. However, I hope that, in the interests of businesses everywhere, we see progress on this very quickly.

Self-isolating Pupils (Support)

Annie Wells (Glasgow) (Con): Stewart McFarlane, who is a constituent of mine, has

raised serious concerns that his daughter's education is suffering because of her requirement to self-isolate. Despite his daughter's school trying to do its best to support her, it is clear that it is struggling, particularly because of her additional support needs. No child should fall behind at school because they have to self-isolate, so can the First Minister explain why the education and additional support that my constituent's daughter deserves is not in place, and will the First Minister act to make sure that schools have everything that they need to support pupils who are self-isolating?

The First Minister (Nicola Sturgeon): Obviously, I am not aware of the individual constituency case. I would be happy to look at the detail of it if Annie Wells wants to send that to me, although these are principally matters for local authorities as the statutory providers of school education.

It is important that, when young people have to self-isolate—significant numbers of young people are doing so, and self-isolation is part of what we need to do to keep schools open generally for the majority of pupils—schools provide them with physical resources where they are needed, including learning materials, textbooks and digital devices. Schools are also providing live learning and teaching sessions, which is being done in a variety of ways. Clearly, we want to make sure that that is taking account of all the different needs of different young people. That is a responsibility that local authorities have to continue to take very seriously, and I am sure that they do.

I would be happy to consider the individual circumstances that Annie Wells raises if I have more details about it.

Community Crisis Grants

James Kelly (Glasgow) (Lab): I raise with the First Minister concerns about the disparity in community crisis grant payments, which are administered under the Scottish welfare fund. Data from the Poverty and Inequality Commission shows that the average level of payments in Glasgow is £146, which is the lowest in all council areas. That is of particular concern given the levels of deprivation in certain areas of Glasgow and the number of vulnerable people who rely on those payments. Does the First Minister accept that Glasgow should not be unfairly penalised? Will the Government take urgent steps to ensure that future payments from the Scottish welfare fund are carried out in an equal and fair manner?

The First Minister (Nicola Sturgeon): I think that the member will accept that I will always agree that Glasgow should not be unfairly penalised. I do not have any evidence that Glasgow is being unfairly penalised in that respect. The welfare fund is administered by local

authorities. I will have a look at the particular issue that James Kelly raises.

The Scottish Government has increased the money that goes to the Scottish welfare fund because of the pandemic, and the welfare fund is also administering the self-isolation payment scheme. I will look at the details of what has been raised, and if there is more that I can add once I have done so, I will write to the member.

United Kingdom Government Climate Change Champion

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): The United Nations brings its climate change conference to Glasgow next year. Does it not undermine prospects for its success that Boris Johnson has appointed as his Government's climate change champion a pro-fracking Tory member of Parliament who has campaigned against wind farms?

The Presiding Officer: First Minister, I think that you caught the gist of that.

The First Minister (Nicola Sturgeon): My apologies to Stewart Stevenson. He has frozen on the screen before me, but I did get the gist of the question.

I think that the appointment of the climate change champion will have raised some eyebrows for the reasons that Stewart Stevenson sets out. Consistent with our ambition to become net zero, we would have to oppose fracking and support wind power. That is important.

Obviously, I wish anybody who is in that position well. I want to see them succeed, and we look forward to working with the United Kingdom Government. However, all of us—and I include the Scottish Government very much in this—as we get towards the 26th conference of the parties, or COP26, which will happen at this time next year, will have to be judged not just on our words about climate change but on our actions. Boris Johnson should remember that as well.

Cervical Cancer Screening

Mark McDonald (Aberdeen Donside) (Ind): This week, 15,000 women across Scotland, including many of my constituents, discovered that letters inviting them for non-routine cervical screening and colposcopy treatment were not sent at the end of August, as they should have been. That has caused a great deal of anxiety for those women, because those tests are required because they are considered to be at greater risk of cervical cancer, due, for example, to family history or to previous smears having indicated the presence of pre-cancerous abnormalities. What assurances can the First Minister give that such an error will not happen again? What guarantees can she give

that future delays will not result from dealing with this backlog? What assurances can she give to the constituents who I represent and who many across Parliament represent who are understandably extremely worried about the potential delay and the impact that it could have on early detection and treatment?

The First Minister (Nicola Sturgeon): I am aware of the issue and I agree that it is a serious matter. I know that NHS National Services Scotland has already taken steps to understand the reason why it happened in order to make sure that it cannot happen again, and to communicate with women affected to—hopefully—reassure them that there is no impact in relation to their care, treatment and screening and to answer any other questions that they have. I will ask the Cabinet Secretary for Health and Sport to write to Mark McDonald with more details of exactly the steps that NSS is taking so that he is able to reassure his constituents. Given that this issue will have affected some women in all parts of Scotland, I will make sure that that letter is also placed in the Scottish Parliament information centre for the benefit of other MSPs.

Burntisland Fabrications

Mark Ruskell (Mid Scotland and Fife) (Green): Workers at Burntisland Fabrications are desperate, as they face another Christmas of uncertainty. Given that state aid rules kick in only at the point at which a contract is signed, does the First Minister believe that a delay to the signing of contracts in relation to the Neart Na Gaoithe wind farm could take us into a different state aid regime, which could make it easier for the Scottish Government to offer a financial guarantee to the struggling firm?

The First Minister (Nicola Sturgeon): I do not think that that question can be answered definitively. Obviously, we do not know exactly what state aid, or the replacement for state aid, will be. What I can say absolutely definitively is that the Scottish Government will do anything that we can, within the legal and financial constraints within which we operate, to help secure the future of BiFab. We want to see BiFab not only survive but flourish, and we will continue to work with the majority shareholder. The Scottish Government is the minority shareholder and we therefore clearly have a financial interest—as well as all the other interests that we have—in wanting to see BiFab succeed. We will also continue to liaise with the United Kingdom Government and others to make sure that no stone is left unturned in trying to secure the future of BiFab.

Elaine Smith (Central Scotland) (Lab): On a point of order, Presiding Officer. The First Minister said earlier that the Cabinet Secretary for Health

and Sport, Jeane Freeman, will provide information on care home visitor testing soon. However, we knew that, because the health secretary had already announced that on Twitter. Will you ensure that the health secretary shows respect to MSPs and the Parliament and announces the exact arrangements to this Parliament first, and not to the press or on Twitter?

The Presiding Officer: I have made clear my view that any significant announcements should be made to the Parliament. I am sure that they will be in due course. That concludes First Minister's question time.

13:27

Meeting suspended.

14:30

On resuming—

Portfolio Question Time

Rural Economy and Tourism

The Deputy Presiding Officer (Christine Grahame): In order to get in as many members as possible, I would prefer short and succinct questions, and answers to match.

Questions 2, 7 and 8, as well as questions 3 and 4, have been grouped. For those questions, I will take supplementary questions after I have taken all the questions in the group. If a member wishes to request a supplementary question, they should press their request-to-speak button or indicate that in the chat function by entering the letter R during the relevant question.

Wildlife Crime (Grouse Moor Management)

1. **Alison Johnstone (Lothian) (Green):** To ask the Scottish Government what assessment it has made of the impact on the rural economy of wildlife crime linked to grouse moor management. (S5O-04745)

The Minister for Rural Affairs and the Natural Environment (Mairi Gougeon): Biodiversity and thriving wildlife underpin Scotland's rural economy. Wildlife crime is completely unacceptable for many reasons, including the damage that it can do to our economy and our international reputation.

Alison Johnstone: Last week—

The Deputy Presiding Officer: We have a little time in hand this afternoon, so members do not have to jump in so quickly. [*Laughter.*]

Alison Johnstone: Thank you, Presiding Officer.

Last week, the Government published a long-awaited report on the socioeconomic and biodiversity impacts of driven grouse moor management, which is expected to inform the Government's long-awaited announcement on whether and how it will regulate grouse moors. However, the report entirely omits the impact of wildlife crime, which the Scottish Government's own research has linked to intensive grouse moor management. Can the minister explain why it was omitted and say whether it was at the request of stakeholders on the advisory group for the report, the majority of whom represent the industry?

Mairi Gougeon: I am sure that the member is aware that the research that we commissioned is phase 2 of a programme of research that we intended to carry out, and it is primarily on the biodiversity and economic impacts of grouse moors. It was published last week. We will look at

it in the round, together with the earlier phase of research that we did and the Werritty report, as we come to consider and issue our response to the Werritty review. We said in the programme for government, and I reiterate, that we will bring that to the Parliament later in the autumn. All the research that we have commissioned will feed into that response.

There are lots of different issues here. Alison Johnstone raises wildlife crime, which is of course a vital aspect of the work that we have been considering as part of the various pieces of research that we have done and the wider Werritty review. It will feed into any decision making, and I say again that we will consider all of that information in the round.

Tourism Businesses (Support)

2. Mary Fee (West Scotland) (Lab): To ask the Scottish Government what financial support is available for tourism businesses. (S5O-04746)

The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing): As is outlined in the Scottish Government's strategic framework, from 2 November, grants of £2,000 or £3,000, depending on rateable value, will be available for businesses that are required by law to close. Hardship grants of £1,400 or £2,100, depending on rateable value, will also be available for businesses that remain open but are directly impacted by restrictions. Those grants, which are to be administered by local authorities, will be provided regardless of level to any eligible business and will cover every four weeks of restrictions.

Mary Fee: Many tourism businesses depend on visitors travelling from across Scotland. Given the travel restrictions placed on cross-boundary travel, how will the Scottish Government tailor support for tourism businesses in a way that takes account of the level of restrictions that they find themselves in?

Fergus Ewing: Of course, the travel guidance has an impact in preventing people from the central belt from travelling further thereof, so the available market for hotels and visitor attractions outwith the central belt is diminished as a result. In addition, the fact that there has been a lockdown in England has substantially reduced the market.

To answer Ms Fee's question, thus far, we have made a distinction between those businesses that must close by law, to which we will apply payment, recognising that they can make no trading income at all, and those that are permitted to trade but whose trade has been impacted by Covid. I recognise that one could argue that there are gradations of impact, which is undoubtedly true, but we have had to come up with a scheme and

we have to get the money out of the door. I am very pleased that we have come up with the distinction between, if you like, hardship and closure. As I said, the grants apply from 2 November onwards.

Tourist Attractions (Support)

7. Sandra White (Glasgow Kelvin) (SNP): To ask the Scottish Government what support it is providing to tourist attractions in light of the on-going restrictions due to Covid-19. (S5O-04751)

The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing): As part of our £2.3 billion package of support to businesses, we have already provided more than £40 million to date, not including provisions through our new £48 million Covid business support as a result of brake restrictions and the strategic framework.

I fully appreciate the impact that the pandemic continues to have on the tourism sector. We are continually seeking to find a balance between action to suppress the virus and the protection of people's jobs and livelihoods. I met the Association of Scottish Visitor Attractions on 4 November in order fully to understand the current challenges that visitor attractions face.

Sandra White: I understand that the Scottish Government has committed funding to visitor attractions. Is the cabinet secretary able to commit to providing support to ensure that iconic visitor attractions, such as Kelvingrove art gallery and museum in my constituency, which draws tourists from around the world, will be able to continue to remain sustainable post-Covid-19? What support can he give to those iconic buildings and museums?

The Deputy Presiding Officer: Did you get all that, cabinet secretary?

Fergus Ewing: I am sorry; I did not hear what you said, Presiding Officer.

The Deputy Presiding Officer: Did you hear that?

Fergus Ewing: Yes, I did.

To answer Ms White, who advocates the interests of visitor attractions, including the magnificent Kelvingrove art gallery in her constituency, I would say that obviously we are sympathetic to the impacts on businesses. Our aim throughout is to provide lifeline support; in other words, to enable businesses to survive through the Covid period, however long it may last. Not knowing the duration of the impacts makes that task somewhat challenging, but that is the aim of the task.

Obviously, we are looking carefully at how best to deploy funding available to us through Barnett

consequential, with regard to the need to provide that lifeline support, what support some businesses might already have received, and, particularly, those businesses and sectors that might not have received any support.

Those are difficult matters, but I am acutely aware of their importance, and they are therefore being given priority.

Covid-19 Restrictions (Tourism Sector Input)

8. Tom Mason (North East Scotland) (Con): To ask the Scottish Government what input the Scottish tourism sector has had into its decision making on Covid-19 restrictions. (S5O-04752)

The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing): Throughout the pandemic, we have maintained regular contact with the Scottish Licensed Trade Association, the Scottish Tourism Alliance, UKHospitality and many other tourism business representative bodies and organisations in order to fully appreciate and understand the challenges that they face. For example, in consultation with the industry, we decided to close wet pubs by law in the current guidelines that came into force on Monday 2 November, so that they can access the most appropriate level of support, given that they would be unviable with drink sales alone. We will continue to engage with the sector in order to help to support those businesses.

Tom Mason: The Scottish Conservatives have called for a business advisory council to give businesses the seat at the table that they have been asking for since this pandemic began. That council should almost certainly include representation from the Scottish tourism sector, which has been among the worst hit by the pandemic. The tourism sector, like most other business sectors, has clearly indicated that it wishes to be actively engaged with Government, and a formal council will ensure that future guidance on restrictions is rooted in the practical concerns of the businesses that have to follow them. Will the minister back that proposal?

The Deputy Presiding Officer: At last, a question.

Fergus Ewing: We have engaged thoroughly, in depth and repeatedly with business organisations since March. We debated the issue thoroughly yesterday, when the particular proposal that Mr Mason raises was rejected. The Conservatives have failed to provide any detail about what that council would do, what it would comprise, who would serve on it, what its remit would be and who would be excluded therefrom.

I have engaged with all said organisations on an extremely regular basis, and I am absolutely certain that we listen to them and understand their

concerns. At the end of the day, we in the Government have to make decisions that balance public health, lives and livelihoods. That is a difficult act, but I assure the chamber that, although we are always ready to consider any detailed proposal, none has arrived from the Scottish Conservatives, despite the fact that they have been asked by one of our representatives for such details. I do not know whether that proposal has support across the business community. I have not actually been asked to adopt it. The main thing is that my colleagues and I are in regular, indeed, almost daily, contact with everybody involved, and I think that we have established fairly good relationships with almost all of them, to the extent that the current arrangements are as efficacious as they possibly can be.

The Deputy Presiding Officer: Four members want to ask supplementary questions, and I will try to take them all. Therefore, I ask everyone to keep questions and answers crisp.

Willie Rennie (North East Fife) (LD): Travel agents have been working throughout the pandemic to get customers' holiday payments back, but have earned nothing from that. Will the minister consider a special fund, just like the one that is being considered in Northern Ireland?

Fergus Ewing: I am happy to give an undertaking to Mr Rennie, as I think that I did in the debate yesterday, to consider the issue carefully. We are sympathetic to everyone who has been impacted by Covid to a major extent, and that includes the vast majority of the tourism sector. If Mr Rennie has any more details of what he believes would be appropriate, I am happy to meet him to discuss them. I am always ready to consider any detailed and constructive proposal from wherever it comes.

Kenneth Gibson (Cunninghame North) (SNP): The cabinet secretary has been proactive in supporting tourism businesses large and small throughout the pandemic, with limited resources. Can he advise what further steps will be taken to support, particularly throughout the winter, larger tourism business such as hotels, which tend to have high overheads and are often major employers in small and medium-sized communities?

Fergus Ewing: Mr Gibson has been tireless in his advocacy for his constituents in Arran, for example, who were extremely worried at the beginning of the crisis about the ferry situation, which I think has been ameliorated since then, to some extent, at least. We have launched the £14 million hotel support programme to support businesses and jobs in the hotel sector, and the enterprise agencies are in the process of finalising grant support now. Just this morning, I spoke to Charlotte Wright, the chief executive of Highlands

and Islands Enterprise, and I know that that work is nearing completion.

It is my hope that the consequentials will allow us to enhance and extend that support. Major hotels are major employers of many people, which is why in Scotland—I am not sure that that has been done anywhere else in the UK—we established the £14 million hotel support programme in order to support people in their jobs.

Oliver Mundell (Dumfriesshire) (Con): With travel and other necessary restrictions in place, does the cabinet secretary recognise that the distinction between open and closed is meaningless for many accommodation businesses that are closed in all but name and cannot be viable at this time?

Fergus Ewing: There is a vast range of circumstances. In general terms, the impact on accommodation providers is likely to be the most significant because of the diminution of customers in the available market and the fact that there is a certain worry that the regulations may be extended, which is causing forward cancellation of accommodation bookings.

In the accommodation sector, there is particular pressure; however, I am afraid that it is more complicated than Mr Mundell says. For example, in the self-catering sector, small units for one family have done reasonably well in some parts of the country and are continuing to do so—*[Interruption.]* Mr Mundell is muttering again. He does that all the time from a sedentary position. If he wants to do that, that is up to him, but I want to give the answer.

Some businesses have managed to do reasonably well while they can continue to trade lawfully, but larger self-catering premises serving more than two, three or four families and larger units have been hit extremely hard. The position is rather more complex than the member indicates.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): Has the UK Government given any indication that it will give serious consideration to the series of financial measures that are outlined in the Scottish tourism recovery task force's recommendations?

Fergus Ewing: It has not as yet. I have had five or six conference calls with the UK tourism minister, Nigel Huddleston, and we have a good working relationship. The other devolved Administrations are also on those calls, the most recent of which was towards the end of last week.

We have not yet had a response to the task force's financial proposals to help the sector recover. That includes a request for a business rates holiday from the Scottish Government and

for a VAT reduction and other measures from the UK Government.

I am pleased to say that the task force's recommendation to hold a UK tourism summit, where representatives from across the islands discuss those matters together, has received a fair wind and a positive response. We are in touch with Nigel Huddleston's office in order to make the necessary arrangements for that event, which will allow the problems that we are discussing in the Parliament to be raised across the islands. I hope that that will lead to action from the UK Government, as the task force has requested.

Covid-19 Strategic Framework

3. Shona Robison (Dundee City East) (SNP): To ask the Scottish Government what support it is giving to businesses in the hospitality and food and drink sectors in response to the impact of each level of the Covid-19 strategic framework. (S5O-04747)

The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing): The strategic framework sets out the Scottish Government's new package of support from 2 November, which will provide grants of up to £3,000 for eligible businesses that are required to close by law, and grants of up to £2,100 for those businesses that remain open but must specifically modify their operations. Those grants will be repayable every four weeks for the duration of the restrictions. We continue to engage with the specific sectors that may face unique impacts, including hospitality and food and drink, to consider how best to provide help and support.

Shona Robison: Can the cabinet secretary say what discussions are taking place with Dundee City Council with regard to additional support after Dundee was placed into level 3? Can he provide an update on the funding that the Scottish Government has received from the United Kingdom Government to support business support measures in Scotland in general and in Dundee in particular?

Fergus Ewing: We have undertaken detailed engagement with local authorities, including Dundee City Council, on our approach and on the allocation of tiers. We will continue to work with local authorities as far as possible to address any concerns and to identify what further support might be required.

The overall budget guarantee was recently increased by £1 billion, which we welcome. That is based on a best estimate of consequentials that will flow to the Scottish Government over the period to 31 March 2021. However, we have not yet been provided with a detailed breakdown of that funding or with details of previous funding

guarantees provided since July. It is expected that the funding will be required to cover a number of actions, including public health initiatives and transport support, as well as support for business.

We want to do all that we can to support organisations through the crisis, and we continue to call on the UK Government to transfer additional fiscal levers to the Scottish Parliament so that we can have the flexibility to respond directly to the needs of the people of Scotland.

Bed and Breakfasts and Guest Houses (Support)

4. Daniel Johnson (Edinburgh Southern) (Lab): To ask the Scottish Government how it will ensure that all bed and breakfasts and guest houses will be eligible for financial support in response to the Covid-19 pandemic. (S5O-04748)

The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing): We have supported bed and breakfasts and guest houses as part of our package totalling more than £2.3 billion. That includes almost £900 million in non-domestic rates relief, £1.3 billion via business grants and a £145 million package for small and medium-sized enterprises and the self-employed. We have also made £3 million available to support bed and breakfasts with no business bank account. Support grants are aimed at businesses that are required to close by law or businesses that remain open but are directly impacted by restrictions. Scotland's lack of borrowing powers prevents us from fully responding to the economic crisis, and limited funds mean that we must target resources.

However, we are continuing to assess what can be done with the additional consequentials that were recently announced, and we will of course consider support for businesses within the tourism industry as part of that.

Daniel Johnson: In a previous answer, the cabinet secretary referred to businesses that fell through the gaps of previous financial support packages. Bed and breakfasts were one such group, and I was contacted by multiple B and B owners who failed to get financial support because they lacked a business bank account. Can the cabinet secretary give a cast-iron guarantee now that, if further restrictions are put in place that prevent those businesses from operating, they will receive that financial support and will not fall through the gaps once again?

Fergus Ewing: I think that I covered that in part in my original answer, but I reiterate that we are absolutely committed to providing assistance to businesses that require lifeline support. I have already said that accommodation providers, including B and Bs and guest houses, have had a

difficult time—there is no doubt about that—and we wish them to survive the crisis.

By analysing the Barnett consequential funds that we have received and how they can best be deployed, we want to meet gaps, provide for needs and provide lifeline support across the sector. That is the work in which we are engaged as a matter of urgency, especially with regard to Parliament's express wishes yesterday evening. I assure members that we are taking this matter extremely seriously, and I will be having a meeting on the topic with officials later this afternoon.

The Deputy Presiding Officer: Three members have not yet had supplementary questions, and I would like to take them all, starting with Colin Smyth. I ask them to be brief.

Colin Smyth (South Scotland) (Lab): Thank you, Presiding Officer. The Government published its Covid framework, which stated that hospitality businesses at levels 2 and 3 could open, albeit with different levels of restriction. Days later, however, it imposed regulations closing all non-food-serving pubs and pubs that serve food but do not prepare it on site. Given that we now know that those businesses can access the furlough scheme, whether they are closed or open, can the cabinet secretary tell us why the Government is still refusing to allow non-food-serving pubs to open, utterly contradicting its own framework?

Fergus Ewing: We need to strike a difficult balance between public health and lives and livelihoods. It is sadly the case that the expert health evidence that we have and that is contained in advice given to other Administrations in these islands and given to Governments all across Europe is the same: that people—[*Interruption.*] Mr Smyth likes to mutter from a sedentary position, like Mr Mundell, but I will carry on with the answer. We have to take decisions to protect public health, and according to the expert medical advice that we have, there is a proven increased risk of Covid infection where people gather together for longer than a certain time. We have to take that seriously.

Of course, none of us want any restrictions to continue for a moment longer than they have to, so these things are always kept under careful review.

Liam McArthur (Orkney Islands) (LD): I echo Daniel Johnson's comments about the difficulties for self-catering and bed-and-breakfast businesses that did not have a business bank account and were initially excluded from earlier schemes. Can the cabinet secretary therefore offer a guarantee to me and Mr Johnson that such a mistake will not be made in any future programmes and that businesses will not struggle to get access to the funds that they desperately need?

Fergus Ewing: I sympathise with the point that Mr McArthur makes, so I will repeat what I said in my original answer. We made £3 million available to support bed and breakfasts that had no business bank account. We have encountered the problem before and we dealt with it. I very much hope, therefore, that that has happened. It follows that if a business has suffered in a particular way, provided that it can establish that it is operating as a business as opposed to a non-commercial business, the fact that it does not have a bank account should not prevent it from qualifying for compensation. That was the rationale that was used last time. We wanted to distinguish between, for example, Airbnb properties, where someone is using their property to make a bit of money for a few days a year or something like that, and a bona fide business.

We must be careful with public money. We must make sure that we do not use that money in such a way that it allows fraudulent applications. That has been the subject of some publicity, particularly with regard to other schemes administered by the UK. It is a difficult balancing task, but I want to impress on Mr McArthur and his constituents that I am looking very sympathetically at this. I do not think that not having a business bank account should prevent one from obtaining compensation if one's business has been severely impacted by the Covid virus.

Claire Baker (Mid Scotland and Fife) (Lab): The business restrictions grant is available only to a prescribed list of eligible businesses that does not reflect the impact of the restrictions on other businesses. Will the Scottish Government review the list of eligible businesses that can receive the restrictions grant? How can businesses be added to that list? Will the Scottish Government give flexibility to local authorities to decide which businesses that are important to their local economy are suffering from the impact of the current restrictions?

Fergus Ewing: I think that I have indicated quite clearly—and, to be fair, to a number of different members—that we are looking at how best we can use the additional Barnett consequential to meet real need and to help businesses to survive. That is the fundamental principle and if that means that we need to revisit previous decisions, that is something that we should do.

It is perhaps better that we apply an approach to similar businesses across Scotland in a uniform fashion. In other words, I would not want businesses to lose out just because of the particular area in which they happen to operate. On the other hand, we have worked very closely with local authorities, which delivered the grant finance earlier in the year effectively.

I will look sympathetically at Claire Baker's request. It is part of the overall mix of the work that we are doing at the moment as a matter of urgency, and which I think I have now mentioned on more than one occasion.

The Deputy Presiding Officer: Question 5 has been withdrawn and question 6 has not been lodged, so that concludes portfolio questions.

Rural Payments Strategy 2020-21

The Deputy Presiding Officer (Lewis Macdonald): The next item of business is a statement by Fergus Ewing on the rural payments strategy for 2020-21. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

15:00

The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing): Throughout the pandemic, Scotland's farmers and crofters, their workers and families, and businesses and employees all across the agriculture industry have done what they do best, which is put food on the table. I want to thank everyone in farming and food production for all that they have done for our nation over the past nine months.

There is no doubt that agriculture has not been so hugely affected by the pandemic, but there have been issues. We have all felt the loss of this year's agricultural shows, including the Royal Highland Show. For an industry that often involves solitary working in remote rural and island areas, with families often being isolated for long periods too, those shows provide welcome, and sadly missed, social opportunities.

Auction and livestock marts have had to operate differently this year. I thank the industry for working with us to create guidance and working practices that have enabled them to continue.

The pandemic created challenges for fruit and vegetable growers in respect of securing a workforce at the right time, but with the support throughout of Mairi Gougeon, the Minister for Rural Affairs and the Natural Environment, they have not only provided work for people from home and from abroad, but have kept the supply of Scottish berries flowing right into autumn. The weather has, at times, created adversity, but we have had worse springs and summers. Projected record cereal harvests for this year are testament to that.

In supporting farming and food production, the Government has one key job, which is to ensure that farmers and crofters get their support payments on time. We opened the 2020 single application form window on time and we closed it with no need for an extension beyond 15 May. By June, we had not only paid out all 2019 common agricultural policy pillar 1 payments on time, but had done so at the earliest ever date in this period of the CAP.

We also met the new requirement to make over 95 per cent of pillar 2 payments by the European Union's payment deadline of 30 June—a new

deadline, I may say—and we have been the first part of the United Kingdom to start getting 2020 moneys out to farmers and crofters. Payments under this year's national loan scheme began on 1 September, and by 30 October 13,652 loan payments, worth more than £335 million to the rural economy, had been processed.

I pay tribute to the Scottish Government rural payments and inspections division teams across Scotland for delivering all that. They shifted 17 area offices seamlessly to home working during the spring and no one actually noticed, which is surely a measure of the success of the operation.

Brexit, of course, looms large over that success, with there being still so many unknowns. We do not yet know the terms of a deal with the EU, or even whether there will be a deal. We know that exporting key food products will be more bureaucratic, but we do not yet know whether they will also face tariffs. Crucially, with exactly seven weeks to go until the end of the Brexit transition period, we know precious little about what funding we will have for 2021-22 across both CAP pillars.

Ironically, if Scotland had been staying in the EU, then like all other EU states—*[Interruption.]*—I am sorry; I have dropped the rest of my statement. I do not know whether somebody can help me.

The Deputy Presiding Officer: We will pause for a moment.

Fergus Ewing: The apparatus for holding my notes has broken; I will just operate without it.

The Deputy Presiding Officer: Please continue.

Fergus Ewing: Yes. If I could just find where I was in my notes, that would probably help.

As I was saying before I so rudely interrupted myself, it is ironic that had Scotland been staying in the EU, we would be moving into a period of continued stability from 2021 to 2027, like all other EU states, and we would know what means we had to support our farmers and crofters.

Boris has made a boorach of Brexit—there is no real question about that—but I and this Government are determined to provide Scotland's farmers and crofters with as much certainty and clarity as we can, so I can advise Parliament that we are publishing our rural payments strategy for the year ahead with the core objective of matching and improving on delivery of the 2019 single application form payments.

Processing of 2020 claims has been RPID's priority since July, and we intend to deliver the basic payments scheme, and the greening and young farmer payments, at volume in December this year. That means that we are commencing CAP payments two months earlier than we did last

year. It is intended that payments under the Scottish suckler beef support scheme and the Scottish upland sheep support scheme will commence in April and May 2021, respectively. That will match last year's payment performance.

For the less favoured area support scheme, it is intended that payments will commence at volume in January 2021. That, too, is two months earlier than the 2019 system payments. In 2020, EU rules require further transition away from LFASS, meaning that payments have had to be cut to 40 per cent of the 2018 rate. However, as I have stated previously, farmers on hill and upland areas and on our islands will also receive the convergence payments. Those payments will maintain or improve their financial position. It is my intention to deliver the second instalment of convergence funding in January.

Under other pillar 2 schemes, it is proposed that payments for existing contracts under the agri-environment climate scheme, the forestry grant scheme and rural priorities will commence from March 2021. That is one month ahead of last year's position, and if the opportunity arises to do so, we will commence earlier.

I have set out our 2020 rural payments strategy with confidence that we will meet the timelines. I know that farmers, crofters and agriculture businesses will welcome the certainty that that provides. However, risks to delivery remain—the disruptive effect of a disorderly Brexit being the main one. The strategy might be at risk if we need to deliver emergency support at short notice, if there is a no-deal Brexit.

The on-going prevalence of Covid-19 might also impact on availability of resources. Our staff have adapted extremely well to working from home. However, the continuing situation means that we cannot be certain of future staffing levels. It feels as though the next few months will be precarious for us all, but we must also get on with planning for the future.

In 2018, I promised Scotland's farmers and crofters a period not only of stability but of simplification between 2021 and 2024. Work to deliver that is now under way; just last week, we laid regulations before Parliament that will mean that businesses are subject to fewer inspections, while there will be increasing support that focuses on outcomes.

We are beginning to plan long-term change to make farming and food production in Scotland more sustainable. In this year's programme for government, we committed to establishing farmer-led groups to provide information, advice and proposals to cut emissions and tackle climate change in their sectors. The first was set up earlier this year and reported two weeks ago, with strong

recommendations on how to adapt our suckler beef sector for the future. Its findings map a route to a low-carbon future—one that remains both profitable and productive. I thank the group's chairman, Jim Walker, his assistant Claire Simonetta, and all the group's members for giving so generously of their time and expertise to the work.

This week also saw much attention around the release of the inquiry report from farming for 1.5 degrees. The suckler beef report recommendations are consistent with those of that further worthy contribution. That is particularly true for technical efficiency and conditionality for the sector. That emphasises why it is so important that we accept the suckler beef report, and that we learn by doing.

I want to make real and rapid progress. Therefore, I announce today that we will establish a board to lead activity on how to deliver on the report's findings. The board will be led jointly by Government and industry, in a strong signal of the partnership approach that will be crucial to success in cutting emissions and changing how we farm and produce food in the future.

There is no doubt that the global impact of the pandemic has reminded us not to take food and food security for granted. It has highlighted the importance of having robust and resilient localised food supply chains. Key to that is ensuring that farmers and crofters get the financial support that they need in order to pay their bills and to make investments for the coming seasons, which in turn helps to support other agriculture businesses and keep the wider rural economy on track. Government's role is to provide that support at the right time; that, Presiding Officer, is what the rural payment strategy seeks to do.

The Deputy Presiding Officer: The cabinet secretary will take questions on the issues that were raised in his statement. I intend to allow about 20 minutes for questions. Members who wish to ask questions should press their request-to-speak buttons now.

Oliver Mundell (Dumfriesshire) (Con): In jest, I might have said that the cabinet secretary's lectern had collapsed under a weighty statement, but it was not quite that; it was a lot of things that we have heard before.

I welcome the Scottish Government's recognition that farmers have been working hard throughout the pandemic. Although it might have left the First Minister confused at points, the Conservatives in this chamber know exactly how essential farmers are.

Can the cabinet secretary, instead of just patting himself on the back, explain where the much-awaited long-term vision for the industry is? Can

he also tell us what finally changed his mind about restoring LFASS to 2018 levels, after months of dodging questions from Conservative MSPs?

Fergus Ewing: Where do I begin?

First of all, the statement announced new information about very important matters for farmers and crofters. It has told them when they can expect to get their money. As someone who has been in business—I do not know whether Mr Mundell has been anywhere near business—I can say that it is very important to know when the money is coming in. Just as we are fortunate to get paid every month, and to know on what day we will be paid, it is quite helpful in business to know when the money is coming in.

The statement contains new information. It is designed not for Mr Mundell, but for farmers and crofters, so that they know when they will get their money. I am proud of the RPID staff who have delivered the information. I do not think that his facetious and snide approach does the member any credit at all.

With regard to vision, I have provided a very clear vision of a thriving agricultural sector that produces the highest-quality food in the world, and aspires to do so with the highest-quality environmental standards. I think that that is a pretty good vision, and do you know something, Presiding Officer? I think that more and more people are sharing it. That is why I am determined, working with my colleague Jim Walker, to lead the programme board and to drive it forward to develop a beef herd in Scotland that is not only the finest but the purest in the world, and one that is certainly miles ahead of many of the offerings that arrive from other parts of the world with a huge carbon footprint.

I am also proud of all the other sectors in our very varied farming panoply—from the hill farmers to the vegetable and fruit growers, from our arable sector to our sheep sector and our pig sector, and so on and so forth. My job and my vision is to allow them a secure future.

Lastly, on LFASS, Oliver Mundell's assertion was complete codswallop—it was the absolute total opposite of the truth. I have made it crystal clear that I have been intent on maintaining hill farmers' income. I have done that from day 1. Mr Mundell is out on his own with his unfounded Trumpian assertions.

The Deputy Presiding Officer: I remind all members of the importance of courtesy in referring to each other in the chamber.

Colin Smyth (South Scotland) (Lab): I thank the cabinet secretary for advance sight of his statement. I also thank all our farmers, crofters,

and food producers for keeping Scotland fed in these difficult times.

LFASS is a lifeline for many farmers and crofters, so it really is sleight of hand for the cabinet secretary to use convergence money to plug the gap in his commitment to maintaining LFASS payments at current levels. It is a year since the cabinet secretary allocated the first tranche of convergence funding. Will he tell us how the remaining £70 million will be spent and how much of it he will redirect to plug the funding gap for LFASS? Will he also commit to payments to farmers who are in receipt of LFASS continuing at current levels until a replacement is delivered? When will we have details of what that replacement is likely to be?

Fergus Ewing: I thank Mr Smyth for his remarks about farmers, which I appreciate—as, I think, do we all.

With regard to LFASS, I have made it absolutely clear that the basic requirement is that those who farm on our hill land, on extensive holdings, on our islands, and in our most remote and rural parts, require to be supported for what they provide for Scotland as a whole: for the food that they provide, for the stewardship of the countryside that they deliver, and for their contribution to supporting rural communities throughout the country. I have made it crystal clear that, whatever the schemes are called, that principle must be accepted, and I have been pleased to see that it seems to be accepted across the political spectrum.

I have made it clear that, under the approach of stability and simplicity, we continue broadly with the LFASS approach. I recently confirmed that and I was pleased to see that NFU Scotland—I think, yesterday—has welcomed that approach. I also had very sensible discussions with the Scottish Crofting Federation just last week. That gives us time to work on a replacement.

The last point that I will make is a very simple one. Until such time as we know what the decisions will be in relation to Brexit—in particular, whether there will be tariffs of up to 50 per cent on our lamb exports, if there is a Tory no-deal Brexit—it is impossible to make finalised plans for the future, because we might well require to have an emergency support package for our sheep farmers as a direct result of Brexit. In the real world in which we must make these difficult decisions, we will make them as soon as we can. That will only be once all the Brexit confusion has eventually been lifted.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): As a farmer's daughter, I note that many farmers will already be on to their bank managers to let them know when the money is

coming in—it is that important to know how the money is coming in.

The recent report on the suckler beef scheme makes some novel and exciting recommendations in relation to how our food and farming sector can build a sustainable future and contribute to meeting our world-leading climate change targets. Will the cabinet secretary update the chamber on the timescale within which he intends to take forward the recommendations in the report?

Fergus Ewing: I thank Maureen Watt for that question. I am extremely grateful for the work of Jim Walker, Claire Simonetta and the rest of the forward-thinking members of the suckler beef climate group. The report shows how the sector can take a lead in being part of the climate change solution while, at the same time, delivering as a world leader in efficient beef production. I will give more details of how the farmer-led approach will be delivered in the near future.

I want to assure everyone in other sectors that their contribution will be just as important as that of the beef sector. We started with the beef sector because it is associated with methane emissions and we felt it best to start with the most significant contributor, to show that we are tackling—if you like—the most significant issues first. However, all sectors are important.

The last point that I will make is that it is a farmer-led approach—and deliberately so. My view has been that, when we work with farmers, we are more likely to persuade their peers—who have perhaps done things in a similar way for decades, if not for a lot longer—that those changes can be made to work commercially as well as environmentally.

The early signs, from the press reports and the conversations that I have had, are that the farming community not only welcomes the Walker report and the Miller report but is champing at the bit to fire ahead. Although I will not give a timescale today, I hope to revert soon with one, and it will be a short timescale.

Finlay Carson (Galloway and West Dumfries) (Con): I echo other members in recognising the hard work of our agricultural sector and that of agriculture and rural delivery directorate staff during this difficult time.

It is ironic that Mr Ewing trumpets the EU's move into a period of stability without a mention of the predicted massive cuts in the upcoming EU subsidy budget. I assure Mr Ewing that we all share a vision of a successful agricultural sector, but, while he sets up groups and boards and apparently listens to the industry, there is still no clear direction of travel from him on how the rural sector will get there. When will the cabinet secretary clearly outline his Government's long-

term intentions with regard to support for our farmers' transition to a sustainable future in relation to business resilience, food production and the environment?

Fergus Ewing: I do not accept the thesis, and I have already answered the question. Let me re-emphasise that, with the benefit of those two reports, which have been so warmly welcomed, my duty is to drive things forward as quickly as possible and to work together with those groups to deliver programmes that will include funding support to deliver the best-quality farming and the best environmental practice in the world. That is my vision, and I think that it is one that most farmers share.

I am determined to drive that vision forward, and I will. We will deliver it, just as we have delivered the fixing of the CAP problems, as I assured the Parliament some years ago that we would. We have done that and we will do the next thing as quickly as possible. We will get on with the job and farmers will lead it, which will be the key to its success.

The Deputy Presiding Officer: I remind members in the chamber and elsewhere that these are questions and answers, not opportunities for speeches.

Stuart McMillan (Greenock and Inverclyde) (SNP): One key part of the claim-processing puzzle has yet to be completed, and that is the sending out of letters on reductions in, and exclusions to, farmers' and crofters' claims. Can the cabinet secretary provide some advice on the progress of that work?

Fergus Ewing: Yes, I can. The letters that set out the details of reductions in claims for land and animals have been delayed as a result of the uncertainties of Brexit. However, some progress has been made: I confirm that voluntary coupled support scheme reduction and exclusion letters will start to issue this month and will cover all years.

Further to that, RPID is currently working on the next tranche of letters, which will provide information as quickly as possible to those who had a deduction from payments under the basic payment scheme, greening payments and young farmer payments. More information will follow in due course. Unfortunately, work to correct the situation had previously been delayed because of Brexit and was suspended due to Covid-19, but it has since restarted.

Claudia Beamish (South Scotland) (Lab): In his statement, the cabinet secretary stated that we are only

"beginning to plan long-term change to make farming and food production in Scotland more sustainable."

Climate change waits for no one. What other recommendations from the farming for 1.5 degrees report will he take forward in conjunction with farmers, beyond those on suckler beef? When will the long-awaited food and farming report be published, which we all anticipate so much?

Fergus Ewing: I emphasise that a great deal of work that uses CAP funds in both pillar 1 and pillar 2 for the advancement of environmental matters is already happening, and we support it. The additional work to which Claudia Beamish alludes includes our investment in forestry—£150 million of additional resource, which takes the rise in new plantings further upward from 11,000—and in the restoration of peatland, to which my colleague Roseanna Cunningham has been devoted and for which she secured funding of, I believe, £250 million over the next 10 years.

Peatland restoration and afforestation are two parts of it. In addition, agri-forestry and specific aspects of it, have been receiving a particular focus. On top of that, the renewables contribution and carbon capture and storage are key elements of the overall strategy to tackle climate change. The farming and food production advisory group is continuing to complete its work, and I expect that its report should be available later this year, although it is an independent group, so that is up to it.

John Finnie (Highlands and Islands) (Green): I am sure that our hard-working crofters and farmers will welcome the information about payments.

The cabinet secretary rightly highlighted that exporting our key food products will be more bureaucratic with the threat of tariffs. The cabinet secretary may be aware that a 27-acre field in Kent has been set aside as a lorry park for 2,000 lorries—it is one of 29 such sites that are being created in England to deal with border issues. Will the cabinet secretary send a clear message to the UK Government that Scottish produce and its producers deserve much better than that, and will he advise it that, even at the 11th hour, dialogue rather than diggers might be the better way to deal with the expected border logjams?

Fergus Ewing: I thank Mr Finnie for his remarks and his recognition of the importance of the payments to farmers and crofters. He raises an important issue that has not been raised thus far. It is absolutely correct that the bureaucratic, practical and logistical problems that are posed by borders, and by being out of the EU, are legion. In the interministerial group meetings and the EU exit operations—XO—committee meetings, which Mr Gove chairs, Ms Cunningham, Ms Gougeon and I have pushed those points on innumerable occasions, and we will continue to do so. Mr

Finnie's remarks reflect a growing undercurrent of concern among primary producers and the whole food and drink sector about how it will work out—or not—on the night.

Mike Rumbles (North East Scotland) (LD): Both the cabinet secretary and I were members of the Scottish Parliament—as were you, Presiding Officer—when Ross Finnie delivered such payments in December every year. After 13 years, it is good to get back to where we were. It is with good humour that I welcome the cabinet secretary's statement, and I completely agree that farmers and crofters need to know when they will get their funding.

Will the cabinet secretary tell us more about the farming and food production future policy group, which Parliament called for in January 2019? The cabinet secretary set it up and facilitated it, and it was due to produce an interim report at the Royal Highland Show in June. He has already indicated to Claudia Beamish that he hopes to get the interim report by December, but can he give a greater indication of when it might be produced?

Fergus Ewing: I recognise the good work that Ross Finnie did and which he is now doing as chairman of Food Standards Scotland. We work closely with him.

On the timing of the report, I am afraid that I cannot be more precise than that it will be later this year. I stress that it is an independent report. I am not writing the report—I do not think that Parliament expects me to, and I do not think that I should. It is an independent report, so it is up to the members of the group, with the support from the Scottish Government that they enjoy, to come to a final conclusion in what is a complex and challenging area, to be fair to them.

If we look at the composition of the group, there is a wide and distinguished set of personae there, so I am sure that they have had lively discussions. I am informed that they expect to come to a conclusion later this year. The report will be an advisory report—it will advise the Parliament and the Government—and it will be welcome, I am sure.

With the Walker and Simonetta report and the Miller report, we are fortunate to have two thorough and well-received reports that signpost a large part of the way forward. However, we need to take a strategic approach overall. I was pleased that Ms Beamish asked the wider question beyond farming, because, in order to tackle climate change, there will need to be substantial change not just in one sector but in all sectors, and that change will need to be swift. That is why I am intent on getting on with it.

Rona Mackay (Strathkelvin and Bearsden) (SNP): With the Brexit transition period looming, it

is astonishing that the UK Government has, to date, given no clarity on funding for the 2021-22 CAP pillars. What engagement has the Scottish Government had with the UK Government on whether it has at least set out a timescale for when it will be in a position to give Scottish farmers the certainty that they need?

Fergus Ewing: Throughout 2020, I have pressed for clarity on funding, but engagement from HM Treasury started only at the end of September, when it presented the devolved Administrations—not ministers, but officials—with a farm support paper.

Scotland, Wales and Northern Ireland have common and significant concerns on the proposed funding settlement. The present approach that has been taken by the UK Government fails to respect the devolution settlements, and it breaks the commitment that we would not lose out on essential funding when we left the EU. Currently, we all stand to lose funding, and the commitment of collective engagement to agree the principles for the allocation of funding has not been met. The devolved Administrations issued a joint letter on 30 October, requesting an urgent meeting with the Chief Secretary to the Treasury. We await a response.

Peter Chapman (North East Scotland) (Con): We all know that the three-crop rule system did not suit Scottish agriculture, so I welcome the fact that it is suspended for 2020-21. Is that suspension permanent? Have we seen the back of the three-crop rule, or is that only for one year?

Fergus Ewing: Although I am not a farmer, Mr Chapman is, and I hope that he has received his payment on time.

We have suspended the three-crop rule and have no plans to bring it back. We suspended it because we did not think that it was applicable to the particular circumstances of Scotland. In doing so, we recognised that, for a long time, there had been a clamant call from farmers to tackle it. I was therefore very pleased that we were able to do so. However, I want to emphasise the message that that was against the direction of travel, so to speak. The direction of travel will be to require change in order to meet environmental imperatives. That is a legal duty, but I think that it is also a moral imperative.

Yes, it is goodbye—not au revoir—to the three-crop rule, but further improvements will be needed on a major scale.

The Deputy Presiding Officer: That concludes questions on the statement. I apologise to Richard Lyle, Stewart Stevenson and John Scott, whose questions have not been reached, but we are well over our 20 minutes. That is a reminder that

shorter questions and answers make for more questions and answers.

Environment Bill

The Deputy Presiding Officer (Lewis Macdonald): The next item of business is a debate on legislative consent motion S5M-23324, in the name of Roseanna Cunningham, on the Environment Bill. I ask members who wish to speak in the debate to press their request-to-speak button now.

15:33

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): The matter before us today is a legislative consent motion on the United Kingdom Environment Bill. Members cannot be expected to have followed every detail of the bill, so I will give a very brief summary of the position so far.

The bill was introduced in the UK House of Commons in January. In part, it is the UK Government's response to the loss of the European Union's institutional arrangements for environmental policy. We have our own separate approach to those issues, as I set out two weeks ago in the stage 1 debate on the UK Withdrawal from the European Union (Continuity) (Scotland) Bill. I think that many aspects of the UK Government's approach to those matters are misguided. Its approach in the bill to non-regression is a poorly conceived measure that is also weak in execution, in contrast with our proposals on future alignment in the continuity bill. However, those provisions concern only reserved matters, so they do not require legislative consent.

The UK Environment Bill also includes provisions across a range of environmental regimes. Some of those provisions do not extend to Scotland. In other areas, we have worked with the UK Government to provide powers so that UK regulations may extend to Scotland in devolved competence, subject to the consent of the Scottish ministers. I should make it clear that provision for consent was not something that the UK Government was always keen to give up, but I was determined to secure it in every case.

The consent that is given by the Scottish ministers will be subject to the scrutiny of the Scottish Parliament via a protocol about which I will say a bit more later. The provisions cover aspects of environmental regulation for water, air quality, chemicals and waste, and resources. It is those provisions that require legislative consent.

We are not giving up any devolved competence or powers through this legislative consent motion—that would be unacceptable. Any UK regulation that is made under the bill and extends to Scotland in devolved competence must receive the consent of the Scottish ministers and will be

scrutinised by the Scottish Parliament. This legislative consent motion is only about agreeing to a framework for future decisions on regulations; no power is being given away, and the Scottish Parliament's legislative competence will be the same after the bill is passed.

The Environment Bill had reached committee stage in the UK Parliament in March, at which time progress was suspended because of the Covid-19 crisis. In recent weeks, the committee stage has recommenced, and the bill is expected to complete its progress through the House of Commons this year. The Scottish Government lodged a legislative consent memorandum on the bill in May. The Scottish Parliament's Environment, Climate Change and Land Reform Committee reported on that LCM in June, stating that it was

“unable to make a recommendation”

on whether legislative consent should be granted.

I responded to the ECCLR Committee's report in September. After consideration, members of that committee asked for a debate and they will speak today.

I understand that there is a hesitancy about putting our environmental standards into UK regulations. It has become clear that our attitude to future standards is far apart from that of the UK Government. However, I reassure members that my priority remains maintaining or enhancing our environmental standards. I have made it clear that we should align with future developments in EU standards wherever possible.

I am proud of our environmental record in Scotland and of our commitment to respond to the twin global crises of climate change and biodiversity. Our natural world supports our wellbeing and our reputation as a nation. Natural resources contribute to our society and economy in countless ways, and we must protect those precious assets.

As I set out in my response to the ECCLR Committee's report, I believe that there can be good practical and pragmatic reasons for seeking to advance our environmental standards through UK regulations. In particular, there can be significant reductions in regulatory burdens through the use of such regulations. In addition, they can be an effective way of dealing with cross-border issues and with complex interactions of devolved and reserved powers. However, I am not advocating handing over control of our standards to the UK Government. Crucially, all the regulation-making powers being given to UK ministers that cover Scotland in devolved competence are subject to consent by the Scottish ministers.

I also appreciate that there are legitimate concerns that the process could be seen to threaten the Scottish Parliament's legitimate role in determining environmental law and standards in Scotland. Members will be aware that the new protocol governing the Parliament's scrutiny of the Scottish ministers' decisions to consent to UK statutory instruments affecting devolved matters is nearing final agreement. That will ensure that the Parliament is able to scrutinise ministers' decisions to consent to regulations such as those made under the bill. The protocol sets out proportionate measures so that the Parliament can focus on key instruments. In particular, the protocol sets out provision for early engagement with the Parliament where a significant policy development might lead to the use of UK regulation-making powers. I reassure members that any proposals for significant new or reformed regulatory regimes under the bill would be subject to wide consultation, including discussion with the successor to the current committee.

The Environment Bill will allow UK regulations to be made in devolved matters with the consent of the Scottish ministers, and with scrutiny by the Scottish Parliament in four areas where that is more effective or efficient than specific Scottish regulations. That will not impinge on devolved competence, and the new protocol will ensure appropriate scrutiny by the Scottish Parliament.

I move,

That the Parliament agrees that the relevant provisions of the Environment Bill, introduced in the House of Commons on 30 January 2020, relating to producer responsibility and associated charging schemes, resource efficiency, electronic waste tracking, review of the UK air quality strategy, water quality priority substances, arrangements for Solway Tweed River Basin District and Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

The Deputy Presiding Officer: I call Gillian Martin to speak on behalf of the Environment, Climate Change and Land Reform Committee.

15:39

Gillian Martin (Aberdeenshire East) (SNP): As members will remember, the Environment, Climate Change and Land Reform Committee's report on the LCM stopped short of making any recommendation. Members will also recall that, in June, I gave a statement on behalf of the committee in which I set out its reasons for that.

The committee recognised that legislation was required to enable ministers to make regulatory provision in those policy areas that were previously within EU competence. However, it felt that it was not clear why that had to be done

through UK rather than Scottish legislation. We argued that

"provision via Scottish primary legislation would enable full Scottish parliamentary scrutiny and accountability of the legislative proposals and, thus, respect the devolution settlement".

However, in a detailed response to us, the cabinet secretary set out the circumstances under which the Scottish ministers would consent to UK ministers exercising powers in those policy areas. Ministers have pointed to the reduction of regulatory burdens where there are shared objectives, where there is a complex mix of devolved and reserved issues and where there are cross-border issues.

The committee recognised that, where the Scottish ministers' consent is sought, the protocol that was agreed between the Scottish Parliament and the Scottish Government would apply. The protocol provides that Parliament is notified and is given 28 days to consider the Scottish ministers' decision to consent to UK ministers exercising those powers.

At the time of publishing our report, the committee felt strongly that there were limited opportunities for Scottish Parliament scrutiny of UK legislation and its implementation. In particular, we repeated the concerns that we had raised previously about the limitations of the 28-day period and the fact that the Scottish Parliament is not given sight of the draft SIs in order to inform its scrutiny.

Again, we received a welcome response from the Scottish Government, which agreed with us that Parliament should have opportunities for scrutiny and that we should have a "significant role" in scrutinising the—limited, we hope—occasions on which UK ministers make legislative provision in Scotland.

As a consequence, the Government revised the draft protocol so that Parliament will be consulted during the development of regulatory schemes that are delivered under powers provided in the bill. The committee has agreed to feed into the proposed six-month review of the protocol. We think that that is the right approach, and we are content that we have been heard on this most fundamental of issues.

The committee also recommended

"that measures need to be put in place—as a matter of priority—to ensure the devolution settlement keeps pace with the constitutional reality of a post-EU UK."

In relation to common frameworks, the committee highlighted the point—which it also made in relation to the UK Agriculture Bill and Fisheries Bill—that it is "a fundamental requirement" that the Parliament considers the legislative proposals relating to frameworks at the

same time as the draft framework. We have not been given a satisfactory update on the development of common frameworks since 26 June 2019, and we continue to ask the UK environment minister to accept our invitation to provide an update on their development. The Scottish Government could provide no further information on those frameworks, but it has said that it continues to liaise with the UK Government in trying to ensure that they work for all four nations.

However, I must stress that it is exactly seven weeks until the end of the transition period, and the committee has still not been given the detail on any of the frameworks. The sectors that are affected need clarity now. Indeed, it is difficult to scrutinise many of the statutory instruments before us when we have no detail on the common frameworks that underpin them.

With regard to this bill and its policy provisions, the committee felt unable to make detailed comments as there was no policy to scrutinise. For example, we are very concerned at the lack of information on the replacement for the EU's registration, evaluation, authorisation and restriction of chemicals—REACH—mechanism, UK REACH. Many questions remain about its operation and a lack of alignment between the UK and EU REACH systems. We believe the lack of withdrawal terms between the EU and the UK Government are at the root of that. Again, I stress that we are seven weeks away from the end of the transition period.

We thank the cabinet secretary for providing us with the detail that we require in this case, but we hope that the provision of the detail on common frameworks is a priority for both Governments as we reach the end of the transition period.

15:43

Liz Smith (Mid Scotland and Fife) (Con): As the cabinet secretary rightly said, and the convener has just repeated, this LCM results from the UK's withdrawal from the EU and seeks to put in place the replacement legislation that is required for those frameworks that were previously provided by EU law and the repeal of the European Communities Act 1972.

The UK Environment Bill is an enabling bill that provides both UK and Scottish ministers with powers—reserved and devolved respectively—to bring forward secondary legislation, so it is clear that there are implications for the devolved Administrations.

As has been mentioned, the Scottish Government and the committee were generally content with the principles of the bill and with the fact that primary legislation is required. However,

there were issues about why that primary legislation has to be made at Westminster rather than Holyrood, even if the Scottish Government takes the view that there is no undermining of the devolution settlement, as the cabinet secretary reiterated.

However, there were questions about the scrutiny process, which is a topical issue in other aspects of the Parliament's business. Whether or not we voted for Brexit, the process has shone an important light on the political process and on the issues of when primary and secondary legislation should be used and when the affirmative and negative procedures should apply to instruments. That point was raised by key witnesses at the Finance and Constitution Committee during stage 1 evidence on the UK Withdrawal from the European Union (Continuity) (Scotland) Bill.

Although those issues are for constitutional lawyers as much as for anybody else, they matter, and we have a collective responsibility to ensure that the procedures that are used in the Parliament are applied appropriately. Against that backdrop, the ECCLR Committee members concluded that they were not confident that there was a sufficient level of detail about the circumstances in which the Scottish ministers would consent to legislative powers of the Scottish Parliament being exercised by the UK Government.

That concern was heightened by the fact that regulations that are made under the bill will be used to implement policy change, and there was a question about whether Holyrood will have sufficient autonomy when it comes to policy direction. Obviously, that is important. The committee rightly made the point that an answer to that question is dependent on our having full information on any governance arrangements, especially those relating to the common frameworks. There was unanimous agreement that there is a need for full clarity so that it is explicit where powers in devolved competence are to be delegated to UK ministers.

That then led to debate, including in the Delegated Powers and Law Reform Committee, about whether joint procedures might be welcome, but the Scottish Government clarified its position and acknowledged that it is important not to place additional regulatory burdens on bodies, as that would double up time or lead to the handling of complex cross-border issues, such as health and safety issues relating to the use of chemicals, in the way that the cabinet secretary described.

The LCM is necessary, but the debate surrounding it exemplifies the difficulties and complexities of the Brexit process, on which all UK legislators are having to spend so much of their scrutiny time.

We will support the LCM at decision time.

15:47

Claudia Beamish (South Scotland) (Lab): The scourge of Brexit creates a distraction from working on Covid-related matters, net zero and other issues about the future of Scotland. It is very time consuming and a real frustration in committee work. However, we have an obligation to ensure that the arrangements are the best that they can be for the future of our environment and that we have as seamless a transition as possible. Scottish Labour is clear that future regulation should be as closely aligned to that of the EU as possible, for the sake of our environment, workers and businesses, and for good trade.

As the ECCLR Committee convener outlined, the committee decided not to make a recommendation in relation to the UK Environment Bill LCM. That was a clear expression of our concern, which was principally about the possible impact on and threats and risks to the devolved settlement. There was a significant amount of correspondence between the committee, of which I am a member, and the Scottish Government on the LCM and the risks that it poses. I was reassured by the Scottish Government's robust response to our report. As the cabinet secretary has stressed today and in the response to our report, no power is being given away. Nothing can be done without the Scottish ministers' consent.

I welcome the protocol and the revisions to it, and the cabinet secretary's remarks on that today. In that context, the committee intends to feed into the proposed six-month review of the revised protocol in relation to the Scottish Parliament's consideration of the Scottish Government's consent to UK statutory instruments in devolved competence. We will pursue that, or it will be pursued by the environment committee in the next session of Parliament.

The committee agreed to ask the Scottish Government for an update on all relevant common frameworks. The cabinet secretary has made clear the concerns of the committee and the Government to the UK Government, so it is disappointing that we have not heard back from the secretary of state on that.

I thank stakeholders who responded to the committee's call for evidence on the LCM. In its submission, Scottish Environment LINK refers to the office for environmental protection arrangements and asks how the proposed arrangements for our environmental watchdog will fit with those. It says:

"We urge the Scottish Government to bring these forward as soon as possible as a priority."

It is very reassuring that the UK Withdrawal from the European Union (Continuity) (Scotland) Bill, which will give us the new watchdog body environmental standards Scotland, is moving forward at pace.

The committee has been scrutinising and commenting on the on-going development of the REACH chemical regulation. In its response to the committee on the LCM, the Chemical Industries Association states:

"On the basis of current plans, without a mechanism, or even a commitment, to align with EU restrictions and authorisations, the UK regime will inevitably diverge from the EU. This could result in the UK becoming the new 'dirty man of Europe' and a dumping ground for hazardous chemicals banned or restricted in the EU."

The UK Government should take note of those remarks. The committee further explored the issue earlier this week. Surely there must be alignment with the EU on such a serious arrangement.

The committee is also reassured by the Scottish Environment Protection Agency's response to our call for evidence, which showed a high degree of communication with the Department for Environment, Food and Rural Affairs on the development of future arrangements on water, air quality and other devolved responsibilities, and on the line of delineation between SEPA and the office for environmental protection.

Now that I have highlighted those points and identified, along with the convener, some of the concerns that the ECCLR Committee has set out, I can say that Scottish Labour will reluctantly support the UK Environment Bill LCM today. We will scrutinise—as will the committee, I am sure—the progress that is made to ensure that it is suitable in protecting our devolution settlement and enabling Scottish Government ministers to act appropriately in the devolved settlement.

15:51

Mark Ruskell (Mid Scotland and Fife) (Green): It should be clear to all of us that leaving Europe means that the role of citizens in influencing laws in the European Parliament has now gone. Given that 80 per cent of our environmental laws were born out of the EU's democratic processes, what replaces that is of critical concern. The balance of power between Parliament and Government is a critical issue, and the proposals in the Environment Bill put the control of many areas firmly in the hands of the UK and Scottish Governments, with only a cursory nod to the critical role of Parliament.

There have been sheaves of secondary legislation under the European Union (Withdrawal) Act 2018, which have made minor and technical amendments to laws, but that looks set to become

the new normal for secondary legislation. Major policy changes could be pushed through under the Environment Bill, with no Sewel convention forcing a full and robust democratic process.

Even though the Scottish Government has reflected on the committee's concerns and proposed a new protocol with Parliament, ironically the Government has brought the LCM to the chamber ahead of any scrutiny of that protocol by the Parliament. That is not a great position to be in when asking for our consent. The provision of a cursory 28 days to consider a decision that has, in effect, already been made by the two Governments does not empower the Parliament or the people who elected it. The inability to even provide a copy of the proposed legislation in advance makes a mockery of our role as legislators.

A meaningful joint procedure between the Governments that involves their Parliaments is surely the only way of genuinely respecting the constitutional settlement that we have on these islands. The current routes for doing that, such as the Privy Council, are undoubtedly arcane, but they have already been used to agree the new UK emissions trading scheme, and they could evolve further.

The current Brexit mess was not of the Scottish Government's making, and it wrote to the committee to say that the revised protocol

"cannot by itself provide an answer to the committee's concerns about an appropriate influence of Parliament."

However, the proposed set of powers for the two Governments sets a dangerous precedent for how elected Parliaments could be sidelined in the decision-making process, by virtue of having to rely merely on the good will of the Government of the day to allow any scrutiny whatever.

With the twin crises of Covid and Brexit, Governments often need to move fast and answer questions later, but the new normal must involve having more democratic engagement, not less, and at a time when we have lost our European Parliament, we need to be strengthening, not weakening, scrutiny. That is why the Greens will vote against the LCM at decision time.

15:54

Liam McArthur (Orkney Islands) (LD): Scottish Liberal Democrats are committed to doing everything possible to minimise the damaging legacy of Brexit, not least in the area of environmental policy. In the midst of a climate emergency, there can be no let-up in our protection of the environment. In that respect, the UK Environment Bill, alongside the current continuity bill, underscores the needless damage, disruption and uncertainty that are being caused

by our imminent departure from the EU. Rather than the UK turning inwards, the climate crisis should see it leading from the front and spearheading international collaboration.

That said, Liberal Democrats have cautiously welcomed the bill, although I certainly echo the concerns about scrutiny that colleagues have raised in the debate. The cabinet secretary offered some reassurances in that regard, but it would be hard to overstate the importance of proper consultation and oversight—by Parliament and not simply by the Government—in such an important area of policy for Scotland.

The Environment Bill will of course need amended to give it the teeth that are necessary for robust environmental protection, yet, for all the cabinet secretary's criticism, it is in some respects more robust than the Scottish Government's continuity bill. For example, as I said in the recent stage 1 debate, the duty to follow principles of environmental protection is much stronger in the UK bill. It is important that Scotland is not left behind in that and other areas, because we are in a climate emergency. The climate does not care about the constitution, and difficult choices must not simply be pushed down the line. We need robust legislation to be made both here and at Westminster.

On that basis, although further amendments are needed to the UK bill, Scottish Liberal Democrats will consent to the LCM at decision time this afternoon.

The Deputy Presiding Officer: I invite Roseanna Cunningham to wind up the debate.

15:56

Roseanna Cunningham: Thank you, Presiding Officer. I appreciate that this debate is not exactly a show-stopper, but it deals with fundamental issues that do not just apply in this area, but will apply across the board from here on in.

The convener of the Environment, Climate Change and Land Reform Committee referenced my detailed letter in response to the committee's questions, and if anybody has particular interests in particular areas, that is probably the best place to go to see my responses.

The issue of common frameworks was a theme in the speeches by a number of speakers. I appreciate the frustration about the development of those—indeed, I share it. A lot of this has become caught up in the final stages of Brexit negotiations. Frameworks get pulled in willy-nilly and they become peripheral to a Brexit negotiation. It is not really about them per se, but they become part of it. If members need an example, the issue around the emissions trading

scheme is a prime example of how that can happen. I have every sympathy with the frustration about that and the fact that we are not further forward with some of the frameworks.

Specific mention has been made of the chemicals framework—UK REACH. There is a lot of detailed work to put that regime in place. Regulations have been notified to the committee for consideration, and the Parliament recently consented to the fourth statutory instrument to establish a UK-wide system for the registration, evaluation, authorisation and restriction of chemicals. We are making progress, but we are making it terribly slowly and not in the way that we might have wished.

A number of members, again understandably, raised issues about the scrutiny process. I think that the entire parliamentary process has been under huge stress in trying to deal with this, both in the past year and earlier. That was the case, first, with our trying to deal with a couple of no-deal dates that did not come off, and then throughout the current process.

It is important that people understand that the new protocol that we are talking about has been developed between ministers and the Parliament and it will soon reach final agreement. The protocol is not specific to the bill that we are discussing; it will apply across the board. It sets out proportionate arrangements and timescales for different circumstances, and it repeats the commitment to engage with Parliament during the development of significant policies that will be delivered through UK regulations by consent.

Claudia Beamish's remarks about the scourge of Brexit were very much on point. That is really what is underlying a lot of this. Mark Ruskell made some broader points, many of which I can agree with, but unfortunately they are not specific to this particular debate. It is important that we understand that this is a very particular, detailed, complicated, technical issue that we have to move on, in order for us to be able to achieve some of the things that we wish to achieve. I am grateful to those members who have indicated that they will agree to the motion and I hope that it goes through appropriately.

The Deputy Presiding Officer: That concludes the debate on the legislative consent motion on the Environment Bill.

Peter Chapman (North East Scotland) (Con): On a point of order, Presiding Officer. I failed to inform the chamber of my entry in the register of interests prior to questioning Fergus Ewing earlier. I do so now and apologise for forgetting to do so at the time.

The Deputy Presiding Officer: Thank you very much, Mr Chapman. That is duly noted.

Pre-release Access to Official Statistics (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a debate on motion S5M-23289, in the name of Gordon Lindhurst, on the Pre-release Access to Official Statistics (Scotland) Bill. I ask those members who wish to speak in the debate to press their request-to-speak buttons, please. I call on Gordon Lindhurst, on behalf of the Economy, Energy and Fair Work Committee, to speak to and move the motion.

16:01

Gordon Lindhurst (Lothian) (Con): Why raise the same issue in November 2018, in September 2019 and again today? Why, given the no shortage of other problems in the world, persist with a focus on pre-release access? Why, with a majority of our members in favour and a minority not in favour, pursue a committee bill? Why this, of all the battles that we could have picked? Why, to be blunt, bang on about PRA?

The answer is simple and can be found in nature. I do not mean fauna and flora and David Attenborough documentaries, but the nature of policy, decision making and public debate, the language of which is increasingly reliant on numbers: the higher and national 5 results; the daily hospital admission figures; and the count of red and blue votes in Georgia and Pennsylvania—data that helps us understand events and determine their meaning.

In his book, "The Tiger That Isn't", Andrew Dilnot says:

"Quick and cool, numbers often seem to have conquered fact."

He goes on to say:

"No science could be more necessary, and those who do it are often detectives of quiet ingenuity."

We, as a committee, certainly share that respect for the work of statisticians. We also share the view that pre-release access makes their job harder, as the UK Statistics Authority said during our inquiry. Economic statistics are a public asset: a guide to follow the political and macroeconomic decisions that affect us all. We believe that data should be available on an equal and not a privileged basis. That is the premise of our bill.

We are not the only ones to reach that conclusion. The roll call—I trust that everyone has their pencils sharpened for this—includes: the Office for National Statistics; the Royal Statistical Society; the Bank of England; Professor Sir Charles Bean, the author of a 2016 independent review of economic data; Dame Jil Matheson,

former United Kingdom national statistician; John Pullinger, retired UK national statistician; Professor Sir Ian Diamond, current UK national statistician; 114 senior academics and statisticians who signed a letter to *The Times* in May 2017; the Institute for Public Policy Research; the Adam Smith Institute; the House of Commons Public Administration Committee; Sir David Spiegelhalter, knighted in 2014 for his services to statistics; Michael Blastland, creator of Radio 4's "More Or Less" programme; Will Moy, chief executive of Full Fact; Graeme Roy, director of the Fraser of Allander institute; and the UK Statistics Authority, which I have already mentioned.

We have not arrived at our position lightly, nor without exploring other options. It has taken three years and three cabinet secretaries to get us here. The tigerlemma of the situation—to refer back to Andrew Dilnot's book—is, why does the Scottish Government not accept the view of the roll call of honour that I have just read out?

So, what would the bill do? There are three strands to it: it removes PRA for two specific categories of economic data; it introduces a phased approach to that removal and a review of its impact; and it reduces to one working day the PRA for those statistics where five is currently the norm.

Let me share the thinking behind each. The first would end PRA for two of the four categories of economic data that we identified in our original inquiry, namely retail sales and gross domestic product. Neither category is subject to PRA at a United Kingdom level, so ministers would not be losing anything retained by the UK Government. The second strand would stipulate that the removal of PRA be phased. Thus, one day would be cut to half a day after a year and be removed entirely after two years, with an independent review of the impact after three years, the findings of which would be laid before the Parliament. The third strand would cut PRA from five days to one in cases where the longer duration applies.

Of the five-day period, the Royal Statistical Society says:

"Scotland is very much an anomaly relative to almost the whole developed world."—[*Official Report, Economy, Energy and Fair Work Committee*, 26 September 2017; c 9.]

That is one table-topping plaudit that I suspect that we shall not be shouting about. However, in fairness, the Scottish Government wrote to us last May with a compromise. It said that ministers would be seeking one day where a five-day period now applies. That almost sounded promising but, when pressed, the then cabinet secretary said that he preferred a "pragmatic approach", not "unnecessary amendments to legislation".

The committee looked the gift horse in the mouth, and I am afraid that we found the dental work to be of a dubious quality, lacking the bite of effective legislation. To quote Democritus,

"Words are but the shadows of actions",

and we require more than shadows.

However, some may ask what is so wrong with pre-release access. Should ministers not have the opportunity to be briefed before publication? Is there not merit in politicians of the governing party—whichever party that is—being fully informed? That is the cabinet secretary's position, and that is where the Scottish Government is comfortable and, dare I suggest, complacent.

In 2017, when the ONS ended the practice, the headline in the *Wall Street Journal* was: "Controversial Early Peeks at Economic Stats to End".

More recently, the Royal Statistical Society wrote to the First Minister and cabinet secretary, stating its support for the objectives of the bill by saying:

"In our view, it is not correct to claim that pre-release access in Scotland is being managed in line with the UKSA Code of Practice. While it is true that the Pre-Release Access Order gives the Scottish Government the responsibility to decide on this matter, the Code is also quite clear—in its section on accessibility—that statistics and data should be made available to everyone at the same time."

It cited a

"compelling case for reform"

and recommended that the Scottish Government support the bill.

In a debate last year, the cabinet secretary herself agreed that data was a public asset. She said:

"We want to make data publicly available in an ethical and transparent way."—[*Official Report*, 19 September 2019; c 94.]

Indeed. Such is the rationale of the bill, so agree to it.

David Spiegelhalter—whose name I dropped earlier—says:

"There is great damage done to the integrity and trustworthiness of statistics when they're under the control of the spin doctors."

He deplores what he calls "number theatre" and the co-option of numbers for political performance.

Let me be clear: the bill is about economic data. It is not about health or education statistics. It is about—to distil the debate in a mere five words—ministerial benefit versus statistical integrity. The data on the pandemic has revealed something important: it has shown us that numbers matter

and that they matter too much to permit early peeks for some and not others. The bill is about openness and transparency; it is not about the conquering of facts. It is about fundamental principles. It is about equality of access. It is about trust. It is also about the nature and quality of public debate.

I move,

That the Parliament agrees to the general principles of the Pre-release Access to Official Statistics (Scotland) Bill.

16:12

The Minister for Public Finance and Migration (Ben Macpherson): I am pleased to speak in the stage 1 debate on the Pre-release Access to Official Statistics (Scotland) Bill, which is a committee bill.

The Government has always been clear that data, statistics and evidence are at the heart of policy decisions. As the convener alluded to, over the past nine months, the value of statistics and data has been demonstrated as policy has needed to adapt to the latest evidence in ways that have impacted all our lives.

At the outset, I will address something that the convener mentioned and which is a question that has been raised by some external commentators about the Scottish Government's compliance with the code of practice.

I want to be clear that the Scottish Government fully complies with the code of practice for statistics. As highlighted by the Cabinet Secretary for Finance during a previous debate on the topic, there is nothing inappropriate about pre-release access to official statistics. It is in line with legislation and is carefully managed by professional statisticians who are overseen by Scotland's chief statistician. That was recently acknowledged by the Office for Statistics Regulation, which regularly assesses the Government's compliance with the code of practice and legislation on pre-release access. Scottish ministers respect the professional advice that we receive. We support the professional statisticians in their view that the current, carefully controlled use of pre-release access to statistics confers benefits that outweigh the risks.

The Government prides itself on operating in an open and transparent way, and some argue that pre-release access is at odds with that. My view is that, on the contrary, pre-release access improves transparency, as it means that ministers are able to explain effectively how data and statistics have shaped policy decisions. The clear rules and principles on managing pre-release access provide a framework for professional statisticians, such that the public are aware that ministers are receiving early access for a legitimate reason.

During the debate when the bill was first proposed, the committee focused on the idea that PRA gives a first-mover advantage, and the convener focused on that in his speech. I want to be clear, however, that pre-release access is not granted solely to Scottish ministers. There has been long-standing pre-release access to relevant official statistics for, among other organisations, the Scotland Office, HM Treasury, Scottish local authorities, Police Scotland and national health service boards.

I appreciate that there are differing views on the matter, and I respect them. I look forward to engaging with members across the chamber—both today and beyond, if the bill passes stage 1—on the way in which the Government considers pre-release access to be important for informed debate and policy decisions.

Andy Wightman (Lothian) (Green): The minister has mentioned a series of bodies to which statistics are released in a pre-release form. In a sense, however, that does not get to the nub of the problem, which is that there are classes of people who have privileged access to statistics.

The minister said that he believes that the Scottish Government's practices are in line with the UKSA code of practice. Does he therefore believe that there is an honest difference of opinion between the Scottish Government and the Royal Statistical Society, whose view is that it is not correct to claim that those practices are being managed in line with the UKSA code of practice?

The Deputy Presiding Officer: There is time in hand, minister, so that intervention does not impact on your speaking time.

Ben Macpherson: Thank you, Presiding Officer.

I thank Mr Wightman for his intervention. On the latter point, I have clearly stated our position, and I appreciate the nuance with which Mr Wightman articulates his point. The committee is examining the question of pre-release access in principle, but it is incumbent on me to emphasise that it is a fact that those bodies also have pre-release access.

It has been argued that giving everybody the same access to official statistics at the same time is a fundamental principle of statistical good practice, as we have just discussed. I do not deny that the Pre-release Access to Official Statistics (Scotland) Order 2008 confers an advantage on ministers, in that ministers and specific officials have time to consider the implications before others, who do not receive pre-release access. However, ministers have a greater responsibility to consider the implications. In its bill proposal, the committee admitted that it has no evidence that Scottish ministers have used their pre-release access to influence statistical publication.

The people of Scotland are currently experiencing unprecedented challenges to their physical and mental health, as well as to their finances and way of life. That makes ministers even more accountable, as there is a justified expectation by the media, the public and other politicians that we will be on top of the issues and will be able to provide informed comment and clear messaging.

In these fast-moving and unpredictable times, the vital importance of good, relevant statistics, trusted professional statisticians and well-informed politicians has been clearly demonstrated. At the point at which data and statistics are published, ministers need to have a good understanding of what are sometimes complex statistical issues. If ministers are not able to have a good understanding at the point of publication, there is a risk of misinterpretation, which could have a significant and damaging impact on public trust.

Evidence and statistics have been at the heart of the Scottish Government's response to Covid. That includes the First Minister speaking about the numbers each day, which has built public trust in the numbers. That has been possible due to carefully controlled pre-release access to statistics and accurate briefing by the professional statisticians. That is why public trust in the Scottish Government to act in the best interests of the country remains high.

We should follow and respect the advice that is provided to us by the professional statisticians. The existing legislation sets out the rules and principles for pre-release access. A key aspect of that is our position that responsibility for determining the appropriate arrangements for pre-release access in Scotland should lie with the chief statistician.

We are fortunate in Scotland, and in the Government in particular, to have a highly skilled statistical workforce, and the fact that people who have strong skills want to work for the Government is testimony to trust in the process. By putting the arrangements for pre-release access in the hands of those professional statisticians, we trust them to safeguard the integrity of the data and minimise the risk of the misinterpretation or misuse of evidence.

I am proud to say that the Scottish Government plays a leading role in improving how data and statistics are used to deliver real benefits for Scotland and beyond. That is done in a responsible and ethical way that honours the principles of transparency, trustworthiness, and value.

We are in the middle of a devastating pandemic, with a disorganised exit from the EU looming. Parliament needs to focus on what we can do to

support Scotland's people, industries and reputation. As my colleagues highlighted at earlier stages of this process, removing pre-release access from ministers is potentially removing a valuable, managed and well-functioning process. The bill could be considered to be a distraction at a time when any distraction from the main issues at hand is unhelpful, and I urge Parliament to consider that carefully. I look forward to a thoughtful debate this afternoon.

16:21

Maurice Golden (West Scotland) (Con): In its written evidence to the committee, the Royal Statistical Society's opinion was that reform

"would be warmly welcomed by all those committed to statistical integrity".

The RSS could not have been clearer that the current model of pre-release access to data must change, and it is easy to see why.

Pre-release access allows ministers early sight of economic data, and it is right they have notice in certain cases; no one is arguing against that. However, the current system in Scotland means that Scottish National Party ministers are given a level of access above and beyond what is necessary. In fact, SNP ministers can see official data up to five days before it is published, which is an incredible level of privilege for SNP ministers. As Martin Weale of the Royal Statistical Society put it, that is

"an anomaly relative to almost the whole developed world".—[*Official Report, Economy, Jobs and Fair Work Committee*, 26 September 2017; c 9.]

The UK Statistics Authority goes further, calling for PRA in Scotland to be significantly rolled back. Its view is that the five-day period is too long and it recommends that the norm should be three hours, which is enough time, it says, for ministers to understand the data but not so long as to allow it to be exploited for political purposes.

It is therefore unsurprising that the committee, in looking at the accuracy, quality and coverage of economic statistics in Scotland, recommended amending pre-release access, and now seeks to do so through the bill.

The PRA period for certain economic statistics would be restricted to a maximum of one working day, which is far more generous than the three hours that the UK Statistics Authority suggests. GDP and retail statistics would have PRA removed entirely. That would be done sensibly, taking a phased approach: early access would be reduced to one working day initially, going down to four hours after a year, before eventually being completely removed.

The committee has been clear that the bill is aimed at addressing the concerns raised by statisticians. It does not question the integrity of Scottish Government statisticians, nor does it seek to intrude upon statistics that lie outwith the committee's portfolio, such as those on education. Furthermore, an independent review mechanism is built into the bill, so that the impact of removing PRA for GDP statistics can be examined. If it is found that ministers require PRA, no further legislation would be required for them to regain it. The bill is to be welcomed, both for taking that measured approach to reform and for recognising the need for ministers to have early access to data.

Of course, we would not need the bill to reform PRA at all if the Scottish Government had not rejected the committee's initial recommendation, thus forcing the committee to introduce it through legislation. Even then, the Scottish Government fought to retain its privilege, with every SNP member on the committee opposing the bill.

The Cabinet Secretary for Finance has tried to defend that. In a letter to the Royal Statistical Society, she cited the SNP's use of data as helping to build public trust. However, that trust is eroded when, as the director general of the UK Statistics Authority warned,

"There is a perception that one set of actors—ministers—gets a privileged access that others do not get."—[*Official Report, Economy, Jobs and Fair Work Committee*, 7 November 2017; c 23.]

That privileged access creates opportunities for SNP ministers to put their own political spin on figures or even to bury bad news entirely. An example was the jobs figures last year, when ministers tried to deflect attention from the fact that employment levels crashed by 43,000 with news that youth unemployment had decreased by 0.3 per cent.

Then there are the "Government Expenditure and Revenue Scotland" figures. Last year, Derek Mackay tried to spin a £12.6 billion deficit as somehow showing how strong the Scottish economy was within the UK. Alongside this year's GERS figures, Derek Mackay planned to produce an alternative nationalist economic plan—an effort that would no doubt have been helped by having early access to the figures. The plan was dropped when Mr Mackay had to resign, but the current finance secretary did not even acknowledge the ballooning fiscal deficit and tried instead to spin the figures as being supportive of SNP policy.

It is the concern that official statistics are being used for political ends that goes to the heart of why this reform is necessary. Those statistics are not just numbers on a page; they are a public asset, and the public must have trust in them. Eroding that trust ultimately erodes trust in

Government, too. We have an opportunity now to help to restore some trust in politics. Every member of the Parliament, regardless of their politics, has a duty to do that.

16:27

Jackie Baillie (Dumbarton) (Lab): The convener started by reading out a list. I will do likewise to make the point that all the experts agree. The minister said that we should follow the advice, so why does he not do that?

The advice comes from the Office for National Statistics, because it does it, the Bank of England does it and even some of Whitehall does it. I feel a song coming on. The UK Statistics Authority recommends it, as do the Royal Statistical Society, the House of Commons Public Administration and Constitutional Affairs Committee, the Fraser of Allander institute, Sir Charles Bean, who is a former member of the monetary committee of the Bank of England, John Pullinger, the former UK national statistician and, of course, the Parliament's own Economy, Energy and Fair Work Committee.

All of them—august bodies and experts in their field—agree that ending pre-release access to statistics is the right thing to do. But—of course—the Scottish Government knows better. The ONS and the Bank of England have been doing it for three years and the sky has not fallen in, so I do not understand why the Scottish Government will not do it. It is best practice and it is the gold standard in the statistics world. It is about trust and transparency—facts, free of spin. What is there not to like about that?

Do not believe me, but instead listen to the words of experts. Ed Humpherson, who is the director general for regulation in the UK Statistics Authority, said:

"I regard official statistics as a public asset that should be equally available to all."

He went on to say that

"equality of access to official statistics is a key component of the trustworthiness in a statistical system."

Under the UKSA code of practice, official statistics producers must commit to releasing statistics in an open and transparent manner.

I am not questioning the accuracy of the statistics; I believe that the chief statistician and his team try to do a good job. The problem is the privileged access that is enjoyed by ministers, which is not in keeping with being open and is not, therefore, in keeping with the code of practice.

John Pullinger had this observation to make when pre-release was being discussed three years ago. He said:

“the public benefit likely to result from pre-release access to ONS statistics is outweighed by the detriment to public trust in those statistics likely to result from such access.”

As Professor Deborah Ashby of the Royal Statistical Society said,

“Quite simply, allowing a government privileged access to official statistics risks undermining public trust in those statistics as, for example, it creates opportunities for figures to be ‘spun’ to the media or ‘buried’ beneath other announcements.”

Heaven forfend that the Scottish Government would do anything like that. All those people believe that there is a compelling case for reform, yet the Scottish Government continues to resist.

This is actually quite a timid bill; it is the result of compromise on the committee. I would have gone further, but I recognise the thoughtful comments that have been made by some SNP former members of the committee, acknowledging the need for reform. It is therefore disappointing that the Scottish Government wants to continue to have a head start so that it can spin its way out of bad news. It wants privileged access to continue, and it is content for us in Scotland to be second best. *[Interruption.]* I am not sure that I have time to give way.

But then, of course, the SNP Government has form; it has had its knuckles rapped several times before by the UK stats authority for its misuse of statistics. We also had the freedom of information scandal and withholding of information. Now, many members across the chamber see the daily deliberate obstruction and secrecy in the Government’s dealings with the Parliament’s Committee on the Scottish Government Handling of Harassment Complaints.

The SNP Government has presided over a new level of secrecy in Scotland—a culture in which secrecy is the norm. It is time to throw open the doors and let the light shine in. This is not a distraction; this is about the machinery of Government and it is about all future Governments, whatever their political stripe. It is about doing things in an open and transparent way and building trust and confidence with the people of Scotland. Let us make progress and pass the bill at stage 1.

The Deputy Presiding Officer: We move to the open debate, with speeches of four minutes, please. I have a little time in hand for interventions.

16:32

John Mason (Glasgow Shettleston) (SNP): I am grateful to take part in the debate, as I was involved in the topic as deputy convener of the Economy, Energy and Fair Work Committee at

that time, and it is nice to be back on the committee for a spell.

The background to much of the debate was the committee’s 2018 report on data and the quality and coverage of our economic statistics. I think that it was my colleague Gordon MacDonald who pushed for that inquiry. Good certainly came out of it, as we have seen a steady improvement in the data that is being made available to the Scottish Fiscal Commission in particular and, in fact, to all of us.

Access to relevant Scottish data from the likes of Her Majesty’s Revenue and Customs has long been a problem because it and other UK agencies previously seemed to think only at UK level and did not think it necessary to produce disaggregated Scottish statistics.

On pre-release access, or PRA, I think that the whole committee accepted that there was room for improvement in relation to statistics being released more promptly. Society generally has become more transparent; even the UK—a country that is not known for open government—has moved in that direction.

In 2017, the ONS ended all 24-hour PRA for its official statistics. However, UK Government departments have not followed suit, and there is a particular difficulty in comparing Scotland with the UK because different bodies prepare the statistics in different ways in Scotland and the UK. However, from my perspective, having five-day PRA for some statistics seemed a bit excessive.

I think that most of us understand that there is an argument for both sides. On the one hand, statistics are a public asset and do not belong to any Government, so they should be released as soon as possible, but on the other hand there is a danger that when stats come out, the fastest and loudest media outlets churn out nonsense commentary on the figures, and more considered and balanced comments that come out later might be largely ignored.

Pages 53 and 54 of the 2018 report go into that in more detail. The point is made that no one is questioning the “integrity” of the figures or of the statisticians who prepared them. However, there can be the appearance of something strange going on if

“one set of actors—ministers—gets privileged access”.

I confess that, as a general rule, I am more interested in reality than in appearance, but I accept that bringing appearance into line with reality is probably a good thing.

There were certainly differences within the committee as to how far and how quickly we should try to go in restricting Scottish ministers’ access to statistics before the wider public gets to

see them. My suggested compromise, as can be seen in the report, was that there should be a presumption against PRA, but it should be open to the Government to make a case for particular sets of statistics being treated differently.

I confess that it was a bit of a surprise to me that the then finance secretary refused to compromise at all. On the whole, this Government has been good at recognising that it is a minority Administration that needs to work with other parties. However, on this subject we were getting no movement at all. I think that, as a result, the committee dug its heels in, to some extent. Then, fairly late in the day, the Government did make concessions. I and colleagues very much welcomed that at the time, and we felt that that could have been an end to the matter and that legislation was not required. However, others clearly wanted to go further, so we now have the bill and this debate.

I certainly support the principles of increased openness and transparency, but I am not really convinced that the bill is necessary, because progress has, in fact, been made without it.

16:36

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I will immediately respond to one part of Jackie Baillie's contribution. There is no "secrecy" about any of the statistics that are part of this debate. The issue is merely who gets access and when. All the statistics are published.

Is it a question of best practice to remove pre-release access to statistics? If so, why does it not apply to all four types of economic stats that are mentioned in the report? Indeed, why does it not apply right across Government? I understand what the committee convener said about the bill being a compromise position, and Jackie Baillie might be relatively correct in describing the bill as "timid".

The bill will bring some aspects of statistics in Scotland into line with the UK. Is that by coincidence or design? I do not think that it matters much. I recognise that a variety of statistics authorities—we have heard an exhaustive list of them—believe that pre-release access should end, and they highlight trust. That is a perfectly valid point, but what impact would removing the Government's pre-release access have on trust and leadership? That is a question that I will not try to answer, but there should be some reflection on the matter, because good government is important, as is good governance.

Ministers generally do not comment on one single aspect of a report—not least because Opposition parties and the media will be able to see the whole report too, and can comment on anything that they like to comment on. When

Governments comment, it is often in relation to making a commitment. Opposition parties, on the other hand, make no such commitments. There are such distinctions between the Government and the Opposition.

The next point that I want to address is the process by which pre-release access was removed from the UK Government. That was done by the Office for National Statistics. The ONS is an arm's-length agency that has discretion to do what it did independently. It was not prompted to do so by any action of Government or by legislation.

The situation in Scotland is a bit different, but the chief statistician is equally independent. Part of that independence is discretion relating to issues such as pre-release. What impact does legislating on actions that are within the remit of the chief statistician say about the chief statistician? Instead of bestowing powers on that position, it will put handcuffs on the chief statistician by making them do something that Parliament has dictated. That is hardly maintaining the independence of the chief statistician. It would be perfectly reasonable to draw their attention to the matter and to ask that they review their current practice. However, I think that we all agree that this is not about the integrity of the Scottish Government statistician.

As the convener did, I will use a bit of Latin. *Facta, non verba*—or deeds, not words. If we legislate, it is almost implicit that we are criticising the practice of the chief statistician in relation to powers that he already has. We should urge him to use them, but let us leave him wholly independent of Government and—equally—of Parliament. It is difficult to support the bill as it stands, but it might be possible to amend it in order to maintain the chief statistician's proper independence.

Let me stand the argument on its head. If the argument is that the Government should not be handed an advantage, then rules whereby the Opposition gets access at the same time, but under embargo, and whereby it is not able to issue any press releases until the release of statistics, would be another way of doing it. I do not think that the Government will necessarily thank me for saying that, but there are other ways of dealing with what is a perceived problem, which statisticians share.

Finally, I note that Maurice Golden trotted out the old GERS shibboleth. If GERS figures tell us that Scotland is not doing well, that is not a great argument for the union. Maurice Golden should think again about that particular argument.

16:41

Alexander Burnett (Aberdeenshire West) (Con): Official statistics are important in all

democracies, enabling us to hold our Governments to account, no matter what party we are in or who is in power. It is vital that the bill is passed so that those Governments that we seek to hold accountable are not given the opportunity to spin their way out of politically difficult publications. I therefore thank Gordon Lindhurst, on behalf of the Economy, Energy and Fair Work Committee, for introducing the bill.

It has been a long time coming. A decade ago, the UK Statistics Authority argued that there should not be a widespread expectation that ministers will comment on data as soon as it is made available publicly and that equality of access to statistics should be a central principle of good statistical practice. Specifically, it stated that the five-day pre-release access period in Scotland was far too long and recommended that a three-hour maximum period should be the norm, as that is long enough to allow ministers to understand what will be published but short enough to prevent the data from being influenced, exploited or—as we see so often in Scotland—spun for political advantage.

That is evident in the spin that we have seen from the SNP in recent years—as always, with one aim: its obsession, independence. In 2019, the former Cabinet Secretary for Finance, Economy and Fair Work tried to claim that a notional deficit of £12.6 billion was, in some way, a boost for independence. Although Derek Mackay has faded into history and become yet another statistic of SNP shame, the reality was very different—and it is still very much with us. Scotland's deficit accounted for more than 50 per cent of the £23.5 billion difference between tax income and spending across the whole of the UK, despite Scotland having less than 10 per cent of the UK's population.

Just a few months ago, the current Cabinet Secretary for Finance, Kate Forbes, did not even acknowledge the increased fiscal deficit, instead claiming:

“An independent Scotland would have the power to make different choices, with different economic budgetary results.”

However, plans to produce the economic case for independence have been shelved, and the question from my colleague, Murdo Fraser, still stands: how much does that exercise in SNP spin cost the Scottish taxpayer?

It was no surprise that all SNP members of the committee opposed the introduction of the bill, as the SNP Government uses the pre-release of official statistics to give itself time to manipulate the information to its advantage—as it did when it turned a 43,000 drop in the employment figure into a 0.3 per cent reduction in youth unemployment. It has to stop. The bill is not to disadvantage the

Scottish Government but simply to place it on an equal footing with the UK Government. It aims to take a moderate approach to resolving the issue while not taking away from the SNP Government any pre-release access privileges that the UK Government would retain—although SNP members may claim that ministers need to be able to comment on important statistics at the earliest opportunity—[*Interruption.*]

However far education standards have dropped and however incompetent SNP ministers are, that does not justify five days of analysis. Even the Royal Statistical Society has said so and that the current privilege is an anomaly to the whole developed world. A minister said earlier that “pre-release improves the information” as it allows ministers to explain figures to us—that line is simply patronising. The Government can be better than that, but whether the SNP chooses to be better remains to be seen.

16:45

Richard Lyle (Uddingston and Bellshill) (SNP): First, I have to say that I regret the personal attacks with which the Opposition came in today on members who are not here and who cannot defend themselves. Those attacks were outrageous.

The public, the Parliament and the media expect ministers to be able to respond to statistics. When those responses are released, they are a key element of the production of the official statistics that stakeholders and the public properly understand. The functions of the pre-release bill will therefore hinder an integral part of the Scottish statistics system.

PRA allows ministers and others to make informed commentary when the figures are published. It is a long-standing practice that has been around since before the Pre-release Access to Official Statistics (Scotland) Order 2008, which sets out the rules and principles that relate to the granting of pre-release to officials of statistics in their final form prior to their publication.

The importance of pre-release access is not only about commentary, which I will comment on later, but about an integral statistical point of view. Statisticians use the pre-release access period to ensure that those who need to comment on the statistics at the time of their release can do so on an informed basis and without misinterpretation.

Daniel Johnson (Edinburgh Southern) (Lab): Will the member take an intervention?

Richard Lyle: No, I will not. The member lost that right when he started personal attacks on people. He will not interrupt. It is better—

Daniel Johnson: On a point of order, Deputy Presiding Officer. I urge the member to clarify his statement. He has just made the serious allegation that I have besmirched the character of a fellow member, and I do not believe that I have.

The Deputy Presiding Officer: That is not a point of order. Would Mr Lyle like to respond before he moves on?

Richard Lyle: They can give it out but they cannot take it. My comment was not aimed at Daniel Johnson.

It is better that ministers are involved in the orderly release of official statistics, because to comment on out-of-date or incorrect figures near their publication time would be to confuse to the public and damage confidence in official statistics.

I reiterate in the strongest terms that the public, the Parliament and the media expect ministers to be able to respond to statistics when they are released, and they expect them to be aware of what is happening with public services, for which ministers are ultimately responsible.

These times are fast moving and unpredictable. Time and again, we see demands on ministers to be informed, accurate and totally on the ball, which make ministers more accountable. There are expectations that ministers will be on top of the issues and will be able to inform, comment and clearly message at the point of the publication of data, and PRA is key to that process.

Time and again, we have clearly seen that the statistical evidence has been at the heart of the Scottish Government's response to Covid-19. The First Minister has spoken about numbers and has built significant trust in them each day—pre-release access made that possible. Statisticians place considerable value in ensuring that ministers respond to statistics in an informed way that is based on a correct understanding of them.

The quality of our economic statistics is paramount. Let us be clear that the removal of PRA would mean that ministers would have to give their immediate reaction to statistics, but ministers need to ensure that they understand statistics properly and interpret them correctly so as not to be pushed into a policy position that is based on a misinterpretation of the figures.

Without early access, it is inevitable that ministers and advisers will want to anticipate what the statistics will say. Although they could do that at any time, it would be clear that they were doing so without the advice of the group of staff who would be in the best place to advise them on what the statistics meant.

There is then the real possibility that ministers would end up saying that they were unwilling to comment until such time as they had had a

chance to consider the statistics and take advice on the policy implications. That would reduce the scope for discussion and debate. How can that be in the interests of good government?

In the past nine years, time and again, I have heard members of Opposition parties request specific detailed information. Murdo Fraser is always asking for it. Removing PRA would sincerely hinder ministers' ability to deliver on those requests—and, frankly, that is what the Opposition wants. As far as I am concerned, we should not limit that potential.

The Deputy Presiding Officer: It can be difficult when we are in a hybrid situation, because the system does not allow interventions when people are taking part remotely. Sometimes, that means that things spill into the following contributions from members who are in the chamber. I therefore remind members, whether they are in the chamber or contributing remotely, that they should think about being polite about other members of the Parliament.

16:51

James Kelly (Glasgow) (Lab): Ben Macpherson said that the debate is a distraction. I do not think that it is a distraction. It is an important debate because it gets to the heart of the way in which the SNP Government operates. It poses serious questions about power, accountability, openness and transparency.

I believe that equal access to data and statistics is important. I will cite the example that I used at First Minister's question time today. The statistics that were produced by the Poverty and Inequality Commission in relation to the Scottish welfare fund care grants showed that, out of all the local authority areas, the Glasgow City Council area received the lowest payments, with an average grant of £146. The statistics also showed that only 36 per cent of grant applications in Glasgow were successful, compared with Fife's 95 per cent success rate. That information is important not just because it allows me to read out those statistics but because it tells us that people who are vulnerable and living in areas of deprivation in Glasgow are not getting access to the welfare fund payments that they require. It also tells us that Fife has a successful application process. That example illustrates how important statistics are in contributing to a debate.

John Mason: I take James Kelly's point, but how would the PRA affect those figures about poverty in Glasgow?

James Kelly: It is a fair point, which I will address as I go through my speech.

I commend the committee for introducing the Pre-release Access to Official Statistics (Scotland) Bill. Jackie Baillie said that it is a relatively “timid” bill—that is not an adjective that I would usually associate with Jackie Baillie.

To address John Mason’s point, publication of statistics allows better interrogations and proper analysis, which inform the debate. That can allow Opposition politicians to better hold the Government to account and address issues such as poverty in Glasgow.

Ben Macpherson said that he thinks that the Government is open and transparent. When I heard that, I thought that comedy hour had come to the Scottish Parliament. The rest of his speech was very defensive on that point and was all about the SNP retaining power and restricting accountability—[*Interruption.*] Mr Coffey may laugh, but the reality is that, with this SNP Government, there is a culture of secrecy. We see it in the non-publication of data on Barnett consequentials relating to the pandemic, in civil servants having to be dragged before the parliamentary inquiry on Alex Salmond on different occasions, and in the non-publication of legal advice on the key Burntisland Fabrications issue. It suits the SNP to restrict the debate and to restrict access to statistics.

As we enter the 22nd year of devolution, it is time to end the sham and the secrecy around the publication of statistics. If we are a properly open and accountable Parliament, the Government should have nothing to hide. It should ensure equal access for all interested parties and experts.

16:55

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): We have heard some away-with-the-fairies speeches this afternoon.

It is strange that pre-release access to Government statistics was enjoyed for eight years by our predecessors, who are now sitting over there on the Labour benches, and still is by the Tories in another place, but it is only when the SNP Government has the same privilege that it becomes a problem. What has taken them so long to come up with that? I think that they have been exposed by their points of view on that today.

It has been interesting to hear the different perspectives on a subject that could have been sorted out some time ago with perhaps a little compromise. Whether to continue to grant pre-release access to Scottish ministers to certain classes of statistical data, or whether to alter that arrangement, is not exactly up there in the list of priorities of the Scottish people at the moment. My constituents in Kilmarnock and Irvine Valley email me daily about plenty of issues, but I am fairly

certain that this is not one of them. However, here we are.

I have read the committee’s report, and I am still a little confused as to what its members wanted. Three strands or alternatives were suggested, with varying adjustments to the current arrangements. Perhaps splitting them up like that did not help a great deal, and the committee then being further split did not exactly lend itself to providing a clean simple view on how to take all of this forward. The offer of a compromise from the Government at the time may have been too late in the day and it seems that it did not make much of a difference.

What is the stushie all about? It is about whether the Scottish ministers, and presumably those others who get the same access, should get pre-release access to certain classes of economic data and, if so, to what data and exactly how long in advance.

The chief statistician has made his position clear: that pre-release access is correct and appropriate in order to allow ministers to make informed comments about statistical data, and that it is important for good governance.

Liz Smith (Mid Scotland and Fife) (Con): Will the member give way?

Willie Coffey: No, thank you.

The chief statistician also said that pre-release access has been working well since the 2008 order, and long before it; that the Scottish Government statisticians manage it successfully and in line with that order, and comply in full with the UK Statistics Authority’s code of practice; and that the notion that was led by some members of the committee—that there was a first-mover advantage for Government ministers and it therefore had to stop—had no credibility.

Others are granted pre-release access to GDP statistics—for example the Scotland Office and HM Treasury, which I think the minister said earlier gets pre-release access to GERS data too. Scottish councils also get pre-release access to some statistics.

I would hope that all of us, no matter what party we support, expect our Government ministers, whatever party they might be from in the future, to be able to speak with some clarity and authority about what they are being asked. In my view, being provided with statistics in advance on the economic issues that affect the country should not be seen as benefiting from an unfair advantage of some kind.

Andy Wightman: Will the member give way?

Willie Coffey: No, I have hardly any time left—my apologies.

It is part of the day job that ministers do for the whole country. People expect them to get facts and figures correct when challenged. The risk is that hurried statements, made with little time to assess the significance of data or the messages that it contains, can lead to inaccurate interpretation and ultimately may bring into some disrepute the statistics themselves and the process by which they are derived and released.

As I understand it, the Scottish ministers offered a compromise of restricting their access to economic statistics to 24 hours, but that was not enough for the committee at the time. It might have been too late in the day to get that through, so the committee decided to introduce its own bill—and here we are.

We have heard the views of members who want all that to change, but in the time remaining in the debate I would like to hear why the advice of our chief statistician is not good enough for them.

Of what benefit would it be to the public whom we serve to alter the current pre-release access arrangements, which have been in place here for the past 12 years—and, as I have said, since before then—without causing any upset to them? I hope that there is substantial and worthy effort in pursuing that. However, I will always be happy to compromise if that is still possible this late in the day.

With that, Presiding Officer, I will draw my remarks to a close. I look forward to listening to the remaining contributions and the summing up, which I hope will bring the debate to a happy conclusion.

17:00

Rona Mackay (Strathkelvin and Bearsden) (SNP): I am not a member of the committee that has introduced the bill, and I defer to other members who clearly know far more about it than I do. Nevertheless, I am pleased to speak in this debate on pre-release access to official statistics. I have to admit that I am slightly out of my comfort zone. I have always had a bit of an aversion to the word “statistics”. However, this is an important issue that has wide-ranging implications.

Official statistics must be properly understood by stakeholders and the public. Pre-release access is central to the Scottish statistics system and best supports it by making official statistics available in advance of publication to specific individuals who have not been involved in their production. As we have heard, the practice allows ministers and others to make informed comments at the time when figures are published, to answer questions and to flesh out statistics in an informed manner.

I understand that there is opposition to the practice—we have heard that in the debate. However, the public, the Parliament and the media expect ministers to be able to respond to statistics when they are released. It is important to say that pre-release access is a matter decided by the chief statistician, the independence of whose role is crucial.

In addition, as other members have said, PRA is not granted solely to the Scottish ministers. There has been a long-standing practice of granting it to the Scotland Office on GDP statistics, and to HM Treasury on GERS figures. It has been a well-established practice in Scotland since 2008. Such access is made under powers in the Statistics and Registration Service Act 2007, which allows the Scottish ministers to set rules on PRA for Scottish devolved statistics.

Pre-release access is important from the point of view of statistical integrity. Statisticians need to know that questions can be answered in an informed way that adds worth to statistics and avoids misinterpretation of the work that they have carried out.

We know that evidence and statistics have been at the heart of the Scottish Government’s response to Covid-19. Members’ inboxes fill daily with messages from people who want evidence on the various measures that are being introduced to keep everyone safe. That is why statistics are so important. The First Minister’s full and informed daily briefings on statistics during this terrible pandemic have built up significant trust in the numbers. That has been possible due to the figures being made available through pre-release access. The public and the Parliament expect ministers to comment not only on statistics themselves but on their policy implications.

The practice of granting pre-release access is not about the Scottish ministers using their legal powers to obtain a first-mover advantage; it is essential for good governance, and it covers all aspects of policy making in Scotland today. There is no compelling evidence to suggest that the Scottish Government should change its adopted position on PRA, and it is certainly not an issue that should be determined by party politics. What is important is ensuring that the public are aware that official statistics are being produced and published by professional statisticians and that, in line with the code of practice for statistics, there is no political interference in that process.

I believe that the Scottish Government’s position on PRA is sensible and necessary. Now is certainly not the time to start making changes to it.

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

17:04

Daniel Johnson (Edinburgh Southern) (Lab):

I thank the committee, not just because I had the pleasure of taking part in one of its evidence sessions when I was a substitute member, but because the issue is an important one. That is so not only because of its substance; committee bills are important, but we have seen very few of them. The ability to introduce them is one of the unique and special powers of the Scottish Parliament, but it is one that is seldom used. It is welcome that the committee has decided to introduce such a bill, and on such an important matter.

I admire the committee's candour in opening one of the sections of its proposal report with the line

"Why do we care so much about this?"

Gordon Lindhurst's response to that question was very well put. It is about the nature of policy and discussion and of today's world, which is increasingly data driven, meaning that timely publication of data is important.

That data was important before the Covid crisis, but one of the consequences of the crisis is that we now realise just how important it is. We have become familiar with terminology such as R numbers, and language around various rates and the reliability of tests, with which we were not familiar before the crisis. Those things are important because they allow us to understand not only the situation but the effectiveness of Government action, and timing matters.

We are all familiar with the phrase—which I will modify, Presiding Officer—"Lies, darned lies and statistics". The point is this. The statistics and numbers, in and of themselves, do not lie, but the way in which they are presented and the context that is provided can alter the interpretation. Early access provides an opportunity to alter the context, and providing unbalanced access to the Government provides the opportunity for those in the party of Government to do just that. That is why openness is best practice.

It is somewhat curious that Ben Macpherson, in his opening speech, said that the Government's position is in line with the UK Statistics Authority code of practice. The letter that was addressed to Kate Forbes from the UKSA on 19 October stated:

"In our view, it is not correct to claim that pre-release access in Scotland is being managed in line with the UKSA Code of Practice."

That is plain and simple.

It was also quite remarkable, in some ways, to hear Maurice Golden stating plainly that we should move to the new position because, ultimately, it would simply bring things into line with the restrictions that are already placed on the UK

Government, which has only 24 hours' pre-release access in comparison with the five days afforded to Scottish ministers, and therefore the matter is straightforward. It is surprising—indeed, we should all note it—that Conservative members are able to defend the bill because it is simply defending what their colleagues down in Westminster do. That should be a wake-up call to SNP members, because we should strive for better in Scotland. This Parliament has prided itself in being a leader in such matters as transparency and openness in government, but on this matter, it is unfortunately a laggard.

Statistics are a public asset. However, if we were to listen to SNP members, including Ben Macpherson, today, we would hear that the only people who can undertake a balanced and honest interpretation of those statistics are Government ministers. That is clearly a nonsense.

Ultimately, we must remember that the Government exercises its powers at the behest of this Parliament and in the public interest. We cannot treat the operation of government as some discrete private enterprise—it is a public enterprise and a public institution, and it exercises those powers on behalf of us all. The information that the Government holds should be available as soon as possible to all those who can commentate on it.

Some members have argued that pre-release access is required so that the numbers can be interpreted. I agree: we all have to interpret those numbers, but they are ultimately interpreted through discourse, and if one side of that discourse has preferential access over other sides, the discussion is stilted and unfair.

I say to the Scottish Government that we should move the matter on. This is a modest set of principles that only bring things into line with practice elsewhere. Let me end with this: immediate access is good enough for the Bank of England, and if the Bank of England can do it, given the importance and complexity of the information that it provides, surely the Scottish Government can do it too.

17:09

Murdo Fraser (Mid Scotland and Fife) (Con):

Who would have thought that a debate on the dry subject of the publication of statistics would end up being quite so lively and heated as it has been?

I will make a few remarks in summing up the debate. First, I commend the Economy, Energy and Fair Work Committee for bringing the debate to the chamber. As Daniel Johnson fairly said, the promotion of a bill by a committee is relatively unusual in the chamber, and it is good to see a committee using its powers to bring something like this forward.

The bill had a long gestation period. It came out of a report back in 2018 looking into the accuracy, quality and coverage of economic statistics. If the Government had responded to that report, the bill would not have been necessary. The bill is necessary only because of the Government's intransigence on the issue.

At the start of the debate, Gordon Lindhurst outlined the issues that the bill addresses. It would end PRA for two out of four categories of economic statistics and would reduce PRA from five days to one day for market-sensitive data. Why is that necessary? A number of members gave examples of why giving the Government alone access in advance to data can mean that it is misused. The Government puts a spin on the data to set its own agenda.

For example, we see that when the employment and unemployment statistics are published. We have seen Scottish Government ministers trying to put a spin on rising unemployment by focusing, for example, on a decrease in youth unemployment and trying to make it, rather than the headline figures, the story. We see that approach in the annual bunfight on the GERS figures, which a number of members referred to. The Scottish Government cherry picks parts of those figures to try to put a positive spin on them. Who can forget Derek Mackay claiming back in 2019 that a notional deficit of £12.6 billion revealed

“the strength of the Scottish economy”

within the United Kingdom? That is why the bill is necessary.

We heard about all those who are in favour of the bill from Gordon Lindhurst and others. They include the UK Statistics Authority, the Royal Statistical Society and many others who have said why the bill is necessary.

Mr Macpherson did a stalwart job of trying to defend the indefensible in relation to the Scottish National Party's position. If I heard rightly, in essence, he put forward two arguments on behalf of the Government. The first was that, if the Government does not get early access to data, there is a risk of misinterpretation. In other words, only the Government is capable of presenting data and figures in an accurate way. Of course, we know that that is not the case. Frankly, it is rather patronising to suggest that all other parties will put a spin on data, but the Government alone will be objective and get it right.

Mr Macpherson's second argument was even more bizarre. He said that the bill is a distraction and we should not get bogged down in it, because we are dealing with Covid and great economic issues. That comes from a Government that is focused on an independence referendum coming

up next year—if anything is a distraction, surely it is that. [*Interruption.*]

Mr Lyle is chuntering at me. I was just coming to him. We learned from Mr Lyle's contribution the real reason why the Government does not like the bill—he let the cat out of the bag. According to Mr Lyle, the bill would give too much information to the Opposition by letting us see data at the same time as the Government sees it. According to Mr Lyle, the pesky Opposition members are always asking too many questions. How dare we ask questions and challenge the Government? I say to Mr Lyle that that is what we are here for—we are here to challenge the Government, and it should not get the data all to itself.

The bill will bring us into line with best practice elsewhere. The case for it has been made during the debate. The defence of the current arrangements that we have heard is unconvincing and at best half-hearted. I look forward to the general principles of the bill being agreed to at decision time.

17:13

Ben Macpherson: I thank colleagues for what has been an important debate at a time when questions of governance have rarely been more pertinent, although there has perhaps been some hyperbole on all sides.

The reason for our position on the issue is that we believe that the governance and operation of the statistical system in Scotland are best left in the hands of the chief statistician, who is a civil servant bound by the civil service code and by the values of integrity, honesty, objectivity and impartiality. In contrast, in introducing the debate, the convener undermined the chief statistician's view that the current arrangements work well. The chief statistician has been clear on that and has emphasised it. His view is that the current arrangements strike the correct balance in carefully controlling access and ensuring that responses to questions and public statements are based on a correct understanding of the statistics.

Fundamentally, the message remains the same as it was when the current Cabinet Secretary for Finance took part in the debate on the bill proposal in September last year. Scottish Government statisticians continue to work to the highest of professional standards when granting pre-release access, and ministers are able to comment in an informed manner when important official figures are released. I do not think that anyone is undermining or questioning the integrity of Government statisticians in any way, but the position that is taken in the bill is in contrast to the chief statistician's position.

Daniel Johnson: Would the minister not accept that the chief statistician operates within a legislative framework, as does the Government, and that legislation does not inhibit but provides the parameters within which they work? Therefore, the bill that we are considering is no less justified than any other bit of legislation that they operate within.

Ben Macpherson: I appreciate Mr Johnson's view, but the chief statistician has emphasised that he believes that the current arrangements work well and strike the correct balance. That was his evidence to the committee.

For reasons of which we are all too aware, increased weight and value have been placed on the statistics that are produced and on the importance of the expectation that ministers should be well informed. Therefore, removing the ability of statisticians, who know the numbers best, to manage the release of statistics and brief ministers effectively poses risk. Throughout the pandemic crisis, the Scottish Government has been guided by advice from professional statisticians who follow the principles of the code of practice in producing and communicating high-quality statistics that provide real insight into the issues that we face.

The bill would not improve public trust in official figures. Pre-release access is an important part of the production process for official statistics, and one that operates well and appropriately. What the bill proposes would increase the risk of misinterpretation and confusion about the messages from complex and important data and statistics.

Andy Wightman: Will the minister take an intervention?

Ben Macpherson: I am sorry, but I am pressed for time.

The bill's intention to remove pre-release access, at least somewhat, seems political, and the bill fails to acknowledge and honour the statistical arrangements that the Scottish Government adheres to, whereby ministers accept professional advice on statistical matters from Scotland's chief statistician.

Official statistics are crucial, and their standing is maintained by the work of highly skilled professional statisticians to realise the value that is inherent in the vast amounts of data that the Government holds and to make that publicly available in an ethical and transparent way. In these fast-moving and unpredictable times, the vital importance of good, relevant statistics, trusted professional statisticians and well-informed politicians has been clearly demonstrated. Just as the past few months have taught us the value of

statistics, they have also shown us the dangers of their misuse and of the spread of misinformation.

I support the view of the chief statistician that pre-release access allows clear, accurate and well-informed messaging at the time of statistics being published. The Scottish Government cares deeply about the ethical use of data and statistics, and pre-release access is entirely compatible with the three pillars of the code of practice: trust, quality and value.

Pre-release access is important in reducing the risk of misinterpretation of the figures and the risk of confusion, and the risk of those harms must always be balanced against any criticism of pre-release access. Therefore, I urge Parliament to give careful consideration to the possible unintended consequences of the bill. However, if its general principles are agreed to at stage 1, I commit to working constructively with the committee at stage 2 of the process.

The Presiding Officer (Ken Macintosh): I call Andy Wightman to wind up the debate on behalf of the Economy, Energy and Fair Work Committee.

17:19

Andy Wightman (Lothian) (Green): I am pleased to wind up the debate on behalf of the committee but, like others, I regret the fact that we are having this debate. Matters should not have come to this—indeed, I thought that the Government would see today's proceedings as an opportunity to concede.

The committee's recommendations following its economic data inquiry in relation to pre-release access, which was one small part of the inquiry, were informed by the most up-to-date professional standards in the management of statistics at the time. They were reasonable and proportionate and they have the support of professional bodies.

What followed the committee's recommendations has been two years—indeed, almost three years, now—of obfuscation from, first, Keith Brown, then Derek Mackay, then Kate Forbes and now the minister. Keith Brown avoided the question entirely in his response to the committee's inquiry, instead saying that it was a matter for the chief statistician to respond to. Derek Mackay continued with that approach and wrote in June 2018:

"As you are aware, this is the responsibility of the Chief Statistician and Mr Halliday has responded directly to the Committee on this particular recommendation."

In October 2018, Mr Mackay continued the theme, saying:

"Fundamentally this is an issue for the chief statistician".

At this point, we should pause and consider what the issue before us is. The Pre-release Access to Official Statistics (Scotland) Order 2008 was made by the Scottish ministers and signed by Jim Mather, and he moved that the order be approved at a meeting of the Finance Committee on 4 November 2008, almost exactly 12 years ago. It is for Parliament to decide whether and, if so, how many pre-release powers should be given, and to whom. That is what that order was about, and that is what the bill seeks to amend.

At the Finance Committee in 2008, the then chief statistician said:

“If statisticians cannot explain the real messages behind the numbers to ministers, there is a real risk of misunderstanding and misinterpretation”.

He went on to say:

“That would be damaging to the democratic process”.—*[Official Report, Finance Committee, 4 November 2008; c 753.]*

However, even then, in 2008, that was not the prevailing view among the statistics profession, because the chair of the UK Statistics Authority had told the Government three months earlier, in August:

“The Statistics Authority would wish to see a commitment both to a progressive reduction in the length of time for which privileged access is granted, as well as in the number of officials and Ministers seeing statistics prior to their publication. We would encourage the Scottish Government to adopt statistical policies that promote equal access, the earliest possible publication, and minimise the opportunity to make policy proposals and comments from advance sight of the unpublished statistics.”

That was the view of the chair of the UK Statistics Authority 12 years ago.

Time has, of course, moved on. It is 12 years almost to the day since then, and giving ministers up to five days’ pre-release access is no longer best statistical practice, as was stated in evidence to the committee by the executive director of the Royal Statistical Society, the chair of the UK Statistics Authority board and others.

The minister said in his opening remarks:

“I want to be clear that the Scottish Government fully complies with the code of practice for statistics.”

He went on to say that that was recently acknowledged by the Office for Statistics Regulation. I should say that that is a matter of dispute, so, to assist the committee in its deliberations if the bill is voted through at stage 1, it would be helpful if the minister could share that recent acknowledgement with the committee.

Maurice Golden cited examples of ministers spinning statistics, and other members did that too, including Murdo Fraser. I want to be clear that, as far as the committee is concerned, we never alleged any such practices. What we did,

based on the evidence that we had, was identify that as a risk. In his closing remarks, the minister cited the opinion of the chief statistician. We respect the view of the chief statistician and we make it very clear in our report on the bill that in no way does anything that we have done or recommended call into question the integrity of statisticians in the Scottish civil service. However, we do, with respect, take a different view from the chief statistician. It must be recalled that he has some power at his disposal, which is given to him by the 2008 order, and, as much for his own good as anything else, the committee believes that he should not have that degree of discretion.

A number of members made political points. It would not be appropriate for me to respond to those. However, I note that a number of members made some quite remarkable statements about the complexity of statistics and the importance of ministers being able to understand them. The only two sets of statistics to which the bill will completely end pre-release access are retail sales and GDP. I have just looked at the latest release on retail sales and it is a four-page PDF in about 28 or 36 point Arial font with a few diagrams. It is about whether more shoes and pies were sold in the latest quarter than in the previous one. That is not complicated. GDP is a percentage, and that is not terribly complex, either.

The Government has been all over the place on this matter. It has consistently said that pre-release is a matter for the chief statistician and that we should respect their independence. However, as I said, the issue is not about the integrity of the chief statistician—*[Interruption.]* I am afraid that I am in my final minute.

Willie Coffey made a fair point when reflecting on the debate that took place in the committee—that was an accurate reflection. The Government’s offer to the committee was that the minister would choose, and the minister said that he would instruct the chief statistician to reduce pre-release access from five days to one day. A couple of months earlier, he told the committee, when opposing our proposals, that the chief statistician’s independence should be respected, but his solution was to instruct the chief statistician to do something. That is an astonishing place for the Government to find itself in.

It is even more astonishing that we continue to find ourselves in this situation, and I commend the bill to Parliament.

Medicines and Medical Devices Bill

17:26

The Presiding Officer (Ken Macintosh): The next item of business is a legislative consent motion on the Medicines and Medical Devices Bill.

Motion moved,

That the Parliament agrees that the relevant provisions of the Medicines and Medical Devices Bill, introduced into the House of Commons on 13 February 2020, relating to information systems, so far as they fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.—[*Jeane Freeman*]

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

Point of Order

17:26

Keith Brown (Clackmannanshire and Dunblane) (SNP): On a point of order, Presiding Officer. I wish to raise a point of order arising under standing order 11.5, relating to the rights of members to vote on matters coming before the Parliament.

The issues that I wish to raise relate to the online voting process, in particular during yesterday's voting at decision time. You will be aware that problems arose with the voting process almost immediately after the first vote was called. At crucial points, you could not be heard by members online. That was raised by members in the chat function and was acknowledged by either clerks or information technology support staff, who responded to concerns raised by members and admitted that there was, in their words, "a glitch". I repeat that point: it was confirmed by clerks that there was "a glitch" in the process.

Despite that glitch and recurring connectivity problems, I was able to cast my vote on the first series of questions. However, when it came to the vote on the second substantive motion of the afternoon, the acknowledged glitch in the system returned. In addition to the fact that I was unable to hear you, Presiding Officer, the screen of my voting app abruptly closed. It returned to the "There is no vote currently open" screen and would not reopen. I immediately advised through the chat bar that I was unable to vote and that I wished to vote no. That was the protocol that I had understood that you advised us to follow to have our vote counted. I know that my request to have my vote recorded as a no vote was received by you, as you called me to confirm my point of order, albeit that I was unable to do so immediately, because of connectivity issues.

Despite repeated connectivity problems, I tried on at least three further occasions to raise my point of order. Eventually, my request was acknowledged by the clerks, who advised online that it would be taken after Joan McAlpine had raised her point of order. My point of order was not taken then, as you decided, exercising your legitimate discretion, to take a point of order from Jackie Baillie. I say "point of order", but, as you acknowledged, it was not a point of order—rather, it was a puerile party-political jibe.

Members: Oh!

Keith Brown: Eventually I was able to make my point of order. You responded that my point was noted and that my vote would be recorded.

The outcome was that, despite following the protocol that you advised, my vote has not been counted. I believe that that was a breach of my right, as guaranteed under standing order 11.5, to cast my vote on matters raised in the chamber.

I ask that my vote on the motion in question is not just recorded but counted. I am not seeking to change my vote. As I said, I was unable to cast it using the app. Neither did I make a mistake that I am now seeking to have rectified—unless, of course, I was mistaken to have followed exactly the procedure that you have laid down. The process would not allow me to vote. The point that you made yesterday—that such votes would not have changed the outcome—is, with all due respect, irrelevant to the rights of members of Parliament to cast a vote and have it counted. Not to do what I am asking would, I believe, further increase genuine, broad-based and cross-party concerns about the efficacy and integrity of the ability of members to exercise their democratic right to vote in Parliament.

The Presiding Officer (Ken Macintosh): I thank Mr Brown for that point of order, and for the various points that he made. I will try to address each of them, if I can.

First, I recognise the concern that Mr Brown raises. It must be very frustrating indeed for any member not to be able to vote in the Parliament. Our processes are there to protect the interests of members, individually and communally, and to ensure that voting is done in a way that is robust and in a way that can withstand scrutiny—legal scrutiny, if necessary.

To go through some of the points, yes, there was a glitch in the sound, but only one. After business closed, I took the opportunity to review that with our officials, and I was then sent a recording of the actual glitch itself, and I listened to it last night and again today. There was one glitch. Although seven seconds of my voice was missing, the result of the vote itself was clear—very clear—and, listening to it, there could be no mistake about what members were voting on. There was no repeat of that glitch so, although Mr Brown says that there was a repeat of the sound problem, it was not the same glitch—[*Interruption.*] Mr Brown, I am happy to discuss this with you later, but I am giving you my account of what happened.

Secondly, there were connectivity problems, which Mr Brown has experienced repeatedly. The difficulty there is that Parliament cannot be responsible for members' individual connectivity problems. I recognise that it is an issue, but I am afraid that that is not something that I can take account of. Members have to ensure that they are on board, and it is members' responsibility, not the

Parliament's, to ensure a broadband connection to their home, office or wherever.

In this particular case, Mr Brown notified me that he wished to make a point of order, and I repeatedly tried to bring him up—three times, maybe more. However, we were not able to resume that connection. Eventually—I agree that it happened after Mr Brown lost the opportunity to exercise his vote—I was at least able to give him the chance to ensure that he could put his vote on the record. I recognise that we were not able to address the connectivity issue during the vote itself, but I am afraid that the Parliament cannot take responsibility for that; that is the member's responsibility.

Mr Brown mentioned that I offered the reassurance to members that, even if all the members who had indicated that they wished to vote the other way had been able to vote, it would not have affected the outcome of the vote. I want to say quite clearly that that was not the reason why I did not rerun the vote. I said that by way of reassurance to members because, at that stage, we were having repeated points of order and members were getting quite animated, and I thought that it might reassure some members. It was simply an observation that might have had that effect. I can assure members that that is not a factor that I weigh in my consideration of whether to rerun votes or not. Members can absolutely have my assurance that that was not the case. I was offering that information to try to address the political rumpus that was going on.

I think that I have addressed most of the points that were raised. I am more than happy to speak to Mr Brown about his personal circumstances last night. If there are any issues that I did not address, I am more than happy to do so. However, I can say quite clearly that I am confident that we gave Mr Brown every opportunity to exercise his vote correctly, that there was nothing wrong with the system last night and that all votes were recorded correctly.

I hope that Mr Brown will accept my assurance that that was the case. I take his interest in this matter very seriously indeed. I am here to try to defend the interests of all members and to ensure that their votes are exercised and recorded properly. I have checked the *Official Report* and, although I agree that the voter roll has not been changed, Mr Brown's point of order is on the record and is a matter of official note because of that. I hope that Mr Brown will at least take some comfort in that fact.

Decision Time

17:33

The Presiding Officer (Ken Macintosh): The first question is, that legislative consent motion S5M-23324, in the name of Roseanna Cunningham, on the Environment Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. We will have a short suspension to allow all members online and in the chamber to access the voting app.

17:34

Meeting suspended.

17:42

On resuming—

The Presiding Officer: We now move to the vote. I remind members that the question is, that motion S5M-23324, in the name of Roseanna Cunningham, on the legislative consent motion on the Environment Bill, be agreed to. Members should cast their votes now. This will be a one-minute division.

If any member cannot vote, they should let the information technology officials at the back of the chamber know, or they should let us know online.

The vote is now closed. If any member believes that they were not able to vote correctly, please let me know, either through a point of order in the chamber or by letting me know and raising a point of order online.

Jamie Hepburn wishes to raise a point of order. Mr Hepburn, I can assure you that you have voted.

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)
 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)
 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)
 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)
 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)
 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 110, Against 6, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the relevant provisions of the Environment Bill, introduced in the House of Commons on 30 January 2020, relating to producer responsibility and associated charging schemes, resource efficiency, electronic waste tracking, review of the UK air quality strategy, water quality priority substances, arrangements for Solway Tweed River Basin District and Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

The Presiding Officer: The next question is, that motion S5M-23289, in the name of Gordon Lindhurst, on the Pre-release Access to Official Statistics (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed. If any members think that they were not able to vote, please let me know by making a point of order either in person in the chamber or online.

I call Alasdair Allan.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): The voting app failed. I would have voted to abstain.

The Presiding Officer: Thank you, Dr Allan. I confirm that you voted to abstain and will make sure that that is added to the voting roll.

I also confirm to Mr Hepburn that his vote was counted.

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)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 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)
 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)
 Mason, Tom (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 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)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Dornan, James (Glasgow Cathcart) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)

Abstentions

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)
 Constance, Angela (Almond Valley) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 60, Against 2, Abstentions 54.

Motion agreed to,

That the Parliament agrees to the general principles of the Pre-release Access to Official Statistics (Scotland) Bill.

The Presiding Officer: The next question is, that motion S5M-23312, in the name of Jeane Freeman, on the legislative consent motion for the Medicines and Medical Devices Bill, be agreed to.

Motion agreed to,

That the Parliament agrees that the relevant provisions of the Medicines and Medical Devices Bill, introduced into the House of Commons on 13 February 2020, relating to information systems, so far as they fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

The Presiding Officer: That concludes decision time.

Meeting closed at 17:48.

Correction

Nicola Sturgeon has identified an error in her contribution and provided the following correction.

The First Minister (Nicola Sturgeon):

At col 15, paragraph 2—

Original text—

Initial management information indicates that by the end of Tuesday, over 28,000 applications had been received.

Corrected text—

Initial management information indicates that by the end of Wednesday, over 28,000 applications had been received.

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

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