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Thursday 9 September 2021

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Scottish Parliament

Thursday 9 September 2021

[The Presiding Officer opened the meeting at 11:40]

General Question Time

The Presiding Officer (Alison Johnstone): Good morning. I remind members that social distancing measures are in place in the chamber and across the Holyrood campus, and I ask members to take care to observe those measures, including when entering and exiting the chamber. Please use the aisles and walkways only to access your seat and when moving around the chamber.

The first item of business is general question time. In order to get as many members in as possible, I would prefer short and succinct questions, and answers to match.

Local Authority Funding

1. **Mark Griffin (Central Scotland) (Lab):** To ask the Scottish Government when it will next meet the Convention of Scottish Local Authorities to discuss local authority funding. (S6O-00123)

The Cabinet Secretary for Finance and the Economy (Kate Forbes): I most recently met the COSLA resources spokesperson, Councillor Gail Macgregor, yesterday—on 8 September—to discuss the forthcoming resource spending review. I will continue to meet COSLA and local authorities regularly to cover a range of topics including funding up to and beyond the publication of the Scottish Government's budget.

Mark Griffin: The cabinet secretary knows that school catering, cleaning and janitorial staff are balloting on strike action over local government pay. Those are the heroic staff who have reopened their schools, cleaned them and fed pupils who would have gone hungry. Last week, the Cabinet Secretary for Finance and the Economy stated that the Government is not the direct employer of local government staff and has no role in pay negotiations, ignoring the Government's interventions on teachers' pay. It is vital that the Government—

The Presiding Officer: A question please, Mr Griffin.

Mark Griffin: —averts strike action, so that schools and nurseries can stay open. When will the cabinet secretary get around the table and make a commitment to fund the pay award that those key workers deserve?

Kate Forbes: I agree with Mark Griffin that those workers are heroic. They have gone to heroic lengths over the pandemic and they serve our citizens day in and day out, not least our children in our schools. We are hugely grateful for their efforts. However, as I have said in the past, pay for local government staff—except the teachers—is negotiated between the trade unions and COSLA through the Scottish joint committee. We have not been a member of the SJC, we have never taken part in those negotiations and we do not intend to start getting involved now. Both I and the First Minister have met COSLA to discuss the matter, and on each occasion we have been explicitly clear that the budget has been fully deployed and that negotiating as an employer is for COSLA.

The Presiding Officer: Question 2 was not lodged.

Low-emissions Ferries (Orkney)

3. **Liam McArthur (Orkney Islands) (LD):** To ask the Scottish Government what discussions it has had with Orkney Islands Council regarding the procurement of low-emissions ferries to replace the current internal fleet. (S6O-00125)

The Minister for Transport (Graeme Dey): I met Orkney Islands Council in Kirkwall last month and I heard about its plans to introduce low-emissions ferries. I welcomed those plans but I made it clear that, as Mr McArthur knows, the responsibility for the interisland ferry services, including the procurement of replacement vessels, sits with the local authority. We do, however, recognise the pressures that that brings, which is why the Scottish Government's 2021-22 budget includes £19.2 million for local authorities operating ferries, which is an increase of £7.7 million on last year.

Liam McArthur: As the cabinet secretary will know from his recent visit, Orkney's internal ferry service relies on ageing vessels. They are costly to run, damaging to the environment and no longer fit for purpose. The service already falls below the minimum standards set in the Government's ferries plan. What people in Orkney want to know is how and when new ferries will be delivered, so will the cabinet secretary clarify how the welcome commitment in the programme for government to carbon-neutral islands by 2040 and low-emissions ferries by 2032—

The Presiding Officer: Question, please.

Liam McArthur: —will pave the way to island communities in my constituency getting the ferry services that they deserve?

Graeme Dey: I appreciate the promotion. We have a record of assisting our island authorities, where possible, with issues such as this. The

member will remember that in 2019 we helped to fund the replacement of the MV Golden Mariana.

As he knows, the responsibility for the replacement of vessels lies with Orkney Islands Council. I recognise, however, that, like us, the council faces budgetary pressures and that we have a shared decarbonisation agenda. I am therefore willing to explore what we could do to assist the council in the form of removal or, at least, substantial reduction of the design fee costs by virtue of creating and making available to the council a small number of standardised designs. We have had initial conversations with Orkney Islands Council in that regard.

Graham Simpson (Central Scotland) (Con):

The minister is well aware that the situation in Orkney is little different to that elsewhere in Scotland. When will we see a meaningful plan to start replacing Scotland's ageing ferry fleet on the West coast and in Orkney?

Graeme Dey: With the greatest respect, Mr Simpson is clearly not paying attention. A ferry plan for the Government-responsibility ferries is in place, which involves, for example, the replacement of freight vessels on the northern isles route as well as ferries in the western part of the country. If he has not spotted that, I will write to him with the detail.

Not Proven Verdict (Removal)

4. **Neil Gray (Airdrie and Shotts) (SNP):** To ask the Scottish Government whether it will provide an update on its consideration of removing the not proven verdict. (S6O-00126)

The Cabinet Secretary for Justice and Veterans (Keith Brown): As we set out in the programme for government earlier this week, during this year the Government will launch a public consultation on the three-verdict system.

Neil Gray: The matter is very important for my constituents—the family of Scott French, who died horrifically last year. The people who were accused of his murder were, in effect, acquitted with a not proven verdict. Given the substantial evidence that was available, the family believes that the verdict left them in limbo and appeared to be an acceptance that there was merit in the charges without the consequences. Can the cabinet secretary therefore confirm that the views of victims of crime, particularly those who were returned a not proven verdict, will inform the consultation and ensure that the verdict is scrapped as quickly as possible?

Keith Brown: As the member knows, it is not appropriate for me to comment on individual cases, although I am sorry to hear that his constituents feel that the not proven verdict left them in limbo as he describes. I have said in the

chamber previously that I recognise that a strong case has been made for the abolition of the not proven verdict. Those issues are complex, however, and many stakeholders believe that the third verdict should be retained, or they highlight the interconnectedness of the system. It is therefore right that we consider the consultation responses carefully before we weigh all the evidence and reach a decision on those important matters.

I am happy to confirm that we will continue to take an open and consultative approach, just as a broad range of stakeholders including victims and survivors played an important role in last year's engagement events on the findings of the independent jury research. As part of the wider public consultation, we will seek to capture the views of a broad range of stakeholders including legal professionals, the third sector and those with lived experience of the system.

Jamie Greene (West Scotland) (Con): A consultation is all well and good, but the Justice Committee said that the not proven verdict was on borrowed time back in 2016—five years ago. Can the cabinet secretary offer some comfort to those who feel that the not proven verdict is intrinsically unfair that this session of Parliament will finally deal with it through legislation and not kick it into the long grass? It is time that we resolved this centuries-old controversy in the Scottish legal system.

Keith Brown: I suppose that Jamie Greene highlights the difference between opposition and government. Of course, the Opposition can demand those things, but the Government has a responsibility to take on board the views of stakeholders and to ensure that, should legislation follow from that process, it is sustainable and well founded. It is right that we take on the views of the legal profession; indeed, many of the people on the member's own back benches and across the chamber have reservations about the abolition of the verdict as well, and it is right that we hear those views. That is the sensible way in which to proceed.

Oil and Gas Licences (North Sea)

5. **Tess White (North East Scotland) (Con):** To ask the Scottish Government whether it will provide an update on its position on new oil and gas licences in the North Sea. (S6O-00127)

The Cabinet Secretary for Net Zero, Energy and Transport (Michael Matheson): The Scottish Government's position remains the same: we recognise that offshore licensing is reserved and call on the United Kingdom Government to commit to reassessing licences that have already been issued but for which field development has not yet commenced. The future of the North Sea must be

a positive part of our just transition to net zero through offshore energy integration, including renewable energy generation, hydrogen production and carbon capture, utilisation and storage.

Our just transition plan for energy will involve working closely with the sector to seize the economic opportunities that those technologies present while playing our part in the global energy challenge and making sure that we have a just transition.

Tess White: Presiding Officer:

“the hard fact is that early closure of domestic production, before we are able to meet all demand from zero-carbon sources, would be likely to increase emissions, because a significant proportion of the oil that would then require to be imported has a higher carbon intensity than UK production.”—[*Official Report*, 3 September 2019; c 19.]

Those are not my words; they are those of the First Minister. Does the cabinet secretary agree with her?

Michael Matheson: The member needs to recognise that the Scottish Government is not suggesting that oil and gas production should stop, but it clearly cannot be business as usual, given the climate emergency that we are facing. That is why we need an emergency response to the issues.

Key to supporting the industry in making that transition is assisting it to move towards technologies that reduce the carbon output of the oil and gas sector. A good example of that is carbon capture and storage. The Acorn project in Peterhead has been on the stocks for years now, but the UK Government has continually refused to—[*Interruption*.]

The Presiding Officer: Members!

Michael Matheson: The UK Government has continually refused to approve it, although that project would have a leading role in helping to decarbonise the sector. That is why I hope that all those members of the Scottish Parliament from the north-east will get behind the Acorn project and call on the UK Government to take action, give it approval and allow it to go ahead.

Tess White: On a point of order, Presiding Officer. The cabinet secretary pointed directly at me. I think that that is inappropriate.

The Presiding Officer: Thank you. Members will be aware of the importance of treating one another with courtesy and respect at all times.

Coastal Erosion (Mitigation)

6. Liam Kerr (North East Scotland) (Con): To ask the Scottish Government what steps it is taking to mitigate coastal erosion. (S6O-00128)

The Cabinet Secretary for Net Zero, Energy and Transport (Michael Matheson): We are making available a new £12 million capital budget for the four years from 2022 to 2023 for coastal change adaptation and resilience. I recently launched the Dynamic Coast 2 project in Montrose, which helps to identify where the greatest risks from coastal erosion and sea level rises are in this decade and into the future as we face the global climate challenge.

We are producing guidance to help local authorities respond to those risks and prepare coastal change adaptation plans at the local level.

Liam Kerr: In 2016, a major flood study said that there was a clear and present danger to Montrose roads and properties and to the railway between Aberdeen and Dundee. That study was endorsed by the cabinet secretary's predecessor, Roseanna Cunningham.

At the cabinet secretary's photo opp in Montrose last week, one of his local councillors stated that action needs to be taken in the next five years. What has changed since 2016 to push action back to 2026? Will the cabinet secretary confirm that the people of the Angus coast will be an urgent priority for the next round of flood risk management funding in the next 12 months?

Michael Matheson: I am well aware of the concerns in Montrose, because the local constituency member, Mairi Gougeon, has raised with me the direct impacts that the issues have on her constituents, which they also have on the member's constituents.

That is why we commissioned the Dynamic Coast 2 project, to identify the nature and scale of the challenges that we face with coastal erosion in different parts of the country, including in Montrose. The funding that we are making available is to support a project to look at the direct action that we can take in areas where measures need to be implemented to reduce the risk of coastal erosion and the impact that that will have on flooding in areas such as Montrose.

I assure the member that we will continue to work with local authorities to make sure that the funding is used in such a way that it maximises its impacts and helps to reduce the risk of flooding in local areas.

Ferries (Capacity on West Coast Routes)

7. Rhoda Grant (Highlands and Islands) (Lab): To ask the Scottish Government what steps it has taken to increase capacity on the ferries on the west coast routes. (S6O-00129)

The Minister for Transport (Graeme Dey): As the member is aware, passenger capacity has increased with the removal of physical distancing

on 9 August. We are also actively exploring opportunities for chartering additional vessels and have secured the MV Arrow to enhance the existing fleet that provides lifeline ferry services.

We are also continuing with the procurement of a new vessel for the Islay service, as well as seven new ships under the small vessel replacement programme, and we are progressing work on new vessels for the Gourrock to Dunoon and Kilcreggan services.

Rhoda Grant: Our island communities in the west have suffered for a number of years from a lack of capacity and a lack of reliable ferries. This year, the additional challenge of Covid-19 has taken the service to breaking point, with many people unable to travel. That is unacceptable—it damages the economy and blights lives.

The Scottish Government has, so far, failed to increase capacity. What steps is it taking to procure additional capacity over and above that provided by the MV Arrow in the short term to alleviate those communities' issues?

Graeme Dey: As I indicated during the members' business debate on Tuesday evening, work on securing additional second-hand tonnage to alleviate some of the pressures that we face on the network is constant. I can share with the chamber the fact that, as we speak, senior representatives of Caledonian Maritime Assets Ltd and CalMac Ferries are out of the country, actively assessing a vessel, with a view to purchase. If we get that over the line, it will have a positive cascade effect across the network and, in addition, will create the potential for us to head into the next summer season with a back-up vessel standing by to cover any issues that arise. I am sure that the member will welcome that news.

Emma Roddick (Highlands and Islands) (SNP): How much has the Scottish Government invested in ferry operations and infrastructure since 2007?

Graeme Dey: The Scottish Government has invested in excess of £2.2 billion in the Clyde and Hebrides ferry services, northern isles ferry services and ferry infrastructure since 2007. We have also delivered a number of new routes. However, I do not hide from the fact that we need to do more. That is why we have a £580 million funding stream to deliver new ferries and harbour infrastructure, which we are in the process of delivering.

River Bank Erosion (Monitoring and Support)

8. Willie Coffey (Kilmarnock and Irvine Valley) (SNP): To ask the Scottish Government how it monitors the impacts of river bank erosion and what support it provides for those who are affected by the erosion. (S6O-00130)

The Minister for Environment, Biodiversity and Land Reform (Màiri McAllan): The Scottish Environment Protection Agency is responsible for monitoring rivers to assess their ecological status, including physical habitat condition. Local authorities also monitor rivers in relation to flood risk and work with relevant transport agencies to monitor the impact of river bank erosion on transport infrastructure.

We are all responsible for protecting our land and property from the impacts of river bank erosion. The Scottish Government and SEPA provide helpful advice and guidance on how to minimise river bank erosion and how to best protect our land.

Willie Coffey: The impact of river bank erosion for some residents in Fenwick, in my constituency, is pretty severe and has been getting steadily worse over recent years as a result of climate change impacts. Their properties and gardens are literally sliding into the adjoining river, bit by bit, and the engineering solutions that are required to shore up the river banks are substantial and beyond their ability to afford. Is the Government aware of that issue across Scotland? Would it consider a scheme to help the many people who find themselves in such a situation, which is not of their making?

Màiri McAllan: I entirely understand the member's concerns about the difficulties that his constituents face and the risks to their homes and gardens from river bank erosion, particularly given the distress that has recently been caused by flooding in Kilmarnock.

As I said, the current position is that home owners are responsible for protecting their property. However, if the member wishes to write to me with more details of the situation that he raises, I will give it further consideration, given the wider implications of the issue across Scotland. I will also seek an update from SEPA on its interaction with local authorities to gauge the impact of river bank erosion on home owners in Scotland.

First Minister's Question Time

11:59

The Presiding Officer (Alison Johnstone): Before we begin, I say that I intend to take constituency and general supplementaries after question 2, so any member who wishes to ask such a question should press their request-to-speak button during question 2. However, any member who wishes to ask a supplementary specifically on questions 3 to 6 should press their button during the relevant question.

Scottish Ambulance Service (Waiting Times)

1. Douglas Ross (Highlands and Islands (Con): It has been reported today that the average wait for an ambulance following a 999 call is six hours. Does the First Minister not find that shocking and unacceptable?

The First Minister (Nicola Sturgeon): I do not find it acceptable that anyone waits longer than they should for an ambulance. We know that the pressure that the Scottish Ambulance Service is under at the moment is because of many of the other pressures on our national health service that have been caused and, in some respects, exacerbated by the pandemic.

We are working very closely with the Scottish Ambulance Service to resolve the issue. The Cabinet Secretary for Health and Social Care spoke to the chief executive of the Ambulance Service this morning. Next month, 90 additional technicians will come into employment by the service.

We are also funding the health service. We bolstered investment by £10.5 million last year, and an additional £20 million has been invested this year.

Although any individual wait is unacceptable, and we must work to resolve that, it is worth bearing it in mind that despite all the challenges, and despite the fact that our Ambulance Service serves some of the most rural areas in the United Kingdom, during 2020-21 our crews responded to more than 70 per cent of the highest-priority calls in less than 10 minutes, and to more than 99 per cent in less than 30 minutes.

We will continue supporting our Ambulance Service through this challenging period—just as we continue to support the entire national health service.

Douglas Ross: People are dialling 999 and are asking for an ambulance. On average, they are waiting six hours, not 10 minutes. The First Minister tries to say that that is because of the pandemic. Our ambulance staff and technicians

have done fantastic work during the pandemic and before it, but the problems began long before Covid-19.

In 2018, a Government report found that only 20 per cent of ambulance crew members thought that there were enough staff. A 2019 staff survey showed that demand for ambulance services had increased far beyond the available resources. Almost half of paramedics who were surveyed in 2019 said that they often thought about leaving the service. Just yesterday, the trade union Unite's convener at the Scottish Ambulance Service said:

"Serious adverse events from the ambulance service have been on an upwards trajectory since the start of the year. They are through the roof."

That all adds up to a service that was in crisis well before Covid hit. Does the First Minister agree?

The First Minister: I agree that there were pressures before Covid. I do not think that anyone can or should deny that those pressures have been significantly exacerbated by Covid, and not only here in Scotland: we see similar pressures on health services across the UK, and further afield.

Because we have been aware of those pressures, we have been working to address them. Last year, we commissioned a working group to agree and implement a range of actions to improve turnaround times. As part of that, 296 additional ambulance staff are being recruited as a result of the investment that we have made available in the past two years. In the north of the country—the part of Scotland that Douglas Ross represents—there will be an extra 67 front line staff, who will be a mixture of experienced and newly qualified paramedics and technicians along with nine patient transport service staff, who will be located across the region.

I will not stand here and suggest that it is in any way acceptable for anyone to wait too long for an ambulance. In the week up to 7 September, which is the week for which we have the most recent figures, the Scottish Ambulance Service responded to 10,435 emergency incidents, which was more than in the previous week. The median national response time in that week for all calls about immediate life-threatening need was nine minutes and three seconds. That is slightly higher than we want it to be; the target is seven minutes.

The Ambulance Service is working hard under incredibly challenging circumstances. My job, and that of the health secretary, is to support them with funding and in other ways, to ensure that they can meet the challenges for the sake of all patients across Scotland, who deserve timely responses from the Scottish Ambulance Service.

Douglas Ross: People who are listening at home will be wondering about that time of seven minutes. To have an ambulance come in seven

minutes would be great for people who are waiting for hours, often in agony.

All over Scotland, people are waiting for ambulances. I have some examples. At an Abbeyfield assisted-living complex in Bearsden, a resident had symptoms of stroke and phoned for an ambulance at 2.30 pm. They were not picked up until 4.45 am, more than 14 hours later. A general practitioner from Dumfries called for an ambulance during a home visit and was advised that there would be a four-hour wait. The patient reached hospital nine hours later. The doctor told us that the whole service is in crisis.

When cases are life threatening, ambulances are expected to arrive within seven minutes. That is not happening. Jim from Pitlochry told us that his 17-year-old son, who had collapsed by the side of the road, needed an ambulance when he fell unconscious. About 30 minutes later, with no ambulance in sight and with his son's lips turning blue, he drove him to the nearest hospital, but even then he struggled to get medical attention.

Thankfully, a nurse came to the rescue and his son is doing better, but Jim wanted me to ask the First Minister these questions. What would have happened if his son had taken a turn for the worse? If he had been a more vulnerable person, would they still be alive?

The First Minister: I do not know whether Jim is watching, but he might be, so I will address him directly. First, I am extremely sorry that the wait that you had happened, and I do not think that that is acceptable. I am trying to address the issues genuinely, because I do not think that the cases that Douglas Ross has cited are acceptable, and nothing that I have said today suggests that they are.

We know the reasons for the pressure on the Ambulance Service. There are a variety of pressures on our national health service. Of course, some of those pressures were there before Covid, but they have been significantly exacerbated. We know that our accident and emergency departments are under pressure and we know that there is a backlog of treatment. One of the issues that the Ambulance Service faces is longer turnaround times, which puts a lot of pressure on ambulance resources. I acknowledge all that, and we are working hard with the Ambulance Service to address the situation. Nothing that I have said or that I am saying is intended to suggest in any way that the kind of waits that we have heard about today are acceptable.

However, I would also say—I refer to the figure that I cited in my previous answer—that the median response time for the most urgent calls in the most recent week was just over nine minutes.

That is not good enough, because it should be within seven minutes. For amber calls, the median time was 21 minutes 26 seconds. Again, that is slightly above the target. There is work to be done here, but that is exactly why we are making the investment. We are supporting recruitment of additional paramedics and technicians to bring waiting times down again.

Perhaps even more important to note is that some of the pressure on the Ambulance Service comes from pressures elsewhere in the health service, which is why the NHS recovery plan and the investment that supports it are so important. We will continue to focus on the service with health boards—including the Scottish Ambulance Service—every day to address the very serious issues.

Douglas Ross: I agree with the First Minister: this is not good enough. The Government has allowed the long-term issues to spiral into a crisis. The knock-on problems are bringing our NHS to its knees and are putting lives at risk, and it is only going to get worse this winter.

People cannot see a general practitioner in person. They call for an ambulance, but it is delayed for hours. When they reach A and E, they find that waiting times are at their worst levels since records began. Unite the union said this week that ambulances were parked outside hospitals for seven hours, missing three other 999 calls while they waited. However, this week's programme for government set out nothing—no new money for the Scottish Ambulance Service. Will the First Minister accept that there is a crisis? Will she tell us what she is going to do about it now, before lives are lost?

The First Minister: The Ambulance Service is receiving additional money. We increased investment by more than £10 million last year, and additional investment of £20 million is being invested this year. The £1 billion recovery plan funding will include support for the Ambulance Service, just as it will include support for health services across the country.

I do not challenge any of what Douglas Ross is saying; there are big, big issues facing our national health service. However, because we know that, we are making the investment and doing the work with the service to address the issues.

However, I take issue because the issues for Scotland, and for other countries in the United Kingdom and around the world, have been significantly deepened and exacerbated by a once-in-a-century global pandemic—although saying that does not make things any easier for patients across the country who are waiting too long for elective treatment, for A and E treatment

or for an ambulance. We need to support our NHS to recover from the pandemic.

There are headlines today from other parts of the UK about the longest waiting times on record. Some of the problems that our Ambulance Service is facing are problems that ambulance services elsewhere are facing. That does not remove the responsibility—*[Interruption.]*

The Presiding Officer: Excuse me, First Minister. Mr Kerr, I would be grateful if we could hear the First Minister.

The First Minister: The point that I am making is a serious one. It does not in any way take away the Scottish Government's responsibility for addressing the problems in Scotland. However, I think that most people understand that exceptionally difficult circumstances have prevailed over the past 18 months, and they understand the difficulties that all Governments and health services are having as we try to recover. That is why we are making investment, why we have the recovery plan and why we will continue—every single day—to support our health service and everybody who works in it to recover and to get the NHS fully back on track.

Vaccine Certification

2. Anas Sarwar (Glasgow) (Lab): Today, the Parliament will vote on the introduction of vaccine passports. Scottish Labour will not support the proposals. We have supported the Government at key moments throughout the pandemic, but this is about what works and what will make a meaningful difference.

The scientific advisory group for emergencies, on which the Scottish Government's chief medical officer sits, says that any proposals should consider these three key points:

"(1) isolate those that are infectious from the rest of the population"—

vaccine passports will not do that;

"(2) reduce the likelihood that they enter higher-risk settings or situations"—

vaccine passports will not do that; and

"(3) attempt to decrease the transmission risk from an infectious person in any given environment."

Given the high transmissibility of the delta variant, vaccine passports will not do that. What evidence has led the First Minister and her ministers to change their minds, disagree with those scientists and now back vaccine passports?

The First Minister (Nicola Sturgeon): First, I have not changed my mind. I said to the Parliament, on 3 August most recently, but before that in April and February, that we were considering the issue of vaccine certification. We

had not ruled it out but had wanted to properly consider all the issues, and that is what we have done.

We have also listened to and continue to listen to a range of evidence. Ahead of the debate today, I recommend that all members of the Parliament read on Twitter the comments of Steven Reicher, who is one of the members of the Scottish Government Covid-19 advisory group but who is entirely independent. He sets out very fairly, and very well, the benefits of vaccine passports, the conditions that need to prevail in order to make their operation a success and, frankly, some of their limitations.

That takes me to the nub of Anas Sarwar's question. Vaccine certification is not a 100 per cent solution in and of itself. All the things that Anas Sarwar rightly ran through have to be done but, in addition, vaccine passports can provide an added layer of protection. Take, for example, a nightclub, where people come together and there is the potential for superspreading events. If we make sure that, in addition to all the other protections, everybody in that nightclub has been fully vaccinated, we do not eradicate the risk of transmission, but we reduce it and significantly reduce the risk of illness. Crucially, we also give an alternative to the possibility, as we go into winter, of the closure of those kinds of events.

Is it a complete solution? No, but in the face of this challenging pandemic, there is no one single solution. We have to take all the ways that we can to act as proportionately as possible to keep the country as safe as possible. That is the responsible way in which the Government is going to continue to act. Some of what we have heard from the Opposition suggests that a bit more genuine grown-up politics on this issue would go a long way.

Anas Sarwar: I have respect for all of the First Minister's answer apart from the end part. Is she saying that all the businesses out there that are worried are being disrespectful? Is she saying that the thousands of people who have emailed us are being disrespectful? These are serious questions that deserve serious answers.

The First Minister has published a document this morning that contains no evidence that vaccine certification will make a difference and no details of how it will work. She references nightclubs, but the document suggests that the Government still does not even know what "nightclubs" means, and they will be expected to introduce the measures in three weeks' time. The First Minister is expecting businesses across the country, many of which have only just reopened, and some of which are still closed, to implement and enforce the scheme in that short period. That will put immense pressure on them and even

greater pressure on the staff who have to administer it.

Earlier this year, the UK Government undertook a consultation on vaccine passports, to which it received 52,000 responses, including from major industry bodies that would be impacted by the change. Can the First Minister detail what engagement she has had with the relevant sectors? Can she confirm that there has been a public consultation in Scotland and, if so, how many responses have been received?

The First Minister: Engagement is and will continue to be on-going, and the Parliament will debate and vote on the issue this afternoon. We engage with the public on a range of issues all of the time.

I made a comment about Anas Sarwar's position—it was not a comment about anybody else's position. To say categorically, as he did at the weekend, that, no matter what, he would vote against something is, frankly, opposition for opposition's sake. I think that that reflects rather poorly on Anas Sarwar, but that is my opinion, and people can agree or disagree with that.

Of course businesses have concerns about any of the measures that we have to take to try to tackle and contain Covid. I wish that we were not in this position at all—I wish that we were not even having to consider any measures to constrain the spread of an infectious virus—but we are in this situation. It is a very difficult situation, particularly with the increased transmissibility of delta, which is one of the other things that have changed since we first started talking about this. I would think that, for businesses in higher-risk settings, it will, on balance, be a choice between being able to continue to operate over the next few months or finding themselves facing a period of closure again. I am sure that there will be a variety of opinions, but I think that many such businesses would prefer this targeted, proportionate measure to closure.

Scotland is not alone in considering vaccine certification. An increasing number of countries across Europe are already using vaccine certification on a much more wide-ranging basis than we are proposing. In some cases—France, for example—vaccine certification is pushing up rates of vaccination uptake and helping to constrain and reduce transmission. We need to use every tool at our disposal to drive down infection rates and keep people safe while, at the same time, keeping our economy open. Anybody who buries their head in the sand in the face of that is not doing the economy or businesses any favours.

Anas Sarwar: The First Minister wanted us to wait for the publication of the document that it has

published today. There are businesses that will be impacted by vaccine certification that have longer cocktail menus than that document. We need some real-life experience from the First Minister on this issue. Instead of creating a new system, we should fix the systems that we already have. That means, after 18 months, finally giving test and protect the support that it needs.

We know that the vaccine works—we know that it reduces hospitalisations and deaths—but, even if someone has had the vaccine, they can still get the virus and spread it, so it is more important to ensure that anyone going into a venue has had a negative result. Under the Government's proposals, however, someone who does not have a vaccine passport and does not have the virus will not be allowed to enter a venue, while someone who has a passport and has the virus will be able to walk straight in. How does that make sense? There are no details published in the paper, no evidence to back up the proposals, no meaningful engagement with the sectors involved and no public consultation. Is it not the case that the First Minister is rushing the proposals through Parliament in an attempt to look in control of a virus that is clearly out of control?

The First Minister: Most people who are watching this will probably breathe a sigh of relief that Anas Sarwar is not standing here. Clever quips might sound good in a student union, but when we are trying to deal with a global pandemic, it is more important that we have the solutions that help to keep people safe.

Let us take some of Mr Sarwar's points in turn. He appears to be saying that negative test results should be used in place of proof of vaccination. We suggest to people that they test themselves regularly. Lateral flow device testing is an important part of our overall response, but one of its constraints, which means that it does not make sense to put too much reliance on it for the kind of thing that we are talking about here, is that it is a self-reported test. I heard the United Kingdom vaccines minister make that point yesterday in the House of Commons. We have to be careful that we do not introduce false security around such a system.

The other point is that people can still get the virus if they are vaccinated. Anybody looking at the current statistics knows that, but vaccination reduces people's risk of getting the virus. Do you want to be in a nightclub in which some people are unvaccinated or do you want to be in a nightclub in which everybody is vaccinated? In the latter, your risk of getting the virus is going to be significantly lower than in the former. Is the risk eradicated? No, but no single measure will eradicate risk.

This is about having a basket of measures. It is about testing and making sure that people isolate

when they are required to. It is also about ensuring that we use vaccination to its fullest effect. We need to drive up vaccination rates and then ensure that we use the protection of vaccination as effectively as possible. This measure is one part of a solution.

Anas Sarwar says that we are rushing this through in Scotland. Actually, in Scotland we are behind the curve on this, as so many countries in Europe are already doing it and finding the benefits of doing so. Let us get on with it and discharge our responsibility to keep this country as safe as possible.

CalMac Ferries (Winter Maintenance Programme)

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): The October to February period is often a challenging time of year for CalMac Ferries. The company uses the period to dry dock and refit vessels as the tourist season comes to an end. However, with continued demand for staycations, it seems likely that Scotland's islands will continue to be busy beyond the normal shoulder months. With that in mind, will the First Minister outline what preparations are being made for this year's maintenance programme?

The First Minister (Nicola Sturgeon): We need to ensure that vessels are safe and well maintained. Every CalMac vessel requires essential annual maintenance over the winter months. Scheduling of the overhaul programme, including the relief vessels that are used, is complex and must take account of a range of factors. CalMac now has a long-term strategy in place for dry docking.

We continue to encourage CalMac to do everything possible to minimise the impact that is caused by maintenance work over the winter period, and we continue to support CalMac to deliver services in the face of the challenges that Covid continues to pose for us all.

Mental Health Waiting Lists (Young People)

Jamie Greene (West Scotland) (Con): From April 2019 to July 2021, more than 7,000 girls between the ages of 10 and 16 were reported missing. I am sure that we all agree that that statistic is horrific for all concerned. We know that poor mental health is often the root cause of such incidents, and that the proportion of young people who are waiting more than a year for specialist help has trebled in the past 12 months. What action will the First Minister take now, to address the shame that is mental health waiting times for young people in this country?

The First Minister (Nicola Sturgeon): As I set out on Tuesday when I outlined the programme for

government, we are making immediate investments of £120 million into mental health, with a particular focus on prevention and early intervention. We are already funding health boards to improve community child and adolescent mental health services and to enable the expansion of community services for people aged 18 to 25. The funding that I announced will enable the clearing of historical waiting lists, which I accept are too long. They were long as we went into Covid, and that has been further exacerbated by the experience of Covid. The funding that we will make available is specifically targeted to deal with the issue that Jamie Greene raises.

Public Services

Alex Rowley (Mid Scotland and Fife) (Lab): We can argue about the impact on public services of failed Tory austerity, the Scottish Government's failure to workforce plan and Covid. The one thing that is absolutely clear is that many public services are in meltdown across Scotland. How can the First Minister possibly justify using Government resources and taxpayers' money on working up proposals for an independence referendum at a time when the Scottish Government and the Scottish Parliament should surely be wholly focused on addressing the emergency in our public services?

The First Minister (Nicola Sturgeon): I do not think that we can argue about the impact of United Kingdom Government austerity on services the length and breadth of Scotland—it has been utterly devastating. The problem is that, unless we do something to get ourselves out of the grip of Tory Government after Tory Government, people across Scotland will suffer more.

Just this week, we have seen a national insurance increase that will punish the lowest paid in our society—[*Interruption.*] Well, we all want to see extra money for public services but raising that money in a way that punishes the poor is the bit that we do not agree with—no one should agree with it if they care about those issues. We are also about to see the UK Government make the biggest overnight cut to social security since the 1930s, when it takes away the £20 per week uplift to universal credit.

It may be something that Alex Rowley and I have to disagree on—he can explain that to his constituents. It is right that people in Scotland have the opportunity to choose a different and better future, in which we take control over social security and how we raise funds, into the Scottish Parliament, so that we do not have to stand here and—to use Alex Rowley's phrase—argue about the impact of another Government on people the length and breadth of Scotland.

Fishing Vessel Safety

Beatrice Wishart (Shetland Islands) (LD): My constituent, Jason Campbell, a young person who I am told has met the First Minister and read a poem on fishing, has raised with me concerns about the safety of fishermen, including some who are his friends. There are reports of non-United Kingdom fishing vessels that are, to quote Jason, “dumping their fishing gear overboard”. That is dangerous as well as being bad for the marine environment. Jason has also asked why fishery patrol vessels are not doing more at sea.

Will the First Minister tell Jason what is being done to keep our fishing vessels and those on board them safe at sea?

The First Minister: I remember Jason and I hope that Beatrice Wishart will pass on my best wishes to him. I am happy to engage with Jason through Beatrice Wishart, or he can email me directly, to set out exactly what the Scottish Government and our agencies are doing to keep fishermen as safe as possible. Our fishery protection vessels have a key part to play in that. He clearly has some real concerns, and that reflects my memory of him as a very engaged young man. I would be happy to have a further discussion with him directly.

ScotRail (Industrial Action)

3. Maggie Chapman (North East Scotland) (Green): To ask the First Minister what discussions the Scottish Government has had with ScotRail and the trade unions regarding industrial action on the network. (S6F-00220)

The First Minister (Nicola Sturgeon): The Minister for Transport meets ScotRail and trade unions regularly. He met trade union representatives on 24 June, and subsequently met Abellio. I met the Scottish Trade Union Congress on 12 August. On each occasion, we expressed our disappointment about the current dispute affecting ScotRail’s Sunday services and urged all parties to seek resolution.

I understand that the transport minister is meeting Unite the union today and has offered with to meet the other rail unions. We want all parties to get around the table and identify solutions to the challenges that our rail services face.

Maggie Chapman: I note the comments made on Tuesday by the transport minister, in which he called on everyone to act responsibly.

It has been six months since people were able to get a train on a Sunday. It seems that Abellio has little interest in acting responsibly, given that the ScotRail franchise is soon to be transferred to public ownership. It is clear that we need a long-

term partnership between the workers, passengers and the Government to avoid the problems that have arisen with Abellio.

Will the First Minister tell me how her Government will bring the situation to an end in the short term? Can she also give us an assurance that when ScotRail is brought into public ownership, the governance structure will include representatives of workers and passengers, as well as appointees, on the board?

The First Minister: I can give an assurance on fair work; in my view, part of fair work is having good industrial relations as well as engagement and discussion with trade unions. I expect that to be at the heart of ScotRail services as they come into public ownership.

I know that members are aware of the reasons behind the current dispute, which arose from an agreement made during Covid for enhanced rest-day working. Now that additional ticket examiners and conductors have been recruited, the issue of excessive rest-day working has been resolved. The unions and workers—I understand why this is the case—want to keep the temporary allowance and make it permanent, whereas ScotRail’s view is that that is not sustainable. Again, I call on both parties to get around the table to find an agreement. It is in no one’s interest—not least the workers’ interest—for the dispute to continue any longer. We will continue to encourage the parties to do that. We will also continue to do the work to bring ScotRail into full public ownership, which we expect to conclude in the early part of next year.

Corporate Travel Management

4. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): To ask the First Minister what discussions the Scottish Government has had regarding the functioning of Corporate Travel Management. (S6F-00211)

The First Minister (Nicola Sturgeon): The managed isolation service in Scotland is operated under a United Kingdom Government contract, which places responsibility for setting the quality and levels of service on the UK Government. The Scottish Government’s international passenger co-ordination team is in regular contact with Corporate Travel Management, which is the UK Government’s travel agent, and we continue to work with them to ensure a high-quality service for travellers.

Christine Grahame: As we are all aware, the situation is very distressing and costly for students who come from red list countries. I put on the record my thanks to the universities for stepping in with practical help.

Of course I appreciate that CTM was tasked by Westminster, and I understand the relationship

with the Scottish Government's international travel co-ordination team, which liaises with the CTM Westminster arm. Has there been any positive response? Are we any further forward for students who are anxious to start their courses?

The First Minister: I very much agree with Christine Grahame's comments about international students. We always want to offer a warm welcome. They make a significant cultural, economic and intellectual contribution to our universities and, indeed, to the whole country, and they are welcome here.

Scottish Government officials have been engaging directly with universities on the issues that are highlighted in the question. They have contacted CTM, which has said that it is addressing those issues as a priority. My officials will continue to work with the universities to improve processes.

Students should, of course, contact their universities if they continue to experience issues with the booking system.

In recognition of the difficult circumstances that international students have faced, the Scottish Government has also taken steps to put support in place. For example, international and European Union students can apply for financial hardship support from the Scottish Government's higher education coronavirus discretionary fund.

Highlands and Islands Airport Ltd (Air Traffic Control)

5. Donald Cameron (Highlands and Islands) (Con): To ask the First Minister whether she will provide an update on HIAL's proposed centralisation of air traffic control services. (S6F-00230)

The First Minister (Nicola Sturgeon): Although that is a matter for Highlands and Islands Airports Ltd, it is clear that the Scottish Government has a strong interest in it. We are liaising and monitoring the process closely.

The investment that is being made in air traffic control is essential to secure the long-term future of air services in the Highlands and Islands. The objective of the central surveillance centre in Inverness is to ensure safer, more sustainable and more reliable air services for the communities that rely on them. We know that the decision may affect where staff work in the future, and I understand that HIAL is engaging directly with the Prospect union on the detail of a commuting policy and other measures to mitigate that. However, we should not lose sight of what the investment and change are intended to deliver in the long term, which is security for the islands' connectivity, with related social and economic benefits.

Donald Cameron: Yesterday, the union Prospect sent a letter that was signed by representatives of all five major political parties as well as the three island local authority leaders which called for an urgent meeting with the Minister for Transport in light of the impact that the proposed centralisation will have on local jobs on the islands. I understand that a ministerial meeting with stakeholders is proposed to happen in two months' time. Given the urgency of the situation, will the First Minister instruct the Minister for Transport to bring forward that meeting? Can she explain how centralisation can be justified, given her Government's stated intention to encourage people to move to our islands and reverse depopulation?

The First Minister: There are some serious and perfectly valid issues in there—complex issues. Of course we want to see the repopulation of our islands, but we must also ensure that there are sustainable services that support the connectivity of our islands. Those are often complex issues that require very careful thought.

On the Minister for Transport's meeting with Prospect, my understanding is that he is due to meet the Scottish Trades Union Congress and Prospect next month to discuss aviation generally, and I am sure that the issue that has been raised will feature in that. We will certainly look to see whether diaries can enable that meeting to be brought forward. It is important that that engagement takes place.

As I said in my original answer, it is also important that HIAL engages directly with Prospect to address issues that have been raised about how it can make changes that improve the sustainability of the services. The kind of model that is being discussed already operates at London City airport, for example. Obviously, that is very different from our islands, but this is about the sustainability of those services in the longer term.

Important issues have been raised by the union, and I expect HIAL to engage properly with it. As I said, I will ask the Minister for Transport to see whether the meeting can be accelerated.

Emma Roddick (Highlands and Islands) (SNP): It is clear that the situation is very challenging for island communities. They value air traffic provision being delivered locally, because that gives them a sense of security and ensures that much-needed skilled jobs are based on our islands. For obvious reasons, people are nervous about the implications of HIAL's proposed new centre in Inverness. What reassurance can the First Minister provide, particularly regarding what might happen to those jobs in the future?

The First Minister: When it comes to the jobs, the issues around relocation are important, and

those were what I was alluding to. It is important that HIAL engages with the unions and with workers in considering the policies in place that allow workers who are working under the new system nevertheless to continue to live in and contribute to our islands. That will not always be easy, but that is the work that we are expecting HIAL to engage in properly.

On some of the other concerns, safety issues have been raised with me directly, for example in Shetland. Those issues must be taken seriously. Loganair, the main airline flying in the Highlands and Islands, which is already operating under the system at London City, is supportive of the changes and the safety benefits that it says will be delivered. New air-traffic control procedures and the operation of such a centre will go live only following a rigorous assessment and approval by the Civil Aviation Authority.

I understand the concerns that are being raised—it is important to say that. There is a responsibility on HIAL and indeed on the Scottish Government to seek to address those concerns as we move forward.

Rhoda Grant (Highlands and Islands) (Lab): I disagree with the First Minister that the programme is essential to ensure the long-term viability or indeed safety of air traffic in the Highlands and Islands. Digital Scotland classed the project as an amber-to-red risk. Added to that, the Sumburgh radar project, which is part of the scheme, is currently believed to be running six to 12 months behind schedule and costs have already increased. Is the First Minister still convinced that it is the right project to go forward with, and what steps is she taking to avoid another vanity transport project in the Highlands and Islands?

The First Minister: I thank Rhoda Grant for her perfectly reasonable question, although I am not sure that anybody would describe it as a vanity project. There are sustainability issues in the services as they are. The project is about improving and securing the sustainability of the services in the future. The project is still at an early stage, but it is proceeding in line with the approved business case. HIAL obviously has the responsibility to ensure that that continues to be the case.

There can be no compromise on safety on any aviation matter, which is why, to return to a point that I made in my previous answer, the processes that must be gone through, ultimately resulting in approval by the Civil Aviation Authority, are so important.

I recognise the concerns. A change such as this will always result in worries and questions for people. Therefore, HIAL and, indeed, the Scottish

Government will address those in order to give people the reassurance that they need.

Oil and Gas Industry (Just Transition)

6. Mercedes Villalba (North East Scotland) (Lab): To ask the First Minister what steps the Scottish Government is taking ahead of the 26th United Nations climate change conference of the parties—COP26—regarding the future of oil and gas exploration and securing a just transition for workers. (S6F-00228)

The First Minister (Nicola Sturgeon): While oil and gas and issues around the licensing and exploration of offshore oil and gas are reserved to the United Kingdom Government, we have called for the UK Government to significantly enhance the climate conditionality associated with offshore exploration and production and to reassess licences that have already been issued but where field development has not yet commenced.

The programme for government includes a commitment to develop an energy just transition plan. We have committed to working with communities and with those who are most impacted across Scotland, including our very highly skilled oil and gas workforce, to co-design that plan, and we have committed to take forward a 10-year £500 million just transition fund for the north-east and Moray.

Mercedes Villalba: The Scottish Government cannot make the same mistakes as the Tories and leave whole communities facing unemployment. An offshore training passport would allow oil and gas workers to move freely between the offshore and onshore energy sectors. The Government should really be supporting standardisation of skills across sectors. Will the First Minister commit today to developing an offshore training passport, as supported by Friends of the Earth and the National Union of Rail, Maritime and Transport Workers?

The First Minister: Yes—I am very happy to consider all constructive discussions. I am happy to ask the minister to engage directly with the member. Those are exactly the kinds of constructive proposals that we need. Will every constructive proposal be able to be taken forward? No—that is rarely the case—but, because we are so serious about a just transition, we will engage properly on all those issues.

I suspect that I am a fair bit older than the member, but I have first-hand memories of the devastation in the community where I grew up from the mistakes that previous Governments made around deindustrialisation. We must not repeat those mistakes in the process of decarbonisation, which is why the just transition process is so important. I thank Mercedes Villalba

for that question, and I am happy to engage with her on the detail.

Liam Kerr (North East Scotland) (Con): Given that an Oil and Gas Authority report endorsed by Sir Ian Wood shows that the carbon footprint from imported gas is more than double that of domestically produced gas, does the First Minister agree that currently, while there remains a Scottish demand, the most environmentally friendly approach, and one which recognises the climate emergency, is to ensure that we support the Scottish oil and gas sector?

The First Minister: Where I agree with Liam Kerr—I will try to find points of agreement here—is that we must make the transition not only in a way that is just for workers, which is fundamentally important, but in a way, and at a pace, that does not become counterproductive because it inadvertently increases reliance on imports. In principle, that point is important; I have made it many times myself. Underneath that, though, there is greater complexity. Right now, we export a significant proportion of what is produced in the North Sea, and we already import a lot of the oil and gas that is used, so there is often greater complexity lying beneath the headline claim.

We need to engage properly with these issues. We are in a transition, whether we like it or not, from fossil fuels to renewable and low-carbon sources of energy. We owe that to the planet, and none of us can—nor should we try to—escape that responsibility, but we need to do that in a way that is fair and just and which actually has the intended effects.

These things require a lot of careful consideration and a large amount of careful work, but we cannot escape our moral and economic responsibility to make the transition and to meet our net zero targets. The Government is incredibly serious about doing that, and about, on occasion—not just on this issue but, I am sure, on a whole range of other issues—facing up to the difficult challenges that it entails.

Karen Adam (Banffshire and Buchan Coast) (SNP): I recently met Equate Scotland and discussed the importance of putting an equalities lens on the just transition for workers. What steps is the Scottish Government taking to ensure that there is equity for women in the just transition for workers, in particular as they have been disproportionately affected by the Covid-19 pandemic?

The First Minister: That is an excellent and extremely important point. In fact, it should run through all the work that we do as a Government.

The programme for government recognises the point that Karen Adam makes. The impacts of Covid have been, and will no doubt continue to be,

experienced disproportionately by various groups, including women. I assure her that our engagement on the development of just transition plans will seek to amplify the voices of underrepresented groups, and to actively work to ensure that we create a better, greener future for all.

More generally, we have committed to take forward a programme of work to embed equality, inclusion and human rights throughout Scotland. That is an important part of our overall commitment to ensuring that while the transition happens, it happens in a way that is just and fair.

Vaccination Records

The Presiding Officer: As we have a little time in hand, I call Rachael Hamilton to ask a supplementary question.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): Constituents are reporting errors in their vaccination records, which are held on the NHS Scotland website. Wrongly logged dates and incorrect vaccine types are being flagged, and the only way to resolve those issues is to sit in a very long telephone queue. One constituent reported that she had waited in a queue of 92 people.

Is the First Minister aware of the extent of that problem? Does she trust the system? Will she consider a vaccine data resolution system?

The First Minister (Nicola Sturgeon): In short—yes, I trust the system. As I have said in relation to Covid and the various different systems and approaches that we have had to take over the past 18 months—not least the vaccination programme in general—there will, in a system so big and complex, be individual cases of things going wrong. We should not shy away from that, but what is important is that we have processes in place to fix those things.

Yesterday, in my Covid statement, I gave the number of the helpline that people can phone to have any such mistakes rectified, and I encourage them to do so. I know that the system is taking on a number of those questions and very quickly resolving them on a daily basis.

Mineworkers Pension Scheme

The Deputy Presiding Officer (Liam McArthur): The next item of business is a members' business debate on motion S6M-00430, in the name of Christine Grahame, on the mineworkers pension scheme. The debate will be concluded without any questions being put.

Motion debated,

That the Parliament notes the recent report by the UK Parliament's Business, Energy and Industrial Strategy Select Committee into the Mineworkers' Pension Scheme; understands that the scheme, established in 1994, meant a 50:50 split in surplus sharing between the miners and the UK Government and that, to date, the UK Government has received £4.4 billion, with at least a further £1.9 billion due and the UK Government paying nothing into the fund; further understands, however, that many beneficiaries are struggling to make ends meet, including those in the Midlothian South, Tweeddale and Lauderdale constituency; notes that the committee therefore recommended amending the 50:50 surplus sharing arrangements in the miners' favour, and immediately giving the £1.2 billion currently held in the Investment Reserve to former miners; understands that the Welsh Government has registered support for these recommendations, and notes the calls on the Scottish Government to do likewise.

12:46

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I thank the members who supported my motion.

I commend the report by the United Kingdom Parliament's Business, Energy and Industrial Strategy Committee, whose unanimous cross-party report along with the pursuit of this injustice by my colleague Owen Thompson, the MP for Midlothian, brought me to the debate. I add to that the Scottish Government, which wrote to the UK Government supporting the recommendations of the report.

As Penicuik, Gorebridge and Newtongrange, which were once at the heart of coal mining, are in my constituency, and as my maternal grandfather was a Welsh miner who died prematurely from injuries sustained in the pit well before I was born, I have a deep interest in what happens to miners and mining communities. In the 1980s, I witnessed the mounted police charging into men who were fighting for their livelihoods and communities.

I will provide a bit of historical context to the pension arrangements. They were put in place in 1994, when the mines were privatised. Since then, the UK Government has benefited from 50 per cent of the surplus in the funds, to the extent that—this is key—without contributing a penny, it has received £3.1 billion, and, in addition, £1.3 billion from the investment reserve. There is a further £1.9 billion in the pipeline—I have never seen a billion, but that is a lot of money.

The committee held an inquiry and unanimously recommended that the 50:50 split should be reviewed and, as an interim measure, that £1.3 billion should be redistributed to the miners. That humongous sum contrasts with the actual pensions that miners receive. The median is £65 per week, so 50 per cent of members receive less than that, while 25 per cent receive less than £35 per week and 10 per cent receive less than £18 per week.

At the metaphorical coalface of life and paying for everyday bills, many miners are on the breadline, while thousands, like my mother's father, have been injured and died not even having enjoyed their pensions. It is estimated that 7,000 members die each year. It was an inherently dangerous job that by its nature led to poor health, and that is now compounded by susceptibility to Covid because of those underlying health conditions.

Against all that, it is an affront to justice that the UK Government creams off billions of pounds and has responded to the report with a rejection of all its recommendations. What is the justification? It claims that the guarantee that the UK Government will plug any deficit if the scheme is vulnerable to failure is a reasonable defence. The reply from Anne-Marie Trevelyan, Westminster Minister of State for Energy, Clean Growth and Climate Change, was:

"The Government continues to believe that the arrangement agreed in 1994 was fair and beneficial to both Scheme members and taxpayers. Scheme members have rightly shared in the benefits but the Government has taken on all the risk."

The reality is that, even through the 2008 financial crisis and to date, the fund has thrived, as the free billions are harvested by the UK Government. Where is the evidence of risk, if any? Is it commensurate with a 50:50 split? The previous schemes assigned the surpluses at 70:30 in favour of the miners—the beneficiaries.

The UK Government has a sad track record in its attitude towards the miners, which, as I referenced, started with the brutal treatment of decent folk who were defending their jobs and communities. Of course, that was compounded by the recent remarks of Boris Johnson, when he said:

"Thanks to Margaret Thatcher, who closed so many coal mines across the country, we had a big early start and we're now moving rapidly away from coal altogether."

Those were crass remarks, but they were in keeping with the disdain for the coal miners and their communities and are now compounded by the rejection of a review of the pension scheme. Irony of ironies, the Westminster Government is now, controversially, considering opening a fresh

pit near Whitehaven, where it will, of course, need coal miners.

That contrasts with the approach of the Welsh Assembly and of the Scottish Government, which is providing a pardon for miners who were convicted in the 1984-85 strike action in Scotland and has written to the UK Government to support the Westminster committee's recommendations.

Whether or not members have a mining community in their constituencies, I urge them to pursue that with their MP and to support the select committee, shame the Government at Westminster and make it, for once, do right by the miners by accepting the unanimous recommendations of the cross-party select committee. After all, the Westminster energy minister offered a chink of hope when, in a letter of reply to Owen Thompson MP, she said:

"I am unable to accept the conclusions and recommendations. ... However I hope that as a result of my discussions with the Trustees we can reach a mutually acceptable way forward".

I suggest that people get writing. Let us hope that those are not just easy words but that there are actions to follow, before more miners fall into penury and others die before they receive their pensions.

12:52

Annabelle Ewing (Cowdenbeath) (SNP): As the MSP for Cowdenbeath, I am pleased to speak in this debate on the mineworkers pension scheme. I congratulate my Scottish National Party colleague Christine Grahame on securing this important debate. She has just outlined in some detail the background to the privatisation of the scheme in 1994 and the financial arrangements that were put in place at that point. As we have heard, in return for a UK Government guarantee, there was to be a 50:50 split of any surplus.

Some 27 years after the scheme was privatised—during which time the Government has accrued around £6.3 billion under the scheme without having, as we heard, paid in a single penny—very serious concerns have been raised about the plight of the miners who are supposed to be the beneficiaries of the scheme but who receive very low pension pay-outs and are struggling to make ends meet. As an MSP for former mining communities, I very much share those concerns.

In the short time that is available to me, I will highlight key issues that emerged from the April 2021 report of the Westminster Parliament's Business, Energy and Industrial Strategy Committee. Those issues led the committee to conclude unanimously that the scheme must now

be reviewed and a better outcome for miners achieved.

First, the option of a 50:50 split in return for a guarantee was presented at the time as a fait accompli, leaving the trustees with no choice but to accept.

Second, the 50:50 split was entirely arbitrary. Indeed, at paragraph 17 of its report, the committee's damning conclusion was:

"The Government failed to conduct due diligence during the 1994 negotiations and undertook no empirical analysis or evaluation to inform or support the 50:50 split it proposed. The Government was negligent not to take actuarial advice."

Third, the UK Government has not paid in a penny over the lifetime of the scheme, but it has accrued £6.3 billion. It was noted in evidence to the committee that such an arrangement must be viewed as highly unusual and that it would not be allowed today.

Fourth, the UK Government has received more than was expected because the scheme has performed strongly, notwithstanding the global financial crash and the Covid pandemic.

Fifth, as we have heard, the median pension is a meagre £65 per week and, moreover, as we have also heard, half of the members receive less than that, notwithstanding the chronic health issues facing many former miners and the deprivation suffered in the communities in which they reside.

Sixth, the number of pension scheme members is sadly decreasing by approximately 7,000 per year and therefore time is running out to sort the matter.

Seventh, the role of a guarantor is surely not to make a profit at the expense of the beneficiaries of the scheme.

Eighth, there would be minimal risk to the UK Government as guarantor in changing the split to favour the beneficiaries, given the strong performance of the scheme, the considerable surplus that the UK Government has already accrued and the reducing number of members of the scheme. Indeed, as paragraph 39 of the BEIS Committee report states, the head of pension strategy at Coal Pension Trustees Services Ltd posed the question:

"what is the true value of a guarantee that is extremely low risk and extremely unlikely to be used"?

It is clear that the scheme requires to be reviewed as soon as possible. It is neither fair nor appropriate and it is fundamentally flawed in its design. To date, the UK Government has set its face against such calls for a review and for an immediate transfer to the miner beneficiaries of the £1.2 billion currently in the investment reserve

fund. To many former miners and their families in my Cowdenbeath constituency, that intransigence and, indeed, hostility on the part of the UK Tory Government will come as no surprise whatsoever, for they have been on the sharp end of that for decades.

In conclusion, I urge the Scottish Government to do all that it can, even though the power lies with the Westminster Government, to urge the UK Government to do the right thing, and to ensure that here in Scotland we have a voice for former miners and their families. We are determined to see right done by them.

12:57

Colin Smyth (South Scotland) (Lab): I thank Christine Grahame for lodging her motion. I am immensely proud to represent South Scotland, a region that is steeped in Scotland's mining history. As Christine Grahame highlighted, Midlothian was one of those proud mining communities. At one time, it contained 26 collieries employing 11,000 miners, and today, of course, it houses the National Mining Museum. Neighbouring East Lothian is home to the earliest documented coal mines in Scotland, between Tranent and the town of Prestonpans, where the local Labour club ensured that local children were still being fed a hot meal after school every day during the miners strike.

It is a region where Scotland's coalfields run almost continuously from the west coast to the east coast. Some of the most valuable coal seams are in Lanarkshire, which paved the way to making it the seat of the iron smelting industry at one time. On the west coast, in Ayrshire, there were, at one time, around 14,000 coal miners who mined 4 million tons of coal annually. A certain Keir Hardie founded the Ayrshire Miners Union, ultimately leading to the National Union of Scottish Mineworkers.

Even in Dumfriesshire, where I live—an area that many people may not associate with coal mines—deep mining was integral to the economy as far south as Canonbie and Rowanburn, and more recently in Upper Nithsdale from the Fauldhead mine in Kirkconnel, which was the largest local pit until it closed in 1968, to the opencast that continued until just a few years ago. Many of my relatives worked in those Upper Nithsdale pits until the demise of the industry in the 1980s. I should declare an interest, because some of them retired and are mining pensioners today, although some had to move out of the area, to the north-east, to find work in the oil industry.

If there is one lesson that we must take from the demise of the pits and the devastation that it inflicted on our communities, many of which have

still not recovered today, it is that we must have a just transition for our oil and gas sector that creates new jobs to replace those that will be lost. Never again can we have a Government inflict such economic vandalism on communities and then walk away, leaving industrial-scale levels of unemployment.

Not content with the pain inflicted on those coalfield communities by Thatcher in the 1980s, and fresh from those crass comments joking about pit closures, her protégé Boris Johnson has added insult to injury by failing to right the injustice of the mineworkers pension scheme. As we have heard, since the Tories privatised British Coal, in 1994, the Treasury has stripped out 50 per cent of any surplus.

Stephen Kerr (Central Scotland) (Con): I ask the member to acknowledge that we had a long period of Labour Government when those actions took place, which I personally support. I support the proposition that the BEIS select committee makes. The member cannot say what he is saying without accepting his party's culpability in the current situation as well. This anti-Tory rhetoric is tiresome.

Colin Smyth: I know that Mr Kerr does not like to hear about his Government's record, but the reality is that Labour's policy on this particular issue is very clear. It was the Tories who privatised British coal in 1994 and the member's Government that created the injustice that holds today, and they still reject that now. The member's Government has taken £4.4 billion that should have gone to miners and their families. It is those miners—not Tory ministers—who toiled away down in the pit, creating wealth and prosperity, and those are the thanks that Mr Kerr's Government gives them today. [*Interruption.*]

The Deputy Presiding Officer: That is enough sedentary comments, Mr Kerr.

Colin Smyth: If Mr Kerr wants to intervene again, I am happy to take his intervention. I have made my and my party's position absolutely clear. I am proud of the fact that our manifesto in the 2019 election made clear that we would redress and change this particular policy.

As we have heard, some pensioners have been left scrimping on a pension that is, in half of cases, less than £65 a week, yet if there ever were communities that would need that extra spending power, and local people needing a few more pounds in their pockets, it would be our coalfield communities, which are in desperate need of regeneration.

Labour's position on the matter is clear, and it was stated in our manifesto at the election: we believe that the sharing arrangement should be changed so that 90 per cent of any surplus stays

with the miners. The fact that the Tories choose not to adopt Labour's policy of restructuring the pension scheme is obviously unsurprising, but it is frankly vindictive that they still choose not to do so in the face of calls from some of their own MPs. It is a testament to the fighting spirit of all those who campaign on the issue that—finally—the Business, Energy and Industrial Strategy Select Committee of the UK Parliament conducted an inquiry into the pension scheme.

The current 50-50 split of surplus was, as Annabelle Ewing highlighted, arbitrary and simply unfair. Yet, the UK Government continues to reject the putting right of that injustice that miners and their families suffered, which is frankly shameful. Many of the former miners whom that injustice affects are elderly now. They paid their fair share of the pension scheme while they worked, and it is high time that they received their proper share now, in their later years. In many cases, those mineworkers sacrificed their health, working in dark and dangerous conditions to create the nation's wealth, which frankly remains unfairly distributed.

The Deputy Presiding Officer: You need to wind up now, Mr Smyth.

Colin Smyth: A proper pension pot in retirement is not an aspiration but a right that those miners deserve.

13:02

Douglas Lumsden (North East Scotland) (Con): I thank Christine Grahame for securing this important debate. I am pleased to see her focus on Westminster and the importance of the work that the UK Government has done on behalf of mining communities across the United Kingdom.

There is strength in that partnership, which has brought benefits to our miners through the pension scheme. It has been mentioned already that the select committee conducted an important inquiry and heard evidence from all sides. One thing on which all participants agreed was that the guarantee that the UK Government offered was essential to securing the benefits that the scheme has enjoyed.

Indeed, the report states that the pension scheme made gains of 6.2 per cent in 2020, far outperforming other schemes, and that

“the typical member's pension”

is

“around 33% higher in real terms than it would have been had they received only their actual earned pension up to privatisation’.

Annabelle Ewing: The member mentioned the select committee's report, so I wonder whether he agrees with its summary conclusion that

“the Government should also relinquish its entitlement to the Investment Reserve, and transfer the £1.2 billion fund to miners, to provide an immediate cash uplift to former miners.”

The Deputy Presiding Officer: I am happy to give you the time back, Mr Lumsden.

Douglas Lumsden: Okay. Yes, the report is there, but it also mentions that the fund is now in a much stronger position because of that UK Government guarantee.

The conclusions of that report state that

“the Scheme has continued to produce strong returns despite the 2008 financial crisis and the Covid-19 pandemic.”

All parties agree that that is only due to the guarantee that the UK Government continues to provide for the scheme.

In 1996, a report by Binder Hamlyn concluded that no one expected future surpluses of that extent. The trustees and the Government agreed a 50-50 split in good faith, and all parties signed up to it and were content with it. The split was agreed on the understanding that the UK Government would guarantee the scheme, as has already been said, and it was that guarantee that meant that the trustees could invest in more high-risk investments, which has undoubtedly paid off. It is widely accepted that the bonuses would have been less, or non-existent, had the scheme not been guaranteed. One witness at the inquiry even suggested that the pension payout might have been smaller if the Government's guarantee had not been in place.

Christine Grahame: I honestly just seek clarity. Do you agree with the findings of the cross-party select committee—

The Deputy Presiding Officer: Ms Grahame, you should know better than to refer to “you”.

Christine Grahame: I beg your pardon, Presiding Officer—I should not have used the “you” word.

Does the member agree with the findings of the select committee, which had Conservative representatives on it? I commend the resilience and toughness of select committees at Westminster.

Douglas Lumsden: I agree the with committees at Westminster, and I often see differences between the Westminster committees and those here. The findings are there and that is commendable. The minister has also said that her door is open and that she will talk with the trustees, as Christine Grahame said.

The trustees of the scheme have always prioritised the protection of the bonuses, and it is right and proper that they do so. However, for this to take place, the Government has to have a means by which to secure those bonuses in a time of deficit. No one knows what the future holds. In her evidence to the committee, the minister was eloquent on that point. We do not know how the fund will perform in the future or whether there will be future deficits in the fund that require the guarantee to come into effect. No one could have predicted the success of the fund.

I turn to the question of a review. At the committee, the minister was very clear that her door is open, and she met union representatives on 21 June. At that meeting, the minister asked the trustees to consider whether they would be willing to include the Government's guarantee in any future discussions around surplus sharing and the investment reserve. I believe that the minister is still awaiting a reply.

The Government has been open in its discussions. It is more than happy to discuss a change to the surplus that would mean removing the guarantee. Up to this point, the trustees have not been open to that.

Scottish miners in all our constituencies have benefited from the strength of the guarantee offered by the UK Government. Their bonuses have been more than they could have expected without that guarantee, and the strength of the scheme is clear.

13:07

Richard Leonard (Central Scotland) (Lab): I thank Christine Grahame for bringing this most important debate before Parliament. The pits might be gone, but the miners, their families and mining communities remain, and their voices must be heard in the Parliament.

Progress on the pardoning of miners who were needlessly arrested, charged and convicted during the 1984-85 strike was a victory for the principle of justice in the previous session of Parliament. Now, in the current parliamentary session, it is right that we move from the principle to the enactment of justice, and I welcome that.

Other historic wrongs also have to be righted. Since the day the coal industry was privatised—and so the mineworkers pension scheme was, in effect, also privatised—the UK Exchequer has not paid a single penny into the scheme but has taken £4.4 billion out of the scheme. When that was put to the Prime Minister during the 2019 election, he said this:

“We will make sure that all their cash is fully protected and returned”.

He said

“that no Mansfield miner ... is out of pocket”.

It was a promise made not just to the Mansfield miner but to the Midlothian miner and the Monmouth miner. So, let me be as clear as I can be: this pensions betrayal by Boris Johnson and his repugnant view that Margaret Thatcher was some kind of eco-warrior and that her war on the miners was “a big early start” is contemptuous. But it is not anti-Scottish, it is anti-working class. Those retired miners and those widows in Mansfield, Midlothian and Monmouthshire all have the same concerns, the same hardships and the same challenges, and we should not falsely divide them.

The Business, Energy and Industrial Strategy Committee called for reform of the scheme. That call was supported by the pension scheme trustees but not by Boris Johnson's Minister of State for Energy, Clean Growth and Climate Change, who shamefully twisted the truth, claiming that the trustees supported her when they did not—they supported the select committee and the miners.

In the end, the question for all of us is this: do all those years of hardship, suffering, struggle and sacrifice by the miners count for nothing? We know that the hazards, the risks and the dangers that forged those bonds underground have also brought in their wake chronic health conditions, which is why the betrayal of the miners by the UK Government and the Prime Minister is a question of ethics and justice, as well as of standards of living.

This is a poignant time for those of us who place a value on working-class history. Two days ago, we marked the 71st anniversary of the Knockshinnoch tragedy. This Sunday, we shall assemble at Auchengeich to remember the 47 miners who were killed there 62 years ago. In so doing, we rededicate ourselves to remembering the dead, but also to fighting for the living.

It was the pioneering Labour MP John Wheatley who said presciently in 1926:

“The miners are fighting alone, but they are fighting the battle of the whole nation. If they lose, we all lose.”

So, today's struggle for justice is not a struggle for the miners and their families alone. That is why they must not lose this fight. It is why this Parliament must support them to win. Make no mistake—a victory for the miners will be a victory for social justice everywhere.

13:12

Emma Harper (South Scotland) (SNP): I congratulate my colleague Christine Grahame on securing the debate. Although the subject of the

debate is not directly relevant to Scottish Government policy, I absolutely agree that it is important for us as politicians, as role models and as leaders of society, to call out comments that are completely unacceptable. The Prime Minister's comments regarding former Prime Minister Margaret Thatcher's decision to close the mines as having given the UK a "big early start" in tackling climate change are not only unacceptable but deeply offensive. They show nothing other than the contempt that the Prime Minister and the UK Government hold for former mining communities in Scotland.

Many of those communities are located in my South Scotland region. Christine Grahame has invited the Prime Minister to visit the National Mining Museum Scotland in her constituency, and I am sure that many members of former mining communities in my area would welcome a discussion with the Prime Minister on his views on the mine closures that happened under Mrs Thatcher.

The reality of what the mine closures meant has been highlighted by ex-miner Rab Wilson, who said that they had no bearing on tackling the climate emergency. Rab said:

"Kirkconnel, New Cumnock, Auchinleck—all these villages are only here because of the coal ... Socially and economically, it made these local communities. ... The Tories didn't give a second thought to the social catastrophe they were creating."

In his book of Scots language poems, "Accent of the Mind", Rab said:

"The right tae work, that wis aa that we asked
Demands which the Tories said went too faur
Fir tellys, holidays, mibbes a caur ...
Ah'll never forget it, it's left its mark,
It festers there yet, somewhaur in the daurk."

I have written to the Prime Minister to invite him to take part in the discussion that I have agreed to organise on the mine closures. Unsurprisingly, I have not had a response.

Christine Grahame laid out the detail in the report, which shows that billions of pounds should go to the miners. Annabelle Ewing mentioned the fact that the pension amount is as little as £65 per week.

The report talks about the privatisation of British Coal in 1994 and the arrangement that was made between the Government and the trustees of the mine workers pension scheme. In the 2000s, the coalfield communities campaign argued for a review of the surplus sharing arrangements on the grounds that the guarantee had been struck on actuarial advice and may, with hindsight, have been too cautious, and that a 50 per cent share of an unexpectedly large surplus was too much. The consequences of that caused problems for our miners. As Annabelle Ewing noted, not many are

left now to benefit from reforms. I ask the minister to do whatever he can to support the miners in the continued effort to ensure that they benefit from anything that comes out of the select committee's well-worked report.

I again thank Christine Grahame for today's debate.

13:15

Katy Clark (West Scotland) (Lab): I congratulate Christine Grahame on securing the debate and bringing the campaign to Parliament. She is absolutely right to raise the issue and the work of the Business, Energy and Industrial Strategy Committee. I am pleased that the Scottish Government has already made its position clear, and I hope that the issue will be given as much attention as possible.

There has been much discussion of history in today's debate. The history of mining in Scotland is a brutal one. It begins with what was called thirlage, which was basically a form of slavery. Conditions for miners and people in mining communities were absolutely appalling. That applies not only to coal mining, but to mining for tin and iron ore. The communities that many of us represent exist because people often lived beside their workplaces and had often moved, perhaps by walking, from another part of the country to live beside the mines.

The select committee report makes clear the principle that the Government should not benefit and profiteer from miners' pensions. I have always argued for the trade union position, which is that pensions are deferred pay. The principle is that those miners paid into their pension scheme. We have heard a number of contributions highlighting the poor amounts of pension that many miners receive from the scheme. I understand that some widows receive as little as £8.50 per week. Many of the miners receiving those pensions are struggling with work-related illnesses as they get older.

There are many issues of justice. I listened to the Conservative contribution, and I appreciate that the Conservatives find anti-Tory rhetoric tiresome and are attempting to detoxify themselves. The UK Government, and Conservatives here, should be facing up to the consequences of the actions that they forced through in the 1980s. The pit closure programme caused devastation to communities up and down the country.

Those communities are not benefiting from the socioeconomic justice that the UK Government claims to stand for. Nor are they benefiting from levelling up, as we see from Boris Johnson's reaction to the select committee's report. Those

communities are still suffering from decades of de-industrialisation, poverty and lack of economic justice and jobs. Generations have campaigned for economic justice for those communities since the 1980s.

Stephen Kerr: I respect Katy Clark's argument, but she was a member of the UK Parliament during the most recent Labour Government. The issue could have been dealt with then, given the nature of the agreement that was reached in 1994. I said that I tire of the anti-Tory rhetoric because both Labour and the Conservatives were party to the agreement. The Labour Party's partisan approach is ill suited to the argument.

Katy Clark: I am grateful to the gentleman. I appreciate the point that he makes, but I point out that—unfortunately—it is now more than a decade since Labour was in power, and the reality is that, as time has gone on, it has become clearer that the balance of risk is very much against the miners. I understand the point that Stephen Kerr's colleague made earlier when he said that the Government has taken on risk and acted as a guarantor, but the principle is surely that it should be those who paid into the scheme who benefit from it.

The select committee looked at the issues in detail and came to the conclusion that the Government had been negligent at the time and that the only just solution now is for the benefit to be given to those who paid into the scheme, who live in some of the poorest communities in the country. I say to Mr Kerr that, if his Government at UK level is serious about its levelling-up agenda, there is a very simple step that it could take that would put money into those communities. The act would show clearly that it wanted to right some of the wrongs of the past and ensure that those communities are given a fair chance.

There are many other steps that should be taken, but the proposal is a simple step and I hope that, at the end of the debate, we will be united in saying that it is one that the UK Government should take. It would make a significant difference to many people's lives.

13:21

Carol Mochan (South Scotland) (Lab): To this day, the legacy of mining and the miners who made it happen is everywhere across South Scotland, particularly in my home area of Ayrshire and in Midlothian, which is referenced in the motion. It is not just a legacy that has been left on the earth; it is a legacy of social, cultural and political energy that continues to reverberate. I am speaking in the debate in order to celebrate that legacy and the dedication of the miners who broke their backs for our country. They have not been

forgotten by me or by the Scottish Labour Party. I hope that we can, through a bit of common sense and decency, get them the pensions that they deserve. That is not much to ask.

I know that there are people in other parties who would like to think that they saw off the miners long ago. However, although many miners are now retired or, sadly, no longer with us, the legacy of the industry lives on in the solidarity, grit and shared experiences of their communities. It also lives on in the poverty that we have heard about, which is seen in many former mining communities and in the miners' struggle to achieve financial security for themselves and their families, now that their livelihoods and the highly skilled and well-paid jobs that came with mining have all but gone.

I am disheartened to say that, nearly 40 years after the process began, we are still having to stand up and defend the miners and their families against a Tory Government that simply did not care—a Tory Government that saw destroying the power of the working classes as a priority above all else. Why would we expect anything different now?

It is likely that, over the next six years, the Treasury will earn about £23 billion in real terms from the miners' pension fund, but the sum could grow as high as £55 billion—all that wealth, and so little of it going to those who grafted for it. There was a time when the Tories claimed to be all about getting Britain back to work and putting a pound in people's pockets. We can see now whose pockets are being filled from the miners' money.

Fortunately, we have a majority in Scotland against that callous injustice, and I fully support the call to give the £1.2 billion that is held in the investment reserve to the former miners. After all, it is what they are due.

As is rightly mentioned in the motion, the great work of the Labour Government in Wales serves as a fine example for Scotland to follow, and I have no doubt that attempts to follow it will be supported by almost everyone in the chamber. I only despair that we have had to demand it. The distribution of funds should have been reviewed long ago. I thank Christine Grahame for bringing her important motion to the chamber for debate.

13:24

The Minister for Public Finance, Planning and Community Wealth (Tom Arthur): I thank my colleague Christine Grahame for bringing her important motion to the chamber for debate. I also thank members across the chamber for their contributions.

It is clear that, although many decades may have passed, this is still a live issue. That point

has been captured by many members. Richard Leonard's contribution reflected on the need to right historic wrongs, which is—as I think that Carol Mochan expressed it—not much of an ask.

I recognise that we have many challenges and many complex and wicked problems. However, when we are presented with an opportunity to right a wrong and to do the right thing, around which we can all unite, we must seize it. We must also learn the lessons of the importance of a just transition, so that there are not debates taking place in this Parliament decades from now because we failed to learn the lessons of previous generations.

I also recognise Annabelle Ewing's contribution, which highlighted in particular a very important element of the BEIS Committee report. It is an excellent report, and I commend the committee on its work. To make a point that was picked up on by other members, the UK Government should not be engaging in profiteering—that is not the purpose of the pension fund.

I also recognise the contributions that illustrated the rich history of mining across Scotland and, indeed, the wider UK. I have only to look back a few generations in my family to find miners in Ayrshire and Lanarkshire, and I recognise the often horrendous conditions that they had to work under.

I also recognise the contribution of Mr Lumsden, which seemed to be a statement of the UK Government's existing position—I hope that he does not mind me saying that. I had some hope when Mr Kerr intervened on Mr Smyth, as I picked up the suggestion that Mr Kerr agreed with the recommendations of the BEIS Committee. *[Interruption.]*

He is indicating from a sedentary position that he does—I welcome that. Although there may be a difference of opinion across the Conservative group in this place, I hope that Mr Kerr will be full throated in supporting the Government and members across this chamber in calling for the UK Government to do the right thing.

Stephen Kerr: I point out that I am being consistent with the position that I took when I was a member of the House of Commons representing the Stirling constituency, where there are many retired miners who brought this issue to my attention. I am therefore being consistent.

I am also being consistent as a former member of the select committee that produced the report. My former Conservative colleagues on that committee will have received the evidence and their unanimous conclusion is—I believe—based on that evidence. It is therefore an easy thing to support.

I do not belong to the UK Parliament now; I am a member of the Scottish Parliament, and my job is to hold the minister's Government to account. Therefore, I am free to comment on the UK Government at will.

Tom Arthur: As a new member of this Parliament, Stephen Kerr is making an excellent start. I fully encourage him in that approach and urge him to share it with Mr Lumsden.

The mineworkers pension scheme was established in 1952 and was closed to new members on the privatisation of British Coal, in 1994. There are more than 120,000 pensioners receiving benefits from the scheme, and more than 10,000 deferred members, with the average pension being under £100 per week. Indeed, I understand that 10 per cent of the pensioner membership receive less than £18 per week. Former Scottish mineworkers and their widows are among those pensioners. Inevitably, their numbers are sadly diminishing year on year.

Over centuries, thousands of Scots lost their lives underground. Even in the past few decades of the industry, working conditions remained dangerous. Many former mineworkers continue to suffer chronic health conditions as a result of their occupation, which is a particularly acute issue, given what we have collectively endured over the past 18 months.

Of course, times have changed and our priorities for energy are rightly refocusing on sustainable and renewable sources as we strive for a just transition away from fossil fuels. However, we should not forget the critical historical role that mineworkers played over many decades—including in the transformative period between nationalisation and privatisation of the industry—in extracting coal to fuel our communities and propel society into the modern age.

As other members mentioned, the National Mining Museum in the former Lady Victoria colliery—in Christine Grahame's constituency—provides visitors with a vivid reminder of the conditions in which mineworkers toiled, and the gratitude owed to them by all of us. I very much hope to visit the museum soon.

As the chamber is aware, responsibility for occupational pensions is reserved to Westminster, and this Parliament has no influence over decisions affecting the mineworkers scheme or the arrangements set out in the UK legislation in 1994. It was right that, on privatisation in 1994, the UK Government provided assurances and a guarantee to former mineworkers to protect the value of their pensions. It is also right that the risk to the taxpayer was acknowledged.

The arrangements are technical, as has been touched on. In return for the provision of a guarantee, the UK Government is entitled to a half share of scheme surplus—a so-called 50:50 share with the scheme members.

The fund has four notional sub-funds. The “guaranteed fund” provides inflation-proof pensions to former mineworkers and their dependants. There is an investment reserve, based on the £1.2 billion surplus that was bequeathed from British Coal days. Two other components complete the arrangements: a bonus augmentation fund for payments to members, and a guarantor fund, from which the UK Government’s share of benefits are derived.

I recognise that the scheme trustees would have welcomed the guarantee, which permitted an investment strategy seeking higher returns. It has benefited members through bonus payments over years. However, at the time that the arrangements were entered into, it was estimated that the surplus might amount to £2 billion over the course of a quarter of a century. In reality, the UK Government’s dividend amounts to more than three times that figure. In the unlikely event that the guarantee is ever called upon, it is expected that the risk to the taxpayer would fall well short of what has already been paid in.

I have read the report of the Business, Energy and Industrial Strategy Committee, which, as members are aware, sets out key recommendations in relation to the arrangements that were entered into in 1994. The committee describes the 50:50 arrangements as “arbitrary”, as it found that no substantial contemporary assessment had been undertaken. They are also quite exceptional.

I agree with the findings of the committee, in particular, about the future division of surpluses. There is a strong case for a more equitable distribution of surpluses to scheme beneficiaries—many of whom are on low incomes—through an arrangement that better reflects the risks of scheme management and assurance. One of the committee’s key recommendations is to turn over the investment reserve to pensioners, which is a step that could have a material impact on thousands of low-income households.

The UK Government has rejected the recommendations and has set out that it continues to believe that the arrangement that was

“agreed in 1994 was fair and beneficial to both Scheme members and taxpayers”.

The chair of the select committee has understandably responded in strong terms, asking the UK Government to reconsider. The scheme trustees are also disappointed and, given that they consider the guarantee to be essential to the

operation of the scheme, they must feel that they have little scope for alternative action. That is a crucial point to make with reference to what Mr Lumsden said, because the UK Government might say that its door is open, but, if it will engage in conversation only under the condition that the guarantee is to be removed, that is not openness or transparency and that is not engagement. That is what needs to change.

The National Union of Mineworkers has also called for a more balanced approach to the distribution of funds and the investment reserve. As I said, I note the UK Government’s position that ministers are open to further dialogue with trustees and to an arrangement that sees the scheme retain 100 per cent of surpluses. However, that appears to be entirely conditional on removing the guarantee, and that is not a genuine offer. It places the trustees in an invidious position, so it is not acceptable.

The UK Government has been a substantial beneficiary of the arrangements for a quarter of a century. The time for it to stop taking and to do the right thing is long overdue. That is why, as members will be aware, I am writing to the UK Government and the trustees of the mineworkers pension scheme, asking that the arrangements be reviewed so that former mineworkers can, in retirement, be properly recognised for the work that they undertook, on behalf of all our countries across the UK, for many years.

Those discussions should be transparent, should include expert input from actuaries and should have the interests of pensioners at their centre. Action should be taken as soon as possible.

I sincerely hope that the concerns of many on this issue are heard by the UK Government and that the recommendations are given full consideration in mutually supportive discussions. I call on Parliament to support the recommendations of the select committee, and I again thank Christine Grahame for bringing this important issue to the chamber.

The Deputy Presiding Officer: That concludes the debate. I suspend the meeting until 2.00 pm.

13:34

Meeting suspended.

14:00

On resuming—

Portfolio Question Time

Social Justice, Housing and Local Government

The Deputy Presiding Officer (Annabelle Ewing): Good afternoon, colleagues. I remind members that social distancing measures are in place in the chamber and across the Holyrood campus, and I ask that members take care to observe them, including when entering and exiting the chamber. Please use the aisles and walkways only to access your seat and when moving around the chamber.

The next item of business is portfolio questions; the first portfolio is social justice, housing and local government. I remind members that questions 5 and 7 are grouped and that I will take supplementaries on them after both have been answered. Moreover, if a member wishes to ask a supplementary question, they should press their request-to-speak button or enter the letter R in the chat function during the relevant question.

Finally, in order to get as many members in as possible, I ask again for short and succinct questions and answers.

Social Enterprises (Support)

1. Brian Whittle (South Scotland) (Con): To ask the Scottish Government what action it is taking to support the growth of social enterprises and other not-for-profit community enterprises. (S6O-00107)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): The Scottish Government's social enterprise strategy, which was launched in 2016, sets out a wide-ranging, ambitious and long-term programme to develop the potential of Scotland's social enterprise sector. The latest social enterprise action plan was published on 24 March this year and covers the period from 2021 to 2024.

Brian Whittle: It has been highlighted in conversations with community groups that many of the available funding packages are project based instead of being intended for expanding or building on existing initiatives. Will the cabinet secretary comment on the thinking in those groups that they are not deemed sufficiently innovative for one of the funding streams if they want to expand or that they are not eligible for others because the project in question is not new?

Shona Robison: I can write to the member with more details, but I would point out that First Port

Scotland delivers Scotland's national social enterprise start-up incubator on behalf of the Scottish Government via the social entrepreneurs fund. It helps not just to start social enterprises but to develop and grow their ideas, and more information about that is available on the website.

We are looking to continue to fund social enterprises so that they continue to deliver. Beyond the funding package that was delivered during the Covid period, we are continuing to fund social enterprises, and there is an additional £1.5 million to build on the successful programme of support offered through the adapt and thrive programme, which helps community organisations that want to diversify their income. I am happy to write to the member with a bit more detail, particularly on his point about growing social enterprises.

Gypsy Travellers

2. Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): To ask the Scottish Government whether it will provide an update on progress with its joint action plan with the Convention of Scottish Local Authorities, "Improving the Lives of Scotland's Gypsy/Travellers (2019-2021)". (S6O-00108)

The Minister for Social Security and Local Government (Ben Macpherson): First, we welcome Ms Whitham's interest in this area, which she has had since her days as COSLA's community spokesperson. She was also an active member of the Scottish Government's Gypsy Traveller ministerial working group.

Due to the pandemic, the Gypsy Traveller action plan was extended to October 2022 to provide us with more time to deliver on the remaining actions and to build on the excellent work that has already been undertaken. Covid-19 and the pandemic crisis have already allowed us to make unexpected progress in some areas such as remote and distance learning and digital access, which have improved, and improving sites and accommodation. We will continue to work closely with the community, COSLA and partners to ensure that we meet our objectives and improve outcomes for our Gypsy Traveller communities.

Elena Whitham: As well as seeing their traditional lifestyle eroded, we know that our Gypsy Traveller communities often experience extreme and persistent stereotyping and hostility as they go about their lives. I know that the minister agrees that it is hugely important that we challenge such negative attitudes and ask that progress be made in tackling racism and discrimination, which is a central part of the action plan.

Ben Macpherson: The member is right; we are working hard to address racism, prejudice and discrimination against the community. For example, some of the practical steps that we have taken include the development by NHS Fife and NHS 24 of an e-learning module, to be promoted to tackle the stigma and discrimination that some Gypsy Travellers experience when using national health services. Uptake of the module has been high. Work has also involved developing learning and development resources for Social Security Scotland, to support the needs of Gypsy Travellers when they access front-line services.

As the member will know, COSLA works with councillors across the country to raise awareness of the issues that Gypsy Travellers face, to ensure that they feel involved in their local communities.

Social Security (Support)

3. **Siobhian Brown (Ayr) (SNP):** To ask the Scottish Government how much it plans to invest in social security support over the next five years. (S6O-00109)

The Minister for Social Security and Local Government (Ben Macpherson): As set out in this year's budget, we are committing £3.5 billion to social security payments, which will reach more than 800,000 people. That money will go directly to the people in Scotland who need it most.

The latest Scottish Fiscal Commission forecast, which was published in August 2021, estimates that annual social security spending will rise to £5.2 billion in 2026-27, totalling £23 billion over the next five years.

The Scottish Government views social security as an investment in the people of Scotland and a fundamental human right, and we are committed to ensuring that everyone can access the financial support to which they are entitled.

Siobhian Brown: I welcome the introduction of new benefits such as the Scottish child payment, which, since February, has helped more than 2,000 families that need it most in South Ayrshire alone.

This morning, I received an email from my daughter's school, advising parents of food shortages and saying that the local school was unable to provide the school lunches that were on the menu. We are living in the aftermath of a reckless Tory Brexit, which was forced through during a global pandemic. With food and energy prices rising—

The Deputy Presiding Officer: Could we have a question, please?

Siobhian Brown: —and empty shelves, does the minister share my deep concerns, and agree that it is imperative that the people of Scotland get

the opportunity to determine their own future and rectify those injustices?

Ben Macpherson: With the powers that we have, the Scottish Government has taken unprecedented action to tackle child poverty by investing nearly £1 billion in 2020-21 to support families with children. That includes our game-changing Scottish child payment, which we will double to £20 in the lifetime of this parliamentary session, together with the best start grant and best start foods. That will provide more than £5,300 of financial support for families by the time their first child turns six.

I completely agree that our anti-poverty efforts are seriously undermined by United Kingdom Government decisions and its unjustified assault on social security in too many cases. I take the opportunity to once again call on UK Government ministers to do the right thing by reversing its planned £20 cut to universal credit, to avoid pushing a further 20,000 children in Scotland into poverty.

Miles Briggs (Lothian) (Con): The pandemic has demonstrated the negative impact of coping with bereavement, with families limited to how many people can attend funerals, and people not being able to say a proper goodbye to their loved ones in care homes and hospitals. In particular, it has impacted those who provide care for a loved one.

When does the Scottish Government plan to introduce the extension of carers allowance for six months after a bereavement?

Ben Macpherson: As Mr Briggs will know, the delivery of devolved social security benefits has taken place over the past three years. One of the first measures that we took, which was stipulated in the Social Security (Scotland) Act 2018, was to deliver the carers allowance supplement. This year, as we did last year, we intend to give an additional supplement.

As I set out to the Social Justice and Social Security Committee last week, we are undergoing the process of appropriate stakeholder engagement and consultation on how we bring forward Scottish carers assistance. We are looking at a range of different measures around eligibility, and considering the experience of carers to make sure that we work collectively with other parties, and as a Parliament as a whole, to ensure that Scottish carers assistance helps the unpaid carers whom we all value and appreciate, and for whom, in due course, we want to deliver an enhanced benefit.

Affordable Homes for Rent

4. **Richard Leonard (Central Scotland) (Lab):** To ask the Scottish Government whether it will

provide an update on its commitment to supporting the building of affordable homes for rent. (S6O-00110)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): The Scottish Government is proud of our record on delivering, since 2007, more than 102,000 affordable homes, nearly 71,000 of which were for social rent, including more than 16,000 council homes. As the programme for government makes clear, we are committed to delivering 110,000 affordable homes by 2032, of which 70 per cent will be available for social rent and 10 per cent will be in our remote, rural and island communities.

Delivering on that ambitious affordable homes target would support a total investment package of around £18 billion and up to 15,000 jobs each year. In the four years to 2020, we delivered over 75 per cent more affordable homes per head of population than in both England and Wales, and over nine times more social rented properties per head of population than in England.

Richard Leonard: I thank the cabinet secretary for that response. Back in April 2020, the Auditor General for Scotland told the Government that it must

“evaluate the impact of the current programme on housing needs and the economic impact of the investment in affordable housing”.

Shelter Scotland, in its document “Exiting Covid and Tackling Scotland’s Housing Emergency: Shelter Scotland’s 2021 Action Plan”, says that the Government’s programme must be about more than simply the number of housing units completed—it must be about the social impact; moving Scotland’s communities in the right direction; and, first and foremost, reducing social housing need.

Will the cabinet secretary today give a commitment to place before the Parliament an annual housing and social justice report, to include whether housing need has gone up or down; the economic and social impact of the building programme; the state of housing need and access among groups that are all too often marginalised; and measures of wider community benefit and wellbeing?

Shona Robison: Richard Leonard will, I hope, be aware that the “Housing to 2040” strategy talks about many of those issues. Housing is not just about bricks and mortar—it is a core anti-poverty measure, and I very much understand that.

I was asked something along the same lines as Richard Leonard’s question when I attended the Local Government, Housing and Planning Committee this week. I said that I would reflect on whether, in addition to the myriad pieces of

information that are provided on progress towards the affordable housing targets—there are a lot of statistics, data and reporting—further reports would be of benefit. I do not think that anyone can say that an ambitious target of 110,000 affordable homes, a total investment package of £18 billion and the creation of 15,000 jobs each year is anything other than to be welcomed.

Rural Housing Fund

5. Liz Smith (Mid Scotland and Fife) (Con): To ask the Scottish Government whether it will provide an update on the rural housing fund. (S6O-00111)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): Between 2016-17 and 2019-20, the Scottish Government invested more than £400 million through the affordable housing supply programme, including the rural and islands housing funds, in rural and island communities, and delivered more than 4,800 affordable homes in that time. The rural and islands housing funds are described in the Scottish Land Commission’s report on “The Role of Land in Enabling New Housing Supply in Rural Scotland” as “game changers” for community-led housing development.

We have committed to delivering 110,000 affordable homes by 2032, of which 10 per cent will be in our remote, rural and island communities, backed by at least £45 million.

Liz Smith: I thank the cabinet secretary for that response. However, she is well aware that less than half the £25 million fund that was set aside for rural housing has actually been spent, despite the chronic shortages of affordable housing in many parts of the countryside, and that there has been much faster progress on house building in the central belt than in rural areas. Can she explain why that is the case and what is being done to rectify the situation?

Shona Robison: As I said in my initial answer, good progress has been made in delivering rural housing. I talked about the 4,800 affordable homes that have been delivered in that time. However, Liz Smith will be aware of some of the particular challenges in remote and rural Scotland, such as land availability, community capacity to bring forward proposals and ensuring that those proposals can get from pre-development to the development stage. Those are complex matters, which is why, in recognition that we need to do more, we have committed to developing a rural and remote housing plan that is dedicated to the needs of rural and remote Scotland.

That consultation will talk to communities the length and breadth of Scotland to make sure that

we can get it right in every community, even for small-scale developments. That is, of course, backed up by the additional resources that we have made available.

Housing Shortage in Rural Areas

7. **Colin Smyth (South Scotland) (Lab):** To ask the Scottish Government what action it is taking to tackle the reported shortage of housing in rural areas. (S6O-00113)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): As I said, the Government has significantly invested in affordable housing, delivering 4,800 homes between 2016-17 and 2019-20 as part of the £3.4 billion affordable housing supply programme, and we have committed to the 10 per cent of 110,000 homes target. We are also committed to developing our remote, rural and islands action plan. Councils are being given significant additional powers to manage particular challenges in communities, such as short-term lets—we will lay legislation for a licensing scheme in November. We are also giving local authorities the power to deal with second homes, if they see that as a problem in their area.

Colin Smyth: Given that the population of rural areas is growing and now accounts for 17 per cent of Scotland's population, does the cabinet secretary think that the 10 per cent that she referred to of the target of 110,000 homes is going to be adequate? Put simply, that is about 1,000 properties a year. There are big challenges when it comes to labour shortages in rural areas, and access to affordable housing is one of the biggest barriers. Surely we should be planning to build more houses in order to tackle that challenge.

Shona Robison: I see the 10 per cent target as a minimum and, through the rural and remote housing plan, we will get a better sense and more evidence of what the housing need is. I want to take a more strategic approach to looking at housing needs in remote and rural Scotland. We have been relying on community organisations and community responses for proposals, and that can be sometimes quite difficult, because of the complexities. We want to assist communities to analyse and agree housing needs and priorities, and then work with them and local authorities and social landlords to work up plans to deal with those shortages.

Jenni Minto (Argyll and Bute) (SNP): Will the cabinet secretary outline what action is being taken to reduce the impact of the huge increase in short-term lets on the availability of rural housing? That issue is of major concern to those who live in those areas.

Shona Robison: Our licensing scheme will ensure that all short-term lets across Scotland comply with basic safety standards, in order to protect guests and neighbours. Local authorities will have the discretion to add further licence conditions in order to address any local concerns such as littering or the overcrowding of properties. The licensing scheme will provide local authorities with data on the number, type and location of short-term lets in their areas. They can also, of course, designate short-term let control areas if they wish to do so, in order to address pressures that are created by secondary short-term letting. Within a control area, planning permission would always be required to let out a whole home for short-term lets. Finally, the provisions will allow local authorities to manage high concentrations of secondary letting where those affect the availability of residential accommodation or the character of a neighbourhood.

Beatrice Wishart (Shetland Islands) (LD): The shortage of housing is not just a rural issue; it is an island issue. What action is being taken to tackle island housing shortages, which disproportionately affect young people and are a significant factor in island depopulation?

Shona Robison: I very much appreciate that issue, and the remote, rural and island housing plan will absolutely look at the needs of island communities. It can also look at how we use island bonds as part of the response to that.

Just this morning, I met with the leader of Shetland Islands Council. We talked about many issues, and the issue that the member raised was one of those that we explored. We will have further discussions about it as we take matters forward.

Child Poverty

6. **James Dornan (Glasgow Cathcart) (SNP):** To ask the Scottish Government what progress it is making on reducing child poverty. (S6O-00112)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): Child poverty is a national mission, which is shown through the almost £1 billion of targeted investment that we provided last year. Our Scottish child payment has already reached 108,000 children. Combined with our bridging payments, it will provide more than £130 million directly to families this year. However, we will go further and double the Scottish child payment to £20 a week as soon as we can put the budgetary provisions in place. That complements wider action across Government, from the 1,140 hours of funded early learning and childcare to the expansion of free school meals and an increase in the school clothing grant. Those are all examples of positive steps that the Government is taking to tackle child poverty.

James Dornan: Does the cabinet secretary agree that the Scottish child payment has already made significant strides towards reducing child poverty in Scotland in general and in Glasgow, in particular, where 58,520 payments have been made to Glasgow families, totalling £2,895,000, and that that demonstrates the Scottish Government's progressive thinking as opposed to the regressive universal credit cuts that the United Kingdom Government is callously pursuing?

Shona Robison: I agree that the Scottish child payment has been acclaimed as a game changer in the fight against child poverty and is projected to lift thousands of children out of poverty. The member outlined how that is impacting positively on Glasgow families. However, that policy is being completely undermined by the UK Government's regressive £20 cut to universal credit, which will be the biggest overnight cut to welfare in 70 years. Some 60,000 families across Scotland, including some 20,000 children could be pushed into poverty.

We have urged the UK Government to reverse its plans on numerous occasions, most recently in conjunction with the Welsh and Northern Irish Governments.

Pam Duncan-Glancy (Glasgow) (Lab): Citizens Advice Scotland has said that 4,000 families will lose eligibility for the Scottish child payment if the abhorrent cut to universal credit goes ahead. Will the Scottish Government commit today to continuing to pay the Scottish child payment to those families?

Shona Robison: As I said, the UK Government cutting the £20-a-week uplift to universal credit could reduce the number of children who are eligible for the Scottish child payment by around an estimated 2,000. For some families, the universal credit cut will be enough to remove their entitlement to the Scottish child payment. However, the problem is that we rely on top-up powers to deliver those payments. We do not have any other legislative basis to allow us to do so. I call on the UK Government not to cut the £20-a-week uplift to universal credit. We want people to remain eligible for the Scottish child payment. However, because that payment is delivered through the top-up powers, we are constrained in what we can do for those families.

Jeremy Balfour (Lothian) (Con): It is deeply disappointing that the Scottish Government has yet again failed to commit to paying the Scottish child payment in the next fiscal year as all other parties, civic society and the faith community have called for. Of course, the reason why it has not done that is that independence is on its mind and there is room for nothing else. Can the cabinet secretary explain why the Government insists on

continually putting its constitutional obsession before the wellbeing of our young people?

Shona Robison: I find it astonishing that a Tory MSP would come to the chamber to demand that the Scottish Government double the Scottish child payment this year—[*Interruption.*]

The Deputy Presiding Officer: Mr Balfour, no shouting from a sedentary position.

Shona Robison: —in the very month that his Government is going to remove £20 a week—[*Interruption.*]

The Deputy Presiding Officer: Sorry, cabinet secretary, but could you resume your seat for a second? Mr Balfour, I do not want shouting across the chamber.

Shona Robison: I think that I might have touched a raw nerve.

Every time a Tory MSP comes to the chamber and utters the words “child poverty”, I will remind them of what their Government is about to do this very month in cutting £20 a week from some of the most vulnerable families. They should get their own house in order before coming here and demanding that we do anything. It is an absolute disgrace and a total brass neck.

Commission on Violence Against Women

8. Alex Cole-Hamilton (Edinburgh Western) (LD): To ask the Scottish Government what its position is on establishing a commission to prevent violence against women, in all its forms. (S6O-00114)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): Violence against women and girls is one of the most devastating and fundamental violations of human rights and is totally unacceptable. Rather than establishing a commission to tackle it, we are committed to delivering against the equally safe strategy and continuing our collaborative work with a wide range of partners in the sector via the equally safe joint strategic board.

We have also tasked the independent working group on misogyny and criminal justice in Scotland with evaluating how the Scottish criminal justice system deals with misogyny, including by looking at whether there are gaps in the law.

Alex Cole-Hamilton: Earlier in the year, when Scottish Liberal Democrats suggested the idea of a commission to prevent violence against women and girls, the Government agreed that it would be willing to explore the idea of such a commission with an open mind and that a commission might help bring all the strands of the work together.

Statistics that have been published this week show that, of 1,045 stalking charges reported to the Crown Office in 2021, at least 592 were identified as domestic abuse. I am dismayed to hear the cabinet secretary—

The Deputy Presiding Officer: Would you get to the question, please, Mr Cole-Hamilton?

Alex Cole-Hamilton: —suggest that there will not be a commission. I ask her to explain to the chamber why the Government has decided not to embark on such a commission.

Shona Robison: The member is aware of all the work that is happening in this area. In my first answer, I described the current work around the equally safe strategy. I have also described the work of the working group on misogyny and criminal justice, and a review of the law is going on in this area as well. The Minister for Community Safety has also been looking at what further areas of the law require reform. I do not think that anybody can really accuse the Government of not taking action across all those areas.

It is not that we have an objection in principle to a commission; we just think that this work is being taken forward already through those other platforms. I hope that the member will engage constructively in those discussions.

Constitution, External Affairs and Culture

The Deputy Presiding Officer: I ask all members who seek to participate in portfolio questions—back benchers as well as front benchers—to ensure that their cards are in their consoles.

Also, if a member wishes to request to ask a supplementary question, they should either press their request-to-speak button, or indicate so in the chat function by entering R during the relevant question.

United Kingdom City of Culture 2025 (Borderlands)

1. **Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con):** To ask the Scottish Government what support it can offer the Borderlands region with its bid to be UK city of culture 2025. (S6O-00115)

The Minister for Culture, Europe and International Development (Jenny Gilruth): I wish the Borderlands, the Tay cities region, and Stirling all the best in the longlisting stage of the UK city of culture competition.

My officials met the Borderlands bid team on 23 August to hear about the content of its bid and to discuss useful connections that Scottish

Government officials could help to facilitate—for example, with VisitScotland—to allow it to be on the front foot if it was longlisted. I understand that its longlisted bid will be announced later this month.

Rachael Hamilton: I thank Jenny Gilruth for that answer, and I wish the other Scottish bids all the very best, too. We, in the Borderlands partnership, are very well placed to showcase what we have in the Borders. We can build on cross-border and cross-party collaboration and on the UK and Scottish Government growth deal. We need to highlight our intrinsic cultural, historical and societal links and to draw international attention to the region.

I would like to ask the cabinet secretary, in the spirit of learning lessons from the Paisley bid several years ago, what support and guidance the Scottish Government might be able to offer the exciting new Borderlands bid.

Jenny Gilruth: I recognise Rachael Hamilton's constituency interest in the matter, and I note that she wrote—in July, I think—to the UK Government culture minister on it. It is a UK Government policy for which, she will note, there is an expert UK panel that will select six bids to receive support to develop a longer bid.

In July, I signed off the appointment of Roberta Doyle to the expert panel as Scotland's representative, and I know that the Department for Digital, Culture, Media and Sport has stated that it hopes for a representative geographical spread in the shortlisting.

Scottish bids have been shortlisted previously, but no Scottish bid has yet been successful at procuring the title. Indeed, Rachael Hamilton will recall the amount of hard work that went into Paisley's bid. My officials have been in contact with the bidding team from the Borders, and we will continue to have those conversations. I look forward to seeing the longlist at the end of this month, and I hope, of course, to see Scottish representation in the final list.

United Kingdom City of Culture 2025 (Tay Cities and Stirling)

2. **Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the Scottish Government how it will support the bids from the Tay cities region and Stirling to be UK city of culture 2025. (S6O-00116)

The Minister for Culture, Europe and International Development (Jenny Gilruth): My officials have already met representatives of the Stirling bid and have sent a note of introduction to the Tay cities team, offering to meet. The Tay cities team has advised my officials that, if its bid is longlisted, it will be back in touch to arrange a further discussion. Scottish Government officials

have liaised with the relevant United Kingdom Government team throughout the design and implementation process to ensure that Scottish interests are represented.

Murdo Fraser: Mid Scotland and Fife region has two bids to be the UK city of culture 2025. How will Scottish Government funding for cultural projects across the region assist in supporting those important bids?

Jenny Gilruth: As I previously stated, the UK city of culture programme is a UK Government sponsored competition. The Scottish Government's approach to working with the Department for Digital Culture, Media and Sport on the UK city of culture 2025 was signed off by the previous cabinet secretary in a letter to Oliver Dowden, the UK Secretary of State for Digital, Culture, Media and Sport, agreeing that we would, of course, work with DCMS officials on design and implementation of the process that I spoke to in my response to Rachael Hamilton.

As I understand it, the Stirling bid is purely for Stirling itself, whereas the Tay cities bid takes in Angus, Dundee, North East Fife, and Perth and Kinross. I will not ask Mr Fraser to pick sides, given that I know that he represents both areas. I hope that he understands that I am keen, at this stage, to support both Scottish bids as they move forward. I wish the Stirling and Tay cities bids the best of luck.

On funding, if Mr Fraser has any influence, he might wish to raise with his Conservative colleagues at Westminster the expanding culture consequentials that are due to the Scottish Government—a sum total of £31 million, of which the culture sector in Scotland is, of course, in dire need.

Brexit (Impact on Imports)

3. Collette Stevenson (East Kilbride) (SNP): To ask the Scottish Government what discussions it has had with the United Kingdom Government regarding the impact of Brexit on Scotland's ability to import essentials such as food and medicine. (S6O-00117)

The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson): Brexit has led to significant challenges, including labour and skills shortages, which could have an impact on supplies of food and other goods. It was an astonishing act of recklessness by the UK Government to press ahead with a hard Brexit in the middle of a pandemic, and it did so despite the Scottish Government's having provided detailed evidence of the damage that it would cause. We are doing whatever we can to mitigate the harms that are being inflicted on Scottish businesses.

Since 1 January, the Scottish Government has, at official and ministerial levels, attended 29 European Union exit operations committee meetings to discuss the impact of Brexit with the UK Government.

Collette Stevenson: I have been contacted by constituents who are extremely worried about the consequences of Brexit on recognition of UK prescriptions in the EU and on imports going through customs controls. Will the cabinet secretary urge the UK Government to rectify those problems?

Angus Robertson: Since 1 January 2021, UK-issued prescriptions are no longer valid in the European Union, except in Ireland and Spain, where separate arrangements apply. Prescription charges can be applied to UK citizens by pharmacists in both those countries. The Scottish Government continues to work closely with the UK Government regarding the impact of EU exit on import of medicines in the event of border disruption.

I stress to my friend Collette Stevenson that there is, of course, a solution to all this, which is that at the soonest practical point we should rejoin the European Union, so that we do not need to go through the continuing woes that Brexit is causing for our economy and for so many communities the length and breadth of this country.

The Deputy Presiding Officer: Question 4 has not been lodged.

Scottish Government Offices in Warsaw and Copenhagen

5. Dean Lockhart (Mid Scotland and Fife) (Con): To ask the Scottish Government when it will establish the new overseas offices in Warsaw and Copenhagen, as set out in its agreement with the Scottish Green Party. (S6O-00119)

The Minister for Culture, Europe and International Development (Jenny Gilruth): As was announced in the programme for government, we will open a Scottish Government office in Copenhagen next year to increase Scotland's economic and cultural visibility in the Nordic region. In this parliamentary session, we will also open an office in Warsaw, as part of our continued commitment to enhancing our external reach and voice.

Dean Lockhart: As the minister will be aware, 32 of the Scottish Government's existing 38 international offices are located in British embassies and consulates. As she will also be aware, more than 60 per cent of Scotland's trade is with the rest of the United Kingdom, but there is only one investment trade office in that market. When will the Government take steps, such as

opening trade offices, to support and increase Scotland's trade with the rest of the UK?

Jenny Gilruth: Scotland's international network has been supported by ministers from a range of political parties for a decade, so I hope that the issue will not become politicised in the future. In 1992, Scotland Europa was established in Brussels under a Conservative Administration, and offices in Boston and Beijing were opened under the Labour-Lib Dem coalition.

Scotland's international presence is even more important now, in the wake of Brexit—which of course we did not vote for—and given the damage that it is causing to our economy, jobs and trade. Our network of international offices promotes Scotland's enterprise internationally; indeed, in 2020, work to attract investment by our offices both at home and overseas helped to increase foreign direct investment in Scotland by 6 per cent.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): The establishment of new overseas offices will play an important role in developing Scotland's international relationships. Can the minister provide an update on what further action the Scottish Government is taking to strengthen Scotland's international presence and voice?

Jenny Gilruth: Our international presence creates domestic opportunities, broadens our horizons, attracts investment and, ultimately, benefits the people of Scotland. Our policies and actions abroad will be consistent with our focus on fairness and inclusion at home. The programme for government emphasises our commitment to reviewing our approach to future policy and economic engagement, with a view to enhancing Scotland's global reach and presence.

Scottish Independence (Monarch)

6. Douglas Lumsden (North East Scotland) (Con): To ask the Scottish Government, in light of its co-operation agreement with the Scottish Green Party, whether it will provide an update on its position on maintaining the monarch as the head of state in an independent Scotland. (S6O-00120)

The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson): I begin by commending Douglas Lumsden for his implied recognition that there will be an independence referendum. That is extremely welcome.

As the co-operation agreement between the Scottish Government and the Scottish Green Party parliamentary group makes clear, each party continues to have the right to set out its own vision for independence. The Scottish Government's

view remains clear: Scotland will remain a constitutional monarchy, with the Queen as head of state, just as she is in a great many other independent Commonwealth countries.

Douglas Lumsden: Does the cabinet secretary agree with the First Minister's adviser Mark Blyth that

"unwinding centuries of economic integration could prove devastating to businesses"

in the short, medium and long terms? Would he further agree with me that Scotland is best placed to succeed in the short, medium and long terms politically, economically and socially with the monarch as head of state, and with the union as the defender of Scotland's interests?

Angus Robertson: The gentleman obviously needs to reread some history. Scotland was, of course, part of a treaty involving the Crowns for 100 years before the treaty of union saw the end of the Scottish Parliament.

As the First Minister set out, work on a detailed independence prospectus will now be taken forward, in line with the democratic mandate that has been secured for a referendum. For the record—if it needs any more stressing—the parties that were committed to a democratic choice in the recent Scottish Parliament elections won the election, while the parties that opposed a referendum lost. We will determine how the work towards that referendum will proceed, as we do for delivering our commitments across the whole range of our responsibilities, in the interests of the people of Scotland.

Afghan Refugees (Housing Assessment)

7. Katy Clark (West Scotland) (Lab): To ask the Scottish Government what work it has done to assess how many Afghan refugees can be housed across all local authority areas. (S6O-00121)

The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson): Scotland will play its part in welcoming refugees from Afghanistan. We are undertaking urgent work with the Home Office, the Convention of Scottish Local Authorities and local authorities directly, and other partners to assess the contribution that Scotland can make.

Local authorities assess their ability to provide accommodation and services, and offers are then matched with refugees who are accepted for resettlement by the Home Office on the basis of their needs.

We are keen to explore all avenues through which to provide suitable housing. However, we need detailed information from the United Kingdom Government in order to be able to progress work to identify suitable accommodation

and service availability to meet the needs of people who arrive.

Katy Clark: It would be useful if the cabinet secretary could keep Parliament updated on the number of refugees who come to Scotland. Could he give more detail on the money that was announced last week and how it will be spent? As he knows, previous work on refugees has been funded by the Home Office. Will he outline what he is doing to look at the pressures on councils, and outline what can be done by the Scottish Government to provide help with wider support services?

Angus Robertson: I commend Katy Clark for her questions and the positive way in which she put them. I greatly welcome those questions.

I held a conversation on Monday with the new UK minister with responsibility for Afghan refugee resettlement. It was a very positive meeting at which I asked the same questions as Katy Clark has asked about funding, in terms of both direct funding and Barnett consequentials. Unfortunately, however, I have had no detailed breakdown of any commitments from the UK Government following the conversation. I will continue to press the UK Government, because we need answers on that matter.

Katy Clark is absolutely right about the pressures on local authorities, which is why we need to understand the financial side of the equation. However, we must also consider the issue of numbers that she addressed. I will add one simple fact to the debate in order that members understand the scale of the challenge. The average Afghan family size is more than six people. We want to ensure that Afghan families remain united, but it does not take a genius to work out that it is a challenge to find, in our housing stock, houses that are appropriate for people in those circumstances.

We will do absolutely everything that we can do. I appreciate that members want hard and fast numbers, but it is a fast-moving situation and we are trying our best to identify available housing stock, work with local authorities and get the resources in place to maximise the number of people whom we can take in Scotland.

Collette Stevenson (East Kilbride) (SNP): Considerable concerns have been raised about the impact that the Home Office's Nationality and Borders Bill might have on vulnerable individuals who seek sanctuary in Scotland and elsewhere in the UK. Does the cabinet secretary agree that the bill's proposals are flawed and risk creating further barriers for vulnerable people who seek protection?

Angus Robertson: Yes, I do. The UK Government's Nationality and Borders Bill is

deeply flawed and will not create an immigration system that is effective and efficient and which delivers for the most vulnerable people. The bill will differentiate between people on the basis of how they entered the UK, not the protection that they need.

The Scottish Government recognises the need to deter and to prevent abuse of our immigration and asylum systems. However, extremely vulnerable people, including children and victims of human trafficking, deserve a system that enables access to the support that they desperately need—not one that erects barriers. The bill puts Scotland's reputation as a country of welcome and refuge at serious risk. The Scottish Government will continue to make the case for immigration and asylum systems that at all times treat people with compassion, dignity and fairness.

Cultural Sector (Support)

8. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Government how it is supporting the cultural sector's recovery in the current financial year, including the provision of funding. (S6O-00122)

The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson): Since the start of the pandemic, the Scottish Government has provided £175 million to the culture, heritage and events sector, which is far more than we have received in consequentials from the United Kingdom Government. That includes £25 million that was announced in June 2021 for the culture organisations and venues recovery fund and the performing arts venues relief fund. We have created guidance for reopening of cultural performances and events, which we will continue to revise to ensure that it remains relevant to the sector.

We will continue to work with the whole culture sector, building on new and existing relationships in order to understand the immediate challenges that it faces as it returns to full capacity. We will work with the sector to consider how to build a resilient future, recognising that different parts of it will be affected in different ways.

Kenneth Gibson: Pre-pandemic, there was a huge discrepancy in the disbursement of funds and support over the culture sector. We acknowledge that large cities have national collections but, even so, Glasgow received 25 times the funding per capita that North Ayrshire received. Will the cabinet secretary confirm that such discrepancies will be tackled as we build back better?

Angus Robertson: We know how valuable culture is and we are committed to continuing to provide access to culture for communities and

creative workers across Scotland as we rebuild from the pandemic. We continue to invest in programmes that have a broad reach across Scotland, including through the youth music initiative and the culture collective fund.

Cultural venues across Scotland, including a number of recipients based in North Ayrshire, have, over the course of the pandemic, received funding through the culture organisations and venues recovery fund, which has been an important step in supporting cultural organisations and venues to navigate these extremely challenging times.

Deaths of John Yuill and Lamara Bell

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a ministerial statement by Keith Brown on the deaths of John Yuill and Lamara Bell. The cabinet secretary will take questions at the end of the statement, so there should be no interventions or interruptions.

14:45

The Cabinet Secretary for Justice and Veterans (Keith Brown): I am grateful for the opportunity to make a statement on police call handling and the tragic deaths of John Yuill and Lamara Bell in 2015.

I start by offering my condolences to the families of John Yuill and Lamara Bell. Yesterday, the chief constable unreservedly apologised to the families of John and Lamara. Just as the justice secretary did at the time, I apologise to the families for their tragic loss. I am deeply sorry.

Following a complex and thorough investigation, the Lord Advocate, in her independent role as head of the system of prosecution in Scotland, confirmed that criminal proceedings would be brought against Police Scotland in connection with the deaths of Mr Yuill and Ms Bell. As members will be aware, on Tuesday at the High Court in Edinburgh, the Police Service of Scotland pled guilty to an offence contrary to the Health and Safety at Work etc Act 1974, admitting to corporate criminal liability in relation to the tragic events in July 2015.

I understand that the case team and staff from the Crown Office's victim information and advice service have communicated with family members and their legal representatives throughout this process.

I know that the minds of many family members will now turn to the question of whether there will be a fatal accident inquiry. The decision on that is a matter for the Lord Advocate and as cabinet secretary I have no locus in it. However, the Lord Advocate has confirmed that work has begun to initiate a fatal accident inquiry, and she has committed to make further information on the process public when possible.

It is important to recognise the significance of the case and of the sentence. However, as Lord Beckett said in his sentencing statement,

"There is no sentence this Court can pass which reflects the inestimable value of life lost and harm caused."

Following the tragic events in July 2015, ministers acted quickly and the then Cabinet Secretary for Justice directed Her Majesty's

Inspectorate of Constabulary in Scotland to undertake an independent assurance review of the operation, systems and processes in place in Police Scotland's contact, command and control—C3—division. That review resulted in 30 recommendations for improvement and HMICS has worked closely with Police Scotland and the Scottish Police Authority to implement wide-ranging changes in the period since.

In May 2018, HMICS published an update report, which confirmed that all 30 of the recommendations relating to its initial assurance review had been discharged and commended Police Scotland for the considerable priority it attached to that work. This week, HMICS published a further briefing note confirming that it has continued to engage with Police Scotland's contact, command and control division and has carried out on-going assurance work on the new contact assessment model and the wider Police Scotland change programme.

The briefing note confirmed that a further eight recommendations were made to support on-going improvement and ensure that key areas of development and risk continued to be addressed by the SPA and Police Scotland. All those further recommendations have subsequently been discharged.

HM chief inspector of constabulary in Scotland, Gill Imery, commented in the briefing that she is

"confident that Police Scotland has made significant progress in terms of its call handling processes and is committed to pursue continuous improvement, investing further in technology, staff and the C3 estate".

Mrs Imery noted that the force had maintained a high level of transparency over its call-handling performance, publishing monthly reports on its website to ensure that the public and interested parties can scrutinise its progress. She thanked the officers and staff of Police Scotland, who have continued to engage positively in HMICS's assurance processes and reviews.

Since the establishment of Police Scotland, public scrutiny of policing has never been greater. It is essential that public and parliamentary confidence in the police remains strong. I know that members will share my view that Scotland is well served by its police service, and its hard-working, dedicated and professional officers and staff.

Police Scotland, which was created through the Police and Fire Reform (Scotland) Act 2012, is a result of the largest exercise in public service reform since devolution. The Parliament's Justice Committee's post-legislative scrutiny report on the act was published in 2019, and it rightly recognised some significant achievements,

including the creation of national capabilities in policing, which were described as

"a success story for ... Scotland."

We are confident that the structures and procedures that were brought in under the Police and Fire Reform (Scotland) Act 2012 have strengthened the governance, accountability and scrutiny arrangements for policing.

In giving evidence to the Justice Committee in October 2018 as part of that process, and notwithstanding, of course, the circumstances of this tragedy, Chief Constable Iain Livingstone was clear that police reform had made Scotland safer. He said that he did not think that Scotland would be as safe as it is now and in the future had we not gone through that process of reform. The Scottish Police Authority chair strongly agreed with that sentiment.

In these recent unprecedented times, we have been very well served by Police Scotland, its officers and its staff. Public confidence in policing is high. A survey by the Scottish Police Authority in February 2021 confirmed that 58 per cent of respondents rated their local police as excellent or good.

In HMICS's recent annual report, which was published on 13 August 2021, Her Majesty's chief inspector of constabulary in Scotland, Mrs Gill Imery QPM, said, in the context of an on-going pandemic:

"Having one police service for Scotland helped to achieve consistency in leadership direction, interpretation and implementation of legislation. Police Scotland's public messages repeatedly emphasised working with the public as fellow citizens, maintaining the principle of policing by consent and building legitimacy, despite the extraordinary additional police powers to restrict people's individual freedoms."

Much has been achieved through police reform, and I firmly believe that policing in Scotland is stronger for it. However, that in no way, of course, detracts from the failures that occurred in this part of the reform programme, which have been accepted by Police Scotland.

Lord Beckett stated during sentencing:

"The offence for which the Police Service of Scotland has accepted responsibility and pled guilty to arises from human error which arose at a time of considerable restructuring of the police and necessary reorganisation of their procedures. I accept senior counsel's unchallenged submission in relation to the reorganisation of call handling and area control, that:

"This was not change for the sake of change, or change driven purely by the desire to reduce costs. Rather, the lack of an integrated system caused considerable operational difficulties: the previous legacy systems could not communicate with each other, access to technology across the forces varied and coordination of operational responses across legacy boundaries was convoluted and cumbersome."

The Scottish Police Authority recognises that the severity and significance of the charges and the fine placed on Police Scotland underline the serious failure to respond appropriately to the incident in 2015. The SPA chair, Martyn Evans, said in his statement following the court proceedings:

“The Chief Constable’s detailed acknowledgement of these failings, apology and personal commitment to continue to drive improvement and further reduce the opportunity for such circumstances to ever happen again are frank and heartfelt.”

Nothing that I say today in the chamber can adequately recognise the sense of grief and loss that the families will have endured but, again, I turn to the families of John and Lamara and say that I am deeply sorry for what happened and I am deeply sorry for their loss.

The Presiding Officer (Alison Johnstone):

The cabinet secretary will now take questions on the issues raised in his statement. I intend to allow around 20 minutes for questions, after which we will move to the next item of business.

Jamie Greene (West Scotland) (Con): I thank the cabinet secretary for the advance sight of his statement.

The deaths of Lamara Bell and John Yuill are an utter tragedy—there really are no other words for it—but it is a tragedy that should not have happened. It resulted in unimaginable horror and, as we now know, the avoidable death of Lamara. It is also a tragedy that many warned might happen.

The case laid bare some very difficult truths for the Scottish Government, which it, too, must be held accountable and responsible for, over and above the apology that we have heard today. It is clear that the centralisation of Police Scotland and specifically its call-handling practices undoubtedly led to a period of funding concerns, information technology problems and operational failures that ultimately cost the lives of two innocent people. The Government cannot absolve itself of all responsibility, and only a fatal accident inquiry will unearth those failings.

Much was made in the statement of lessons learned—which, of course, they must be. Why, then, is it the case that, as recently as June this year, some 40 per cent of calls to the police on 101 were abandoned by the caller because of lengthy waiting times? Is that a lesson learned?

On police funding, does the Scottish Government contest Police Scotland’s defence argument in this case that the force’s budget has been operating on a hand-to-mouth basis, so much so that the judge handed down a reduced fine out of concern for the police’s budget?

Finally, does the Scottish Government have any regrets of its own about things that, through its admission, might ensure that a tragedy such as this never happens again?

Keith Brown: I thank Jamie Greene for his questions.

Going back to the comments that were made during sentencing, the judge said the public reform change that was happening at the time was a “necessary” change, and he alluded to the inadequacies of the previous legacy systems. I can attest to that myself, as a member of a police board. The eight systems were not talking to one another in the way that they should have. Part of the public sector reform that was undertaken was to address that and many other systems. It was a necessary change, which is a point that his lordship made.

Jamie Greene said that such a tragedy had been warned about, but the single point of failure was human error, as the judge said in delivering his sentence. As was said elsewhere in the judgment, human error will happen in “Large and complex organisations”—that much is a given. However, we have to work to try and reduce that. The 30 recommendations that have been taken forward and the subsequent eight recommendations that have also been taken forward specifically in relation to the call-handling and management system are our way, the police’s way and the SPA’s way of responding and ensuring that the likelihood of such a thing happening again is absolutely minimised.

The comments that were made by the inspectorate, which is the body that oversees such changes, are very encouraging, saying that the police, ourselves and the SPA are getting it right. A fundamental reform happened in how such calls are handled. The service takes more than 2 million calls a year. People can drop out of calls for any number of reasons. It can be because they are directed to go elsewhere, for instance. Under the previous legacy systems, calls were often not answered at all, and no record was kept of the fact that those calls were not answered. That does not happen now.

On the point that the member makes about budgeting, I point out that we have increased police funding year on year since 2016-17, investing more than £10 billion over that time. The decade that we are talking about, from 2011 to 2021, has been a decade of austerity, and it is against that background that the police budget has increased by £75.5 million to more than £1.3 billion. During that entire time, we have had a higher number of police officers than under any previous Administration.

There is no doubt that there are budgeting pressures. I concede that, and that is set by the context in which we ourselves are funded. I point out that, as recently as last year, under the budget that we are currently working with, we allocated £60 million extra to the police. The Conservatives asked for £50 million, and we allocated £60 million. We have, on occasion, allocated further funds for specific purposes, for example for body-worn cameras.

We are, indeed, looking to learn the lessons, and we want to maximise the budget for the police. We have committed to maintain the police resource grant right through this parliamentary session, and I hope that we will have support for that. We are, of course, learning lessons, and the bulk of them have been taken forward in the 30 recommendations, which have been followed by eight subsequent recommendations, all of which have been discharged. I accept, however, that that must be a continuous process.

Pauline McNeill (Glasgow) (Lab): We, in Scottish Labour, add our voices to that of the cabinet secretary in offering condolences to the families of John Yuill and Lamara Bell.

There were many troubling factors leading to the death of those two young people, and lessons must be learned from the huge mistakes in the case and from the fact that it took six years for the family finally to have a court confirm the failings of Police Scotland, with an admission of corporate criminal liability.

What deeper reflections does the cabinet secretary have, in issuing an apology, about ensuring that such a thing cannot happen again, and that all steps are taken? It is clear that failing to accompany the centralisation of Police Scotland with adequate staffing and training was a factor. We know that because various reports indicate that the officer who took the call, who had stepped in due to staff shortages, was not a trained telephone operator, and he did not even have access to the IT systems. That was a monumental, complete systems failure. A properly resourced 101 call centre with well-trained staff is obviously crucial. We have heard that, of 71,000 calls, 40 per cent were left unanswered.

I acknowledge that confidence in Police Scotland remains high, but I ask the cabinet secretary to say whether, with what I have said in mind, he is really satisfied that Police Scotland has the necessary resource to ensure that such a situation can never happen again. When the fatal accident inquiry proceeds, how can we ensure that it is completed speedily, and that the public see that justice is done and that there is accountability?

Keith Brown: I will address Pauline McNeill's last question first. As I know that she knows, the Government would have no control over the pace of an FAI, if that is the way that the Lord Advocate chooses to proceed.

I acknowledge her first point, about the time that it has taken to get to this stage. I acknowledge the delay, and the angst that it has caused to the people who are involved, but once again I highlight that the Government—quite rightly—has no control over the process. Nevertheless, it is welcome that the Lord Advocate has said that she has already started the process and that she will keep us updated as to how it moves forward.

Pauline McNeill also asked whether we are satisfied that resources are available to the police in sufficient quantum. I refer her to my previous answer. We have consistently increased the police budget. When there have been requests—there have not been many—from Opposition parties in budget processes to increase funding to the police, we have responded to those. Of course, that can be done only at the expense of other services—we have to make that choice. We have also responded to specific requests from Police Scotland.

In addition, we hope to ensure that our police remain in much larger numbers. One of the budget constraints is that, if we increase our police numbers—as we have done—to more than 17,000, but the United Kingdom then reduces its police numbers by 17,000, the fact that it is spending less on policing means that we get less in consequentials, so it becomes harder for us to continue to fund the numbers of police that we have. Our commitment to the Parliament to ensure that we maintain the police resource budget is very strong and should, I hope, give some reassurance. I hope that other members will support that commitment.

Beyond that, it is the Government's responsibility to allocate funding and the Parliament's responsibility to agree that funding, and it is then the SPA's responsibility to deal with that funding and oversee how the police spend their budget. I have high—and rising—confidence in the SPA's ability to do that.

We have to learn lessons. It will take a bit of time to do that, and it will be done as and when, and if, an FAI proceeds—we should, of course, learn lessons at that stage as well.

Willie Rennie (North East Fife) (LD): I know Lamara Bell's family—I am thinking of them today, as I have for many days over the past six years.

For the justice secretary to use this week, of all weeks, to claim that the centralisation of the police is "a success story" is both insulting and offensive, especially as the chief constable has admitted

that, for three years, the call centre system was unsafe.

Four months before the tragic deaths of Lamara and John, I warned Nicola Sturgeon about the problems at the Bilston Glen call centre, but the Government did nothing to stop the cavalier closures. Political decisions have consequences. Will the cabinet secretary follow the dignified lead of the chief constable and accept that the Government got the police centralisation programme wrong?

Keith Brown: I appreciate the points that Willie Rennie makes and the fact that he has been involved in the case for a long time and has personal knowledge of the family concerned, but I have to say that I disagree with him.

I have been a supporter, by conviction, of centralisation of the police force; I believe that it leads to a better police force in Scotland, and it is already showing benefits.

Of course, I acknowledge the tragic loss of life that happened in this case, but I believe that centralisation of the police is a fundamentally important public service reform. I am not the only one who says so. In my statement, I read out a list of all the different people, including the chief constable, the chair of the SPA and the head of HM Inspectorate of Constabulary in Scotland, who have seen benefits from centralisation. That is an important point.

Willie Rennie asked what lessons we can learn. I have already mentioned some of them, including some practical things that have been done. Pauline McNeill mentioned increased training for staff, which has been taken forward as part of the 30 recommendations.

I have confidence that those recommendations are improving the existing service even further. Nonetheless, it may be the case that an FAI, if that is the way that the Lord Advocate proceeds, will give us a further opportunity—Willie Rennie may have a chance to contribute to the process—to go back and learn further lessons. I, for one, would commit the Scottish Government to playing a full part in an FAI, if that is what happens.

Collette Stevenson (East Kilbride) (SNP): My thoughts and heartfelt condolences go to the families of Lamara and John, too. Will the cabinet secretary reiterate some of the actions that have been implemented by Police Scotland following the HMICS independent assurance review to ensure that such a tragic and avoidable event never happens again?

Keith Brown: I point out that the HMICS independent assurance review did not examine the circumstances of this incident, but instead provided wider independent assurance of the

operation, systems and processes in place in police contact, command and control—C3—facilities across Scotland.

I mentioned that 30 key recommendations were made in 2018 and HMICS has provided an update on the progress that has been made; that progress was not left to Police Scotland or the SPA but was inspected by HMICS. It made further recommendations and has confirmed that all eight of those recommendations have now been closed.

Those who have taken the time to read the inspectorate's recommendations will know that they are not soft recommendations—they are very serious and have been delivered by people who are experts in the area. HMICS notes that

“considerable priority and effort has been applied to ensure that progress has been made”

and that

“the management and staff of C3 Division have continued to be strongly committed”.

HMICS also points out that

“Police Scotland now has a single national command and control system in place which allows oversight of all incidents across Scotland from any of the three Area Control Rooms or Service Overview functions providing resilience and more effective management of national incidents, as well as providing a complete picture of activity.”

I mentioned the information communication technology legacy systems. Substantial work has been undertaken to further stabilise the ICT infrastructure and systems and provide an effective medium-term environment. I am grateful to the inspectorate for its work, which gives us confidence that, as far as conceivably possible, we will drive down the risk that something similar could happen again.

Russell Findlay (West Scotland) (Con): Tens of millions of pounds in compensation for the Crown Office's malicious prosecution scandal will not come from its operational budget. Ministers have promised that those payouts will come from other public funds. It is reported that Police Scotland may face similar claims over its criminal negligence in the M9 tragedy. Will the Scottish Government make the same commitment and guarantee that not a single penny will be taken from front-line policing budgets?

Keith Brown: The two examples given by Mr Findlay are not comparable at all—we are not at that stage. It is not open to me to comment on any potential further cases. However, it can be assumed by the approach being taken by the Scottish Government in relation to the other case that the member mentioned, that we do not want to see the police budget impacted. We want to safeguard resource budget for the police. The Government is not involved in or informed about

potential actions in those areas, so I do not want to say more than that at this stage.

Rona Mackay (Strathkelvin and Bearsden) (SNP): The court noted that operational difficulties at the time included differences in access to technology across the forces. Has the Scottish Government taken any action to ensure that Police Scotland have access to up-to-date and sufficient technological resources?

Keith Brown: I mentioned that in response to Collette Stevenson's question. Yes, there have been substantial upgrades, because that has been a huge problem. I say candidly that that is not true across all the IT systems that the police rely on. Those systems require substantial investment and anybody who has been involved in public or private sector procurement of IT systems for very large organisations knows how complex it can be.

However, in relation to that particular area of work, I am confident that the work is being taken forward. That confidence does not derive only from an assurance from the police—serious though that would be—but the assurances that we have received from the SPA, who this month will hold another public session on the matter, and from the inspectorate, as I have mentioned previously. That provides a very strong level of reassurance.

Daniel Johnson (Edinburgh Southern) (Lab): Poor implementation of central control centres was the underlying fault behind these tragic deaths, and Police Scotland has rightly apologised. Capital funding of Police Scotland per police officer has remained around the fourth lowest across United Kingdom police forces since the creation of the force, at around half the police service's assessment of what it requires. Will the cabinet secretary reflect and extend his apology to police officers for his Government's failure to fund the systems, facilities and equipment required to create a single police force?

Keith Brown: I have already mentioned the fact that we have spent extra money on the police throughout the past 10 years, when public finances have been extremely squeezed. I think that everyone, especially Daniel Johnson, will acknowledge that fact.

We have maintained capital funding, which Daniel Johnson mentioned. As well as giving capital allocations to the police when they were requested—and none was challenged by any other party in the chamber—we have given additional capital funding for specific purposes, such as body-worn cameras, which I have mentioned.

We remain alive to requests from the police, but it is all one pot of public money, notwithstanding the difference between resource and capital, and

we have to make choices. We have chosen to have a higher number of police officers, to pay our police officers better and to provide the equipment that I have mentioned. There is always debate about that, and perhaps Daniel Johnson has a different view on how the funds should be disbursed. I accept that, but we stand by the allocation of resources that we have made to the police and we will try to maintain that throughout this session of Parliament.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): Does the Scottish Government have plans for police recruitment, to ensure that all areas of the service, such as call handling, are sufficiently staffed?

Keith Brown: I thank Audrey Nicoll for her question. She knows far better than me that police recruitment is, of course, a matter for the police. However, the Scottish Government has continued reform funding for a further year in order to support police transformation, and £29.6 million of reform funding will be provided to the SPA this year to support a range of transformation projects. Recruitment will remain a question for the police but they, as members would expect, are watching these proceedings and will have heard Audrey Nicoll ask that question and I am sure that her point will be taken on board.

We will continue to support the current police numbers, which are higher than under any previous Administration. I am also pleased to report to Audrey Nicoll—she might know this anyway—that there continues to be very strong interest in joining the police, in contrast with, for example, recruitment to the armed forces, where there have been substantial recruitment crises in previous years. A number of members have written to me in recent months about aspects of recruitment, and I am assured that recruitment work will be taken forward by Police Scotland and the SPA. We will continue to support that work, in so far as it relates to the reform of the service, at the same time as providing the support that, in our public statements, we are duty bound to provide to the police, given the fantastic role that they have played, not least in the past 18 months during the pandemic.

Maggie Chapman (North East Scotland) (Green): My heart goes out to the family and friends of Lamara Bell and John Yuill. No one should have to experience such an avoidable tragedy.

This terrible case reminds us that serious harm and death can be the result of not only individual mistakes but institutional and corporate failures of governance and care. While Police Scotland's admission of breaching health and safety legislation, its conviction and the imposition of a small fine bear some symbolic significance, they

do little to bring about real justice. Does the cabinet secretary agree that the people of Scotland urgently need law reform that, through robust participatory and potentially transformative processes, effectively addresses corporate and institutional responsibility for death and serious injury?

Keith Brown: At this stage of the session, I know Maggie Chapman's views on the issue that she has raised. I have confidence in our justice system, notwithstanding the point that Pauline McNeill raised about the time that it sometimes takes to get to a conclusion, which can be very difficult for people who are waiting for a resolution to the issues of justice that they seek. Of course, as a listening Government, we will listen to proposals for further changes that would facilitate the more efficient use of the justice system in order to achieve justice. We should always seek to do that, and I am happy to engage with Maggie Chapman, as I have done already, on the issue that she raises.

Michelle Thomson (Falkirk East) (SNP): I thank the cabinet secretary for his statement and I add my voice to the heartfelt sympathy that has been expressed to those who were affected by the tragic deaths of Lamara and John.

I am encouraged that, following today's statement, questions that remain unanswered may be explored further with a fatal accident inquiry. However, we must also consider the feelings of those who have been left behind because, for the family members, the loss is on-going. What range of victim support processes is in place for them?

Keith Brown: I thank Michelle Thomson for that very important question about the victims in all this. For the family and friends left behind, no sentence can adequately address the tragedy and loss that they have experienced. However, I note that the Crown Office was in regular contact with the families during this difficult period, and that, as well as writing to the families with a full apology, the chief constable has offered to meet them, which, of course, will be a decision for the families. I have letters being compiled just now to send to the families as well. They have received support through the Crown Office and from elsewhere. Once again, our sympathies are with those families.

Dean Lockhart (Mid Scotland and Fife) (Con): The move to a centralised call-handling system has inevitably resulted in significant gaps in local knowledge and a disconnect between Police Scotland and local communities. Does the cabinet secretary recognise that a return to a more localised, knowledge-based call-handling system would help to prevent similar tragedies from happening in future?

Keith Brown: I do not want to dismiss out of hand the suggestion that Dean Lockhart makes. When he started talking about a more decentralised system, I thought that his question was going to be about accountability and some kind of influence over local policing, which I concede is something that we should explore further.

However, I do not agree with Dean Lockhart on the national call-handling centre issue. Now that it has been improved to the extent that it has been, we have the best system that we could have. The situation when we had eight legacy systems that were unable to talk to each other and there were cross-boundary issues was problematic, and we now have a better system. I accept that we have to make sure that it is the best system that it can be, and I am more than happy to engage with Dean Lockhart on the issue of more local influence and control over how the policing system operates, which I know that he, or certainly his party, has raised before.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Does the Scottish Government have any plans for financial support for the continued process of police integration and reform?

Keith Brown: I have sought to answer that through the funding that I have announced, which we will continue to commit to Police Scotland for the reform process. I underline that we recognise that reform did not end in 2012. It takes time to go through a reform of that size, which has been described as the biggest public sector reform under devolution. We have to accept that we must continue to support it.

I have mentioned already that the chief constable has been candid about the fact that there are still challenges with some IT and other systems, not specifically in relation to call handling but across the legacy forces' systems. Given that, and given the vital importance of policing to the wellbeing of the entire country, we are duty bound to continue supporting the police in the way that I have described and through resources, including the very recent resources that I mentioned in earlier answers.

The Presiding Officer: That concludes the statement on the deaths of John Yuill and Lamara Bell. I remind members that social distancing measures are in place in the chamber and across the Holyrood campus. I ask that members take care to observe those measures, including when entering and exiting the chamber, and to please use the aisles and walkways only to access their seat and when moving around the chamber.

Covid-19 Vaccine Certification Scheme

The Presiding Officer (Alison Johnstone):

The next item of business is a debate on motion S6M-01123, in the name of John Swinney, on a Covid-19 vaccine certification scheme.

15:18

The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney):

Throughout the Covid pandemic, the Scottish Government has taken actions that are proportionate to the nature and the circumstances of the challenges that we have faced. It is for that reason that we have brought forward for debate our proposal to introduce a mandatory domestic vaccine certification scheme for a limited number of events.

The situation in which we find ourselves is currently fragile. Despite the vaccine, we have seen over the past fortnight that the number of weekly cases has increased from 26,167 to 44,198, the number of people in hospital with Covid has increased from 391 to 883 and the number in intensive care has increased from 44 to 82. However, despite that concerning growth in the number of cases and the levels of hospitalisation, we all recognise the need to do all that we can to protect the return to greater normality that we have experienced in recent weeks, and I believe we are all committed to doing that.

In June, the Government changed its strategic intent from suppressing the virus to the lowest possible level to a broader view that recognises all possible harms, including social and economic ones. We accepted that measures such as physical distancing placed considerable burdens on our economy that could not be judged proportionate, so we removed the majority of remaining restrictions on 9 August while retaining an effective baseline of public health measures. That baseline includes test and protect, the use of face coverings in certain settings and continued emphasis on good hygiene and ventilation.

Of course, it is the extraordinary vaccination programme, in which 84 per cent of all over-18-year-olds are now fully vaccinated, that allowed us to make that move beyond level 0. I pay full credit again to the teams the length and breadth of the country who have now delivered more than 7 million Covid vaccinations since the first one was delivered, on 8 December 2020.

Just as vaccinations change the game in relation to the Covid response, the arrival of the now predominant delta variant has led to the

fragile position that exists today. Vaccination has significantly reduced the link between cases and serious health harm from Covid, and the proportion of people with the virus ending up in hospital is now much lower than it was before the vaccine programme.

Willie Rennie (North East Fife) (LD): Will the cabinet secretary take an intervention?

John Swinney: I will, in a second.

That link has weakened but has not been entirely broken. With our national health service under immense pressure as we catch up with delayed treatment and care, we need to reduce the number of people who are in hospital with Covid-related issues.

I give way to Mr Rennie.

Willie Rennie: Today at First Minister's question time, the First Minister quoted Professor Reicher, but her description of his views was not complete. He says that vaccine certificates could "lead to riskier behaviours" and could make some people less likely to get vaccinated. Will the cabinet secretary give a more comprehensive account of Professor Reicher's views than the selective one that was given at lunch time?

John Swinney: I have read Professor Reicher's thread on Twitter today. It is a balanced thread, because it goes through the arguments that justify the application of a vaccine certification scheme and the circumstances in which it would work—when high levels of trust exist in the advice and guidance that are in place—while highlighting the issues that could potentially lead to the reinforcement of vaccine anxiety.

It is a balanced argument, and, although I do not have her words to hand, it is my recollection that the First Minister indicated at lunch time that Professor Reicher's assessment was balanced in setting out the pros and cons of the steps that the Government takes. Ultimately, it is a matter of judgment, and I will set out the rationale as to why the Government has come to the conclusions that it has.

Murdo Fraser (Mid Scotland and Fife) (Con): Mr Swinney is correct in saying that it is a matter of judgment: in two hours, the Parliament will be asked to vote on whether we approve the scheme. Paragraph 3 of this morning's paper from the Scottish Government says that the Scottish Government

"will continue to gather evidence from around the world on certification schemes"

and that it

"will also publish a full assessment of the evidence for certification."

Why has that evidence not been made available to Parliament before we are asked to vote on the scheme?

John Swinney: The Government has today published a paper that sets out the details of the scheme and the approach that we intend to take. Mr Fraser is a member of the COVID-19 Recovery Committee and knows that there is a constantly emerging evidence base on all Covid-related matters. He also knows that Parliament will have to consider Covid-related regulations in addition to the decisions that it is invited to take today.

In those circumstances, I believe that it is necessary and appropriate for us not to return to the restrictions of the past but to take further proportionate, effective and targeted action that, when possible, minimises the harm that restrictions cause to businesses, young people's education and our overall wellbeing.

Stephen Kerr (Central Scotland) (Con): Will the Deputy First Minister give way?

John Swinney: If Mr Kerr will allow me, I will make more progress.

It is precisely in that context that we propose to introduce a mandatory domestic vaccination certification scheme. The scheme is not an additional layer of restriction being imposed on a world that is essentially back to normal, but a proportionate response to a world where a continued risk of serious harm from Covid exists, where our hospitals are under strain and where we are beginning to see the serious impact of long Covid.

If the choice is between sectors and settings being closed and a limited certification scheme being used to keep them open, the Government believes that it is right to make a choice in favour of a limited certification scheme.

Stephen Kerr: In the very short paper that the Government produced this morning, under "Costs", it says:

"Any additional staffing or infrastructure costs will be met by businesses."

What assessment has been made of the economic impact on affected businesses?

John Swinney: Part of that analysis must take into account the point that I have just put on the record. Because of the escalating challenges of Covid, we might have to consider further restrictions, which would have an economic impact as a consequence. We are trying to avoid that consequence. We are saying that this will have a lesser and more proportionate impact on society as a consequence, and businesses will have to respond accordingly.

Stephen Kerr: Will the cabinet secretary take an intervention?

John Swinney: I have a lot of detail that I want to get on the record today, if Mr Kerr will forgive me.

As with all Covid measures, certification has provoked controversy and debate. I encourage Parliament to consider the clinical justification for a vaccine certification scheme. There is clear clinical evidence that double vaccination significantly reduces the likelihood that a person will get Covid-19. There is also clear clinical evidence that certain settings are associated with the risk of spikes in infections. We know about the risks of settings where large numbers gather or where people spend time close together, particularly indoors. We also know that activity associated with very large events will pose risks. We saw, for example, a marked spike around the Euro 2020 tournament. Therefore ensuring that only those who are double vaccinated attend those higher-risk venues and events can directly reduce the risk of transmission in such settings.

Douglas Ross (Highlands and Islands) (Con): The Deputy First Minister is asking Parliament to vote this evening on his proposals for vaccine passports. Can he tell the Parliament and people watching what his definition of a nightclub is in that context?

John Swinney: I will come on to that in due course.

We accept, of course, that the extent of protection against transmission from our vaccines is certainly lower now with delta than with the previous dominant variant. It does not eliminate the risk, but it is likely that it does reduce the risk—*[Interruption.]* I am going to have to make some more progress and get this on the record.

So, any certification scheme cannot be based on a guarantee of no transmission. It is about allowing some of our higher-risk settings to operate more safely when the potential alternative would be closure. Furthermore, it will help to protect those who are more vulnerable, such as those who either cannot be vaccinated for medical reasons, or who, because of underlying medical conditions, do not respond effectively to the vaccine.

In addition, we believe that certification will encourage a proportion of the eligible population who remain unvaccinated to get vaccinated. We have seen that in other jurisdictions.

Of course, as with any Covid measure, we should not use it for a moment longer than it is needed. Regulations will be reviewed against the policy's intention to reduce transmission and boost vaccination take-up, and they will be subject to

parliamentary scrutiny. They will be reviewed every three weeks. Any certification regulations will expire on 28 February 2022, as with all other Covid measures under the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021. It would require a further decision by this Parliament to extend them further.

I now turn to the details of the scheme itself. Yesterday, we published in the Scottish Parliament information centre a paper setting out the rationale for domestic certification and how we expect it will work. In that paper, we indicated our intention to launch the scheme on 1 October. We accept that that is only a few weeks from now, but, if it is to be effective in the current fragile context, we believe that we need to take rapid action.

We do not believe that domestic vaccine certification should ever be a requirement for any key services or in settings where people have no choice over attendance. We continue to hold very firmly to that position.

As the First Minister set out in her statement to Parliament last week, we propose that vaccination certification be introduced once all adults have had the opportunity to be fully vaccinated and for the following events and venues: nightclubs and analogous settings; sexual entertainment venues; unseated indoor live events with more than 500 people in the audience; unseated outdoor live events with more than 4,000 people in the audience; and any event that has more than 10,000 people in attendance.

Members rose—

John Swinney: I think that Mr Whittle was on his feet first, so I will give way to him.

Brian Whittle (South Scotland) (Con): I still have pace. Does the Deputy First Minister accept that the major issue for Conservative members is the lack of clarity around the practicality of implementation of the vaccine passports? For example, what would happen in venues that are not set up for digital reading of QR codes or venues that have automated entry? Who would be responsible for policing and bearing the costs of that? The practicalities of the proposal that has been brought to Parliament have not been properly considered.

John Swinney: I will move on to some of those details for the benefit of Mr Whittle. We want the vaccine certification process to be as simple as possible. There are just a few steps involved. From 30 September, people will be able to use the NHS Scotland Covid status app, which also has a QR code. Anyone who is unable to use the app will be able to request a secure, uneditable paper record of vaccination. That will replace the current interim solution for accessing records of vaccination.

Staff in the affected venues will be able to download the NHS Scotland Covid check verifier app to a smartphone or device.

Graham Simpson (Central Scotland) (Con): Will the cabinet secretary give way on that point?

John Swinney: Mr Whittle asked me to put some detail on the record, and it is important that I do that, for the sake of clarity.

The Covid check verifier app will be available during the course of the next week, well in advance of the launch of the scheme. Detailed guidance will be provided for venues on how to use the app, and there will be options for venues to integrate the verifier functionality into their own systems, as the source code is open source.

Graham Simpson: Will the cabinet secretary give way on that point?

John Swinney: I ask that Mr Simpson allow me to complete the detail.

The Presiding Officer: The cabinet secretary is now over his time. I would appreciate it if you could begin to wind up, cabinet secretary.

John Swinney: A person who, for medical reasons, cannot be vaccinated will be able to apply for a document that says that they are exempt. Those who are on clinical trials should already have their exemption letter, and they will be able to show that instead of a record of vaccination.

The introduction of Covid vaccine certificates—even in the limited circumstances that I have set out—is a significant development, but the evidence base for their introduction in Scotland is not unique. There are no factors to do with the virus or our circumstances that mean that the measure is unreasonable in Scotland but reasonable elsewhere. The UK Government has announced its intention to introduce certification for England, and several European countries, including France, Italy and Ireland, have already introduced certification. Indeed, certification schemes in other countries often cover a wider range of venues than the ones that we are currently considering for Scotland.

As I have indicated, the Government has set out to Parliament details of the nature of the scheme. We put those proposals to Parliament as part of our approach to protecting people in the very fragile situation that we face in Scotland and in hospitality of rising infection, which poses a threat to our national health service. We are trying to take proportionate action to protect the public from the coronavirus, and I encourage Parliament to support the measures by supporting the motion.

I move,

That the Parliament commends the extraordinary effort of vaccination teams throughout Scotland, which means that, as of 6 September 2021, 84% of eligible over 18-year-olds were double-vaccinated against COVID-19; recognises that case numbers remain stubbornly high and that action is needed from all sectors to ensure that baseline COVID measures are rigorously implemented; acknowledges that a number of other countries have introduced COVID certification schemes and that the UK Government has plans to introduce a vaccine certification scheme in England; believes that, in line with the Scottish Government's strategic intent, a COVID Vaccine Certification scheme can provide a targeted means to maximise Scotland's ability to keep certain higher risk settings open, while reducing the impact of transmission and encouraging the remaining sections of the population to get vaccinated; supports the implementation of a COVID Vaccine Certification scheme; agrees that the scheme will apply to nightclubs, sexual entertainment venues, indoor unseated live events with 500 or more attendees, outdoor unseated live events with 4,000 or more attendees and all events with 10,000 or more attendees; notes that measures are being taken to ensure digital inclusivity and to ensure that disabled people are not disproportionately impacted, and agrees that this scheme will be kept under regular review.

15:34

Douglas Ross (Highlands and Islands) (Con):

The Deputy First Minister has just asked Parliament to consider the proposals and vote accordingly. Earlier, I asked him a very specific question, on which I now invite an intervention from him: what is a nightclub for the purposes of his vaccine passports?

John Swinney: In the arrangements that have prevailed so far, there has been no necessity to distinguish between nightclubs and pubs and hospitality venues that may open later in the evening and into the early hours of the morning.

In order to avoid market distortion, the circumstances that we face require us to more precisely define the distinction between nightclubs and those venues that could appear similar to nightclubs but have a different purpose. That is the subject of further discussion with the night-time industries sector that will enable us to come to conclusions that will be set out in the regulations.

Douglas Ross: I am unsure what we are expected to do as parliamentarians and as people who have been sent here to scrutinise the Government. Nicola Sturgeon announced the plans a week ago. We were told that we would get a paper setting out how vaccine passports would work. The Deputy First Minister fumbled around for a minute trying to explain what a nightclub is, yet he wants members to impose vaccine passports on those establishments without us knowing which establishments the passports will affect.

A responsible Government should bring forward only proposals that are ready to be enacted. Further consultation is not suitable if the Government wants the support of members.

John Mason (Glasgow Shettleston) (SNP):

Does the member accept that we are looking at this in principle today, that the detail has still to be worked out and that we have a COVID-19 Recovery Committee that will look at the detail?

Douglas Ross: I absolutely do not agree. I cannot remember the exact words, but the Deputy First Minister said that he accepted that the measure is being introduced in short order. A proposal that is put forward by this Government to be introduced in short order will not be scrutinised by the COVID-19 Recovery Committee before it is implemented. I understand from Murdo Fraser that that scrutiny will happen only after the measures come into force on 1 October. These are legitimate questions, and that is why the Deputy First Minister refused to respond to my intervention during his speech and still cannot tell Parliament or the watching public what a nightclub is with reference to the vaccine passport that he wants to impose on those nightclubs.

Gillian Martin (Aberdeenshire East) (SNP):

Douglas Ross was a councillor. I do not know whether he served on a licensing board, but would he agree that those boards have a definition of nightclubs and that that is known throughout councils?

Douglas Ross: I was a councillor for a decade. I did the training to be a member of a licensing board and I sat on a board. There was no such definition, so I am not sure that Gillian Martin sat on such a board—she cannot have done the training if that is what she thinks.

As politicians seeking to make a decision on an extremely important subject, we are in a really difficult position if the Government cannot give us even simple information about what is or is not a nightclub.

We were told to expect a paper that would, in broad terms, tell us what to expect. That paper was published only hours before this debate. In its 2,000 words, it still does not define a nightclub but says that there will be costs to businesses for additional staffing and infrastructure. The Deputy First Minister has accepted that he has no idea what those costs will be. The paper also states that the app will have to be updated. Therefore, the Government is going to introduce something for venues that the Deputy First Minister cannot define and with an app that will have to be updated because it is not ready yet. The paper also does not provide sector-specific detail on how the scheme will be operated. Sectors have been

crying out for that detail since vaccine passports were first announced, a week ago.

Nicola Sturgeon, the Deputy First Minister and the coalition want us to vote for the measure without giving us that information. Today's vote is another example of how the SNP Government plans to disregard the Parliament's views for the next five years in bringing forward proposals. The SNP already knows that its plans will pass and that the coalition that it has formed with the Greens means that the measure will go through despite all the concerns that we will hear today from across the chamber.

John Swinney: Will Douglas Ross give way?

Douglas Ross: I will just finish this point and then I will give way.

It is not only me saying that as the leader of the main Opposition party in Holyrood; the opposition is coming from industry, so it is good that the Deputy First Minister wishes to come in on this point. Stephen Montgomery of the Scottish hospitality group said this morning:

"You can guarantee that, with the coalition, it will just be steamrollered through Parliament. We haven't been told anything. Absolutely nothing. We don't know how it's going to work, we don't know the cost implications. We don't know who it is going to affect."

I am sorry for Stephen Montgomery and the members of the Scottish hospitality group, but I do not think that this debate will tell him the answers that he needs either.

John Swinney: On the issues that Mr Ross raises, we have of course published detail, we have provided more detail to Parliament today, and we will continue the dialogue with sectors such as those that Mr Montgomery represents.

I ask Mr Ross to set out to Parliament the steps that he believes we should take, given the rising threat of the coronavirus and the delta variant, to avoid the application of further restrictions.

Douglas Ross: I did that yesterday. We have to do far more with test and protect. I know that the First Minister does not like politicians raising concerns about test and protect, but there are issues with it. They are nothing to do with the staff, who are doing an outstanding job, but we know that staff are now being told, "Don't continually phone a Covid-positive patient if you can't get through to them." If we do not get on top of people who test positive for Covid and find out who they have been in contact with, we will not get on top of the virus.

Surely, we should be striving to put in place simple measures to get test and protect working to its maximum, rather than implementing the scheme that the Deputy First Minister proposes. I think that he is uncomfortable leading the debate,

as I do not believe that he wants to come to the chamber and seek support for proposals that he has not thought through and on which he does not have answers.

I did not read all of the quote from Stephen Montgomery, but he went on to ask for something specific. It might be useful if I mention that, because what we have heard from the Government not just today but over the past week is that it does not understand business. It does not interact with businesses to listen to their concerns and try to adapt proposals that will affect them. Stephen Montgomery went on to say:

"I would call on the First Minister or Deputy First Minister to actually come and work at one of our venues on a busy Saturday night and see the effect of their policy decisions."

Will the Deputy First Minister accept that offer?

The Presiding Officer: Cabinet secretary. *[Interruption.]* My apologies—I thought that there was an intervention. Please continue, Mr Ross.

Douglas Ross: Presiding Officer, the apology should come from the Deputy First Minister. He is going to cause untold damage and uncertainty to a number of industries. When a simple invite to join the industry to see how the proposal is going to impact on it is met with nothing but a smirk from the Deputy First Minister, I think that that tells us everything that we need to know about this SNP Government. *[Interruption.]* I am sorry, Mr Stewart—*[Interruption.]* Well, I am sorry—

The Presiding Officer: Colleagues, I cannot hear everything that is going on in the chamber, but I would very much like to hear the contribution from Mr Ross.

Douglas Ross: Mr Stewart, who represents an area that has a significant night-time economy, says that it is pathetic for me to ask his Deputy First Minister to actually go and see the impact of the Government's policies.

The Minister for Mental Wellbeing and Social Care (Kevin Stewart): Will the member give way?

Douglas Ross: I will not. I think that we have heard enough from a sedentary position from Mr Stewart.

There was a lot that I wanted to say in this debate, but I think that the most telling thing so far has been what we have not heard. *[Interruption.]* I am sorry, but I will not give way. I need to make progress.

We have heard no details from the Deputy First Minister or the First Minister. Along with other Opposition parties and the industries involved, we have been asking questions for a week. The question tonight is whether Parliament will vote for the proposals. The Scottish Conservatives cannot support what is being put forward. We will not

support this SNP-Green coalition to bring in the plans. The Government has made no effort to bring the Opposition parties in the chamber or the public on board with its proposals. There has been no effort to inform, persuade or consult. For those reasons, the Scottish Conservatives will vote against the proposals tonight.

I move amendment S6M-01123.2, to leave out from “recognises” to end and insert:

“notes that the Scottish Government has rushed out its proposals for COVID-19 vaccine certification without proper consultation or the infrastructure in place to deliver them; notes that the Deputy First Minister described the introduction of a certification scheme as the ‘wrong way to go’; recognises that the affected businesses have not been able to prepare for the introduction of a certification scheme, and believes that, for these reasons, this COVID-19 vaccine certification scheme should not be introduced.”

15:44

Jackie Baillie (Dumbarton) (Lab): The one thing that all of us in the chamber can agree is that we want to control the spread of Covid-19. The more people who get Covid, the more people who will end up ill, with some ending up in hospital, and the more people who will run the risk of having long Covid. Controlling and suppressing the virus must be the major public health priority. How we can do that while keeping the country open for business is the exam question for us all, and my starting point is to consider very carefully any and all suggestions from the Government, the World Health Organization and other experts.

The First Minister suggested that we should all read Professor Reicher’s tweets and, although I am yet to be convinced of policy making by Twitter, I nevertheless did so. I have to say that they do not give the First Minister the cover that she wants. He warns that

“passports can be seen as a form of compulsion”

and lead to “increasing alienation” in society. We know from other experts that there is a danger that vaccine hesitancy becomes entrenched, which can limit the number of people who can be persuaded to be vaccinated. Professor Reicher goes on to say that we run the danger of exacerbating inequality, as we could

“leave pockets of low vaccination and ... high infection in some communities.”

Almost 60,000 people were consulted by the UK Government. How many has the Scottish Government consulted? Has it even spoken to the businesses that will be responsible for implementing the scheme? There seems to have been little meaningful engagement according to the night-time and hospitality industries. By the Government’s own admission in the document published yesterday, it has not even based it on evidence.

The problems with the current system are fast becoming legend—those on clinical trials not getting certificates; those who got a dose elsewhere not being recorded; those whose data does not match and is wrong. There is a practical question of the Government’s ability to implement the scheme.

We all know that Covid positive case numbers are very high—frighteningly so—but we need to understand what works and not simply reach for anything just to be seen to be taking action, and end up making matters worse.

Stephen Reicher also warns that vaccination does not stop transmission. To repeat Anas Sarwar’s comments at First Minister’s question time, it is the case someone could be vaccinated and have a vaccination certificate but still be carrying Covid, and they will be allowed into a nightclub to infect everyone else. It is nonsensical, and the Government is in danger of giving people a false sense of confidence. They are not invincible simply because they have a certificate.

There is no doubt that the vaccine reduces the gravity of the infection, but it does not stop someone from getting Covid, so we need to do more. I agree with the comments made by the First Minister, which were plagiarised from Stephen Reicher: we need a basket of measures. What should be in that basket?

First, we need better uptake of vaccinations. There are still 200,000 people waiting more than 8 weeks for their second dose. They want to be vaccinated, so why is the Government so slow? *[Interruption.]* Let me say, as gently as I can, that I will take as many interventions from Scottish National Party members as John Swinney took from Labour members. Those paying attention will know that that was zero. *[Interruption.]* Let me make progress.

The Government has been too slow. Then there are people who are genuinely hesitant and who need reassurance, such as pregnant women and young people concerned about the impact on their fertility. Where is the specialist advice or public information campaign? You need to be where the people are, rather than waiting for them to come to you, so we need vaccination centres in nightclubs and pubs, in schools and colleges, in football grounds and anywhere that young people congregate. We could even consider incentives, as other countries have done.

What about action on ventilation systems? Schools do not have adequate ventilation systems, nor do businesses, and very few of our public buildings have them either. Where is the action to improve that? Experts tell us that that makes a real difference to transmission, so why is so little happening on that front?

What about testing? Scottish Labour has said quite clearly that we favour making a negative polymerase chain reaction or lateral flow test the basis for entry to large events or certain venues. That is a proportionate measure that actually identifies Covid cases, and many organisations already use it. [*Interruption.*] The member maybe did not hear me the first time, but I will take as many interventions from SNP members as John Swinney did from Labour members.

That takes me on to test and protect, which should be a key weapon in the Scottish Government's fight against Covid. Finding positive cases, self-isolation and identifying close contacts are essential if we are to suppress the virus, so why is the Scottish Government moving at a snail's pace? The lack of action on that front is, frankly, dangerous.

The staff at test and protect do their very best, but they are underresourced and overwhelmed. As case levels have increased, contact tracing has decreased. Calls have been limited to those who test positive; not even close contacts are getting a call or a text message—it is just silence—and so Covid spreads. It used to be that an average of 3.3 people would be contacted for each case; now the figure has dropped to 1.5. Test and protect staff are simply not coping.

Where is the surge capacity? It appears to be non-existent or it simply comes too late. In fact, I know that some contact tracers are being paid off. Despite the First Minister's spin yesterday, we know that only 60 per cent of the 82 per cent of cases contacted were contacted in under 72 hours—that is 20 per cent less than the World Health Organization says is required. The Government is failing to get the most basic measures right, and so Covid spreads. Instead of adding more untested measures to the basket, which may not have the desired effect, why does the Government not try something entirely novel, such as trying to get it right? Try to get right what is already there and we know works.

When I started to consider the issue last week and looked for evidence, I came across lots of commentary. Humza Yousaf, the Cabinet Secretary for Health and Social Care, has said that he was "instinctively sceptical" about vaccine passports. John Swinney, Cabinet Secretary for Covid Recovery, has said that vaccine passports are "the wrong way" to go, while Ian Blackford, SNP leader at Westminster, has said that

"SNP MPs would not support Tory plans"

on vaccine certificates.

There are many more. I could not forget my old friend Patrick Harvie from the Greens. Before his elevation to the ministerial benches, he used to think that passports would "deepen

discrimination", "set a dangerous precedent" and "create generational injustice". They say that a week is a long time in politics. Clearly it is enough time to jettison one's principles. Yes, we need to take further action, because case numbers are rising, but vaccine passports are not the silver bullet.

I move amendment S6M-01123.3, to leave out from "rigorously implemented" to end and insert:

"effective at containing the spread; notes suggestions that vaccine certification could increase vaccine hesitancy; believes that the approach to improving uptake should be based on persuasion and that, to support the vaccination of young people and harder to reach groups, the government must improve the accessibility of vaccination, with greater use of mobile vaccination clinics and particularly in schools, at events and in areas of low coverage; acknowledges that individuals may still be able to pass on the virus even if fully vaccinated, especially with the transmissibility of the Delta variant, and so considers that proof of a negative test should be more important than vaccination for entry to higher risk locations; notes with concern the declining ability of Test and Protect to carry out effective contact tracing, and calls on the government to prioritise investment in the service so that it has the resources required to contain the virus."

15:52

Alex Cole-Hamilton (Edinburgh Western) (LD): Let me be clear: vaccines are, without question, our best route out of the pandemic, but vaccine passports are not. Scottish Liberal Democrats are fundamentally opposed to the introduction of mandatory vaccine certification on grounds of both ideology and practicality.

I start by expressing my dismay and that of those on the Liberal Democrat benches that, on such a change to the operation of both venues and events, and on such a recalibration of our civil liberties, the Government has failed to produce any substantive detail for the introduction of these measures. We have heard a lot already about how the Government will define a nightclub. The paper provided accepts that that is a problem, but it does not answer it. All the while, business owners are in the dark as to how they will be classified or what will be required of them, just days before the scheme goes live. The paper is also silent on how certification will handle those who have been vaccinated elsewhere or who have been lost in the system. It does not address the booster programme either. There is a shocking paucity of detail for what could prove yet another crushing burden to an industry that is already on its knees.

When she first raised the issue of the measures in Parliament last week, the First Minister quoted Geoff Ellis as the sector leader who she claimed had voiced support for the scheme. He has been misquoted. I met Geoff and other leaders in the Night Time Industries Association on Monday, and they have many concerns about the plans, not

least because they are sceptical that they will even work. We know that vaccines do not stop people getting Covid or passing it on, but to ask that everyone presents a certificate before entry to a nightclub or sports ground could give people a false sense of security. It might lead customers to let their guard down and abandon some of the precautions that we have all adopted in the past 18 months, which could lead to increased transmission.

Industry leaders believe that it would be far better for customers, if needs be, to present a negative lateral flow test to confirm their Covid status before entry. LFT requirements are different from vaccine certification, because they do not compel you to access a form of treatment and then present a record of that treatment to access freedoms in our society. Test results provide you, and venue staff, with a snapshot of your health on any particular day, much like a breathalyser in the hands of a police officer on the side of the road.

Above all, Liberals are fundamentally opposed to vaccine passports on ethical grounds. That is because—I cannot believe that I have to say this—you should never have to provide any aspect of your medical history to a bouncer to get into a nightclub. For the first time, citizens will be asked to provide private medical data to a stranger who is not their clinician if they want to enjoy access to venues or other services in our society.

The third-last paragraph of the Government briefing indicates that there will be a photographic element to the process, which the *Sunday Post* reported might be the case. Vaccine certification represents the introduction of medical identification cards in all but name. The proposals cross an important line in the principle of government by consent in this country. The administration of a free society should never compel its citizens to receive medical treatment, and a policy that would restrict or remove the freedoms of people who have not consented to treatment does exactly that. Additionally, if the Government wants to increase vaccine uptake in those groups in our society that are hesitant, I am not even sure that the threatened removal of their freedoms will cut it. In France, of which we have already heard mention, vaccine certification has been the norm for many months, but there is already a black market for vaccine certificates.

I turn to the sensitive matter of the vaccination of children. The paper that we have been given exempts people under 18, but it suggests that that age threshold will be lowered as the cohort receives the double dose of vaccine. We know that the coalition Government is actively considering the extension of the vaccination programme to 12 to 16-year-olds. That might be the right thing to do, but, if it happens, the

hesitation of the Joint Committee on Vaccination and Immunisation on the matter will give many families pause. It will be a judgment call for young people and their parents, and they should face no coercion of any kind before making that finely balanced decision. Therefore, at no point should we require a 13-year-old with a season ticket at Ibrox or Tannadice to evidence their vaccination status in order to attend a game—it would artificially put pressure on them to get vaccinated. I invite the cabinet secretary to confirm in his closing remarks that young people will be exempted from the scheme at all times.

I want to express how saddened I am by the U-turn of the Green Party on this matter. The party of Robin Harper would not have abandoned its principled opposition to this illiberal policy. Gillian Mackay has described this assault on our civil liberties as the “least worst” option—I am sure that she wants to believe that. With only seven days’ notice, a myriad of unanswered questions, no proposed end date for the passports and an open door to their expansion, the Greens will act as midwives tonight to a policy that sets our country on a disturbing and illiberal course. Medical ID cards will be introduced by the coalition tonight, and the Liberals will immediately begin the campaign for their abolition.

15:58

Gillian Martin (Aberdeenshire East) (SNP):
Presiding Officer,

“Nightclubs, sexual entertainment venues, indoor unseated live events with 500 or more attendees, outdoor unseated live events with 4,000 or more attendees and all events with 10,000 or more attendees”—

the managed entry to and the hazard mitigation of those venues and events is what we are talking about.

Two themes have emerged in the debate. One is health protection, on a number of fronts, and one is choice. It remains a person’s choice to get the vaccine and protect themselves against Covid—that is a choice that the vast majority of us have made. It is also a person’s choice to decide whether to attend high-risk events that will require a vaccination certificate, such as those that are outlined. Of course, a person does not have to go to a nightclub, football match or live concert, but, if they do, we ask that they take responsibility for the protection of their own health in that venue.

Oliver Mundell (Dumfriesshire) (Con): Earlier, Gillian Martin intervened and suggested that there was a single definition of a nightclub. For the benefit of members, will she set out what that is?

Gillian Martin: Yes, I have Moray Council’s definition on my phone. If the member will give me a minute, I will bring it up.

I am taking a bit of time out of my speech to do this, but I will tell the member that it says that the primary function “may include dancing”, that it would have “more people standing than sitting” and would be “open from 1 am to 5 am”. That is Moray Council’s list.

Aberdeenshire Council has one as well. *[Interruption.]* I think that it depends on the council. To be honest, Presiding Officer, I am struggling to think of a nightclub in Aberdeenshire, because I am not familiar with those any more, being a bit of an old bird who stays at home. I will go back to my speech.

If people choose to go to one of those venues, we are asking them to take responsibility for their own health protection in that venue. That is not the only mitigation, but it is part of a whole strategy that may allow a semblance of normal life to return. It is right to analyse periodically the effects of the measure. Like everything in this dreadful pandemic, we are in largely uncharted waters and we have to make decisions fast, in the interests of our public health.

Quite a few restrictions are imposed on entry to such venues already, and I do not think that it is unreasonable to turn someone away if there is concern that entry into that high-risk environment may result in that person’s admission to hospital. I would certainly feel happier about going to a live music event if I knew that the people with whom I came into contact were at a smaller risk of ending up in an intensive care unit.

If the personal responsibility aspect is not something that one cares about—and I am not suggesting that any member is in that bracket—how about the effect on our national health service capacity of large numbers of unvaccinated people going into high-risk areas and becoming seriously ill?

We also need to find a way for such events, which support the livelihood of a great many of our young people in particular, to recommence safely. We have heard so many times about how our creative industries have suffered economically, with many of that workforce not being eligible for furlough because they are self-employed. To help with allowing work on live events to begin again more safely, it is not too much to ask customers to download a certificate, which they can do in a matter of seconds.

As someone who used to work at front of house in an entertainment venue, albeit quite a few years ago, I know how challenging it can be to manage entry, and I completely get how the addition of checking on a certification requirement might impact on that process. I agree that businesses need guidance and support when we ask them to

change their practices, and they must be involved in working out how that is to be done.

Many members have mentioned Stephen Reicher, so we should look at his tweets. I have a few of them in my speech. He says:

“Certainly if people are fully vaccinated it reduces the probability of getting infected and passing on infections. It therefore makes venues safer and gives confidence to more vulnerable members of the community”.

“But equally, vaccines do not provide total protection against infection and transmission. If the impression is given that passports are a total solution and that people are entirely safe once fully vaccinated, then it may lead to riskier behaviours”.

A few members have made that point. Stephen Reicher has also tweeted:

“for safety as for take-up the effects are mixed and are contingent”.

That is nuanced. The situation is not straightforward. There is a lot in that tweet. Jackie Baillie was right to say that certification is not a silver bullet. No one is saying that it is. It is part of a suite of measures. Stephen Reicher has tweeted that

“vaccine passports may ... contribute to a strategy of reducing infection and reopening society safely”

but that they cannot be

“the sole piece of such a strategy.”

Last winter was miserable. That second lockdown was awful for us all. I lost a person who was very close to me. My constituents lost people who were close to them. We had to stay apart from our loved ones and there was nothing from out there that we could do to lift ourselves out of the despair that so many of us felt. None of us wants to go back to that. Some tools are available to us that can help us to avoid that. If certification is one tool that we can deploy to reduce the risk, mitigate the spread and get us to where we all so desperately want to be, I am all for it, as long as its effect is continually reviewed.

Over the past 18 months, we, as a Parliament, have not shied away from making really hard decisions that have imposed restrictions that we never thought that we would have to contemplate. We have done that in order to protect the health of our people—the people of Scotland. That is what will be in my mind at decision time, when I support certification on public health grounds.

16:04

Craig Hoy (South Scotland) (Con): The coronavirus is the biggest threat that this country has faced in decades. The pandemic that it has provoked has made us challenge long-held beliefs about the way in which we live our lives, the role of the state, individual freedoms and the finely

balanced relationship between our rights and responsibilities. The public health emergency has forced many of us to set aside significant doubts about the interventions taken by Government. A silent killer was ravaging our care homes and indiscriminately killing our friends and family members. The stakes were simply too high not to take unprecedented action. However, let us not dodge the elephant in the room. No liberal Conservative such as I am would have handed those fundamental freedoms to the state in any other circumstance or on a never-ending basis.

The question that we must consider today is whether the Covid passport plan will work and whether it is the most effective way and the most practical mechanism to prevent the on-going harm caused by Covid.

Until a matter of only a few days ago, senior SNP figures appeared to be against Covid passports. Let us take as an example Mr Brassneck himself, Ian Blackford. Speaking about the United Kingdom Government's plans, the SNP's Westminster leader raised "serious concerns over ethics". He said that there were concerns about "equity, ethics and privacy". Ian Blackford is not the only member of the SNP to pivot on a pinhead. When the Deputy First Minister was asked in late July on "Good Morning Scotland" about the merits of barring the unvaccinated from certain events, he said:

"I think it's the wrong way to handle it."

He said:

"I would be much more convinced by an argument that was about engaging people ... and explaining the rationale".

What about Mr Swinney's coalition partners? Patrick Harvie and Lorna Slater will today vote for measures that they vehemently opposed only a fortnight ago. That is despite Mr Harvie's belief that vaccine passports

"could set a dangerous precedent for the longer term".—
[*Official Report*, 23 February 2021; c 18.]

The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie): I do not think that anyone is dismissing the concerns that have been expressed in approaching the issue. Even the public health experts who recommend the policy understand the concerns. However, there is a very big difference between thinking that the policy should have been approved when cases were running at a few hundred a day and thinking that it is worth considering when cases are running at around 7,000 a day and the entire adult population has had the opportunity to have both vaccines. Does Craig Hoy acknowledge that, when the facts change, people should at least ask themselves whether they have made the right judgment?

Craig Hoy: Patrick Harvie has been in government for one week and already the SNP's army of spin doctors have got their claws into him. Let us be in no doubt that the Greens have traded in their tandem for a pair of ministerial limousines and that they have left their principles on the pavement.

Throughout the pandemic, Scots have largely done what has been asked of them. We were told to stay at home to save lives, protect the NHS and defeat the virus, and we did. We were told to close our businesses, which put livelihoods on the line, and many of us did. We were told not to visit sick and dying relatives, and many of us did not. We were told to bury our dead without family and friends there to mourn them, and we did. That was the price of regaining our freedom.

The incursion into our lives caused by Covid has been unimaginable, but it has also been largely justifiable and based on practical and workable solutions. However, the issue that is before us today is different. Many Scots have raised legitimate concerns about civil liberties. What is being proposed means that, for the first time, Scots will have to provide private medical information to strangers in order to access some of the most basic things in our society. Critics say that that will create a two-tier Scotland: the have vaccines and the have nots.

What will those with medical conditions do? Can the Deputy First Minister guarantee that the exemption scheme will be operable from 1 October? We know that the vaccine uptake among those from deprived or ethnic minority backgrounds remains lower than it is in the population as a whole. The move risks further entrenching inequality.

The Government insists that the scheme will not be in operation for a moment longer than it needs to be, but it is commonly accepted that we cannot eliminate Covid, so surely the logic of the Government's position is that passports will be here to stay. In its headlong rush—[*Interruption.*] I will give way.

John Swinney: I invite Mr Hoy to follow through the logic of the argument that he has already put to the Parliament. He has himself acknowledged that regulations and restrictions have been removed when the situation has improved. It is exactly the same here. We are saying that the certification passports will in place for a period up until the end of February 2022—but they would automatically expire at that moment—because we face the challenge of autumn and winter on the very high threshold of cases that exists today, which did not exist at previous stages in the pandemic.

The Deputy Presiding Officer (Liam McArthur): Mr Hoy, you have taken a couple of lengthy interventions. I will allow you the time back.

Craig Hoy: Thank you, Presiding Officer.

We have seen, time and again, how the Government has not handed back the powers: it keeps seeking to extend them, and it is confirming that it will not necessarily withdraw them. It did that in June for the powers that could have—*[Interruption.]* No, I will not give way; I really must make some progress.

Notwithstanding what the Deputy First Minister says about the nature and timing of the powers, what evidence does he have that the policy will increase vaccine take-up? Even if it does, will it not undermine testing, creating a sense of reassurance that nightclubs are Covid free?

Let us consider the challenges faced by the industry. How will the equipment be rolled out? When will the beta testing of the app take place? Who will man the checkpoints? Who will pay for them? We found out today that it will be hard-pressed businesses all over again. What will we do for those people who do not possess smartphones? How long will it take for the authorities to make and distribute the paper certificates?

The SNP Government should stop, pause and consult further on the concerns that have been raised. The Scottish Government has failed to prepare the Scottish public or Scottish business for the introduction of the system. It has not addressed the problems raised by business, and it has glossed over legitimate concerns about civil liberties. It is for those reasons that I will vote against vaccine passports today.

16:12

Paul McLennan (East Lothian) (SNP): The first duty of any Government is to protect its citizens. The pandemic has presented the biggest challenge to our way of life, our prosperity and our communities. When I spoke in the programme for government debate on Tuesday, I said that serious times required serious and responsible government, and that is what we have in what is being proposed today.

Let us look at the fundamental facts. Vaccination reduces transmission and significantly reduces the risk of serious illness—of that there is no doubt. We know that far fewer people are dying from Covid-19 than before the vaccination programme was rolled out. That is why we must all do what we can to ensure that people take up the offer of a vaccine, to protect themselves and those around us.

We must also ensure that there is enough capacity in our health and social care system—and nobody has touched on that today at all. In an ideal world, we would not be considering Covid vaccine certification. Like others, I do not want it to be in place for any longer than is necessary. However, the alternative may lead us to the possibility of facing further periods of closure for some of the higher-risk settings. That is the reality. *[Interruption.]* Sorry, but I will not take an intervention. I have a lot to get through.

We need to undertake the most proportionate actions to keep people as safe as possible in the venues that they visit, particularly in what is likely to be a very challenging winter period. We know that the highest risk is among unvaccinated individuals, who are significantly more likely to get infected.

Daniel Johnson (Edinburgh Southern) (Lab): Can the member cite a single academic paper regarding the efficacy of the vaccination against transmission? As recently as July, the WHO said that there was insufficient evidence regarding the efficacy of the vaccine against transmission or infection.

Paul McLennan: I think that has been mentioned, and Public Health Scotland has covered that in various briefings that it has had. *[Interruption.]* I want to move on. That is the reality. However, we need to undertake the most proportionate actions to keep people in venues as safe as possible in what, as I said, will be a very challenging winter period.

As I have said, vaccination reduces transmission and significantly reduces the risk of serious illness. We have heard questions about whether vaccine certification will increase vaccine hesitancy. We have examples. A certification scheme has been introduced in France, and there has been an announcement of such a scheme in Israel. Both of those schemes have been associated with significant increases in vaccine uptake.

Covid certification has become an increasingly common response to the exceptional circumstances that we are all facing. The fundamental question is: how do we reduce the risk of transmission in the most proportionate and least restrictive way possible? Certification is a reasonable response to a very difficult discussion.

Stephen Kerr: What is the member's assessment of the economic impact of the measures on businesses in his constituency? What does he expect that they will say to him when he visits them on Friday, if he dares to show his face and visit any of them?

The Deputy Presiding Officer: Mr McLennan, I would be grateful if, when you take an

intervention, you would return to your seat. I can give you the time back.

Paul McLennan: Yes—I am sorry, Presiding Officer.

I speak to businesses all the time about the measures, and they are supportive—*[Interruption.]* Yes, businesses support the measures. They do not want to close—*[Interruption.]* I am sorry, but I will not take an intervention on that point. I have taken a few, and I need to get on—*[Interruption.]* Let me answer the question. I have spoken to businesses that have had to close over previous months, and they do not want to go back to that situation, so they support the measures.

I will move on. The Scottish Government has made it clear that domestic vaccine certification will not be used to enable people to gain access to key services, or in settings where people have no choice but to attend—for example, healthcare, public transport, shops and education settings. The Scottish Government also does not consider it appropriate—*[Interruption.]* I will not take an intervention—I have taken a few already.

The Scottish Government also does not consider it appropriate to introduce certification for the hospitality industry as a whole. As has been mentioned, it is envisaged that children and people with medical conditions would be exempt. The Scottish Government has never ruled out Covid certification. The First Minister said:

“we continue to consider very carefully the possible, albeit limited, use of Covid status certification for access to certain higher-risk venues in future.”—*[Official Report, 3 August 2021; c 4.]*

Covid certification has already been introduced by several Governments of different political persuasions in countries across Europe. In August, the European Union digital Covid certificate was introduced in all 27 member states, as well as in Switzerland, Iceland, Norway and Liechtenstein. Politicians from all parties agreed that it was a proportionate and necessary step to help to control the pandemic while opening up travel and social venues. There has been little or no ideological dispute, which may be a lesson for our opportunist Opposition.

Many countries have already gone much further than the Scottish Government is proposing to do. What the Scottish Government is proposing is also being proposed by the UK Government, which is looking to introduce certification for England at the end of this month. The scheme that the Tories are opposing in Scotland is the same one that their Conservative colleagues at Westminster will support—*[Interruption.]* No, I will not take an intervention—I have taken a few, and I am conscious of the time.

With regard to Labour, Keir Starmer has said that he supports “passports plus testing” for mass events but not for “access to critical things”. That is exactly what the Scottish Government is proposing. The Scottish Government will continue to keep all requirements under review—that is the important part. Any changes to legal restrictions will, of course, be scrutinised by Parliament.

If both Opposition parties are concerned about how the scheme will operate, they should support the principle of Covid vaccination certificates and work with the Government on implementation. Only this afternoon, I had an email exchange with Hospitality Scotland, which said that it was not against the scheme in principle. It has concerns about how the scheme is to be implemented, and it is speaking to the Scottish Government about those, but it is not concerned about the scheme in principle.

I ask members to support the motion, to protect the health of Scotland and enable us to finally move out of the pandemic.

16:18

Pauline McNeill (Glasgow) (Lab): The Scottish Government is rightly concerned about the current situation with Covid. As Jackie Baillie said, the daily infection rate is too high, and we clearly need to do something about it. However, I do not believe that introducing vaccine certification passports is the right thing to do, nor have the arguments that I have heard from the Government and its back-bench members today given me confidence. As we just heard, Paul McLennan was unable to answer Daniel Johnson when he rightly asked for the science behind the argument that is being made.

The views of the much-quoted Stephen Reicher, whom the First Minister quoted today, do not really support anyone’s argument. If members actually read all his tweets, they will see that he says many things. He says that passports are neither negative nor positive, as the issues are “complex”, and that passports will have “have a mixed effect”. I am mystified as to how that backs up the Government’s arguments.

The TRNSMT festival kicks off in Glasgow tomorrow, with 50,000 people attending over the weekend. Those who are attending will require proof of a negative lateral flow test to be recorded on the Government’s website, which is something that Scottish Government officials asked for. One of the issues that is causing confusion for concertgoers is that the Government’s message has switched from wanting a negative lateral flow test to having a vaccine passport for entry.

The sector has acted responsibly so far. Venues such as the Sub Club already ask for proof of a

negative test for entry, and Michael Grieve, who is the owner of the Sub Club, wrote to me yesterday and confirmed that the venue is taking other mitigation measures to reduce transmission.

He and many others in the sector say that a more honest position for the Government would be to admit that its real policy is to coerce 18 to 29-year-olds to get vaccinated. The Government cannot even define what a nightclub is and the inconsistency in its approach to nightclubs versus large pubs is staggering. The sector is livid about the suggestion by public health figures in the press this week that ventilation in nightclubs is poor. Many venues in Glasgow—the city that I represent—heavily invested in ventilation before the pandemic and are insulted that there does not seem to be any understanding of that.

I asked representatives from the sector what they are willing to accept. I want to put on the record that the sector accepts that it has to do something, but vaccine passports would be incredibly difficult for hospitality venues and nightclubs to enforce—any proper engagement from the Government would highlight that. A certification scheme would be an added burden for nightclubs in particular, which already have to supervise long queues to ensure the safety of those attending in relation to drugs and weapons. That is the reality on the ground. Has any real consideration been given to nightclubs that already have to do that?

Threatening the sector with being closed down altogether does not help the discussion. That is the wrong tone for the Government to take to get the sector on board. It is unfair to place further demands on a sector that has had to endure more than its fair share of hardship due to Covid, particularly as it has been closed for more than 18 months, and because there is conflicting evidence on the benefits of a passport scheme. There is no hard evidence that it will make a difference.

I agree with Stephen Kerr that the measure will damage the sector, but there has been no offer of mitigation. I asked the First Minister yesterday, but she did not reply to me at all. The Night Time Industries Association has warned that nightlife businesses will lose more than a third of their trade if Covid passports are made mandatory. It points out that staff shortages will intensify, as many employees have indicated that they will quit the sector rather than accept compulsory vaccination.

The NTIA's chief executive officer, Michael Kill, who I quoted yesterday, said:

“Contrary to popular belief, much of our core market and workforce will not accept being coerced into taking the vaccine.”

I ask again: why is the Government so convinced that this approach will have the desired effect? As we all know, we can still catch Covid and transmit it even if we have been vaccinated. The Government needs to be clear about why it has opted for that approach.

Many communities have low uptake of the vaccine. The real challenge for the Government is how to tackle that issue. The plan to impose vaccine passports only on nightclubs is flawed. Gillian Martin demonstrated that it is difficult to draw the distinction between nightclubs and large pubs. People would have to provide a passport to go to a nightclub, but a pub next door with a capacity of 400 and a DJ playing loud music would not require a vaccine passport for entry. It is a mystery why the Government does not see that there is an inconsistency there.

Promoters and sporting venues are already having to invent a refund policy due to the new rules, because people who are not vaccinated will not be able to attend. This questionable scheme to get the Government's intended outcome will have a massive effect on the sector.

I hope that the Government accepts that we understand that it has to take action. We are not coming from an absolutely principled position on certification, although plenty people have written to me and to many other members to ask our parties to take such a position. However, the scheme is not practical, it will not have the desired effect, it is inconsistent and it will damage the night-time economy. The engagement on the development of the scheme has been woeful, so I hope that the Government will learn lessons and bring to the Parliament a measure that we can all get behind, because that is what we want to do.

16:25

Kaukab Stewart (Glasgow Kelvin) (SNP): I am grateful for the opportunity to participate in this extremely important and sensitive debate.

Like, I imagine, all of us, I have been contacted by dozens of constituents regarding vaccine certificates over the past week, so I am aware of the genuine concerns that many hold about their introduction. The correspondence that I have received has represented all sections of society. In particular, my constituents have voiced concerns that the introduction of any form of Covid certification would instantly create a two-tier system in our society, and many feel that such a move would go against the long-standing efforts of this Government to fight any form of discrimination. I am proud that the SNP Government has always taken a zero tolerance approach to discrimination in our society so, in order to alleviate the concerns of my constituents,

I would welcome assurances that the Scottish Government remains fully committed to fighting inequality and injustice across our society, especially in Covid times.

As the number of Covid cases remains stubbornly high—particularly in Glasgow and across the Lanarkshire area—I recognise that more has to be done to protect the most vulnerable as we look to further the reopening of our society and economy. The introduction of the Covid vaccine certification scheme will allow higher-risk venues to remain open and will help to ensure that there are no further lockdowns in the hospitality sector—a move that I welcome.

Alex Cole-Hamilton: What aspect of someone just proving that they have had both doses reduces the infection risk to them and the other people in the venue that they are in?

Kaukab Stewart: I am not sure that I understand. Could you say that again?

Alex Cole-Hamilton: What aspect of having a vaccine passport keeps someone safer from passing on Covid than someone who does not have a passport but is, nonetheless, double jabbed?

The Deputy Presiding Officer: We have a bit of time, so Kaukab Stewart will be reimbursed at the end.

Kaukab Stewart: Thank you, Presiding Officer.

I will use a real example: I have been double vaccinated. If I have my passport to prove that, it cuts down on my ability to pass Covid on and keeps others safe, so I do not mind having a passport in order to prove that I can keep others safe in large venues.

I have lost my place—[*Interruption.*]

The Deputy Presiding Officer: I ask members on the front benches to stop having a private conversation while Ms Stewart is speaking.

Kaukab Stewart: Thank you, Presiding Officer.

Having heard from and met representatives from the hospitality sector, I understand that there has been a disproportionate impact on the sector. As Pauline McNeill pointed out, the sector is vital, especially in Glasgow Kelvin. I ask the Scottish Government to release details, as soon as practicably possible, on how any certification system that is implemented will impact on constituents of mine who work in the arts, entertainment and hospitality sectors, where certification might be necessary in order to attend events.

The transmissibility of the delta variant is much higher than that of the alpha variant, and the impact of the delta variant on younger people is

even more severe. I therefore agree that there is a need to support the move towards vaccination certificates in the very limited number of high-risk settings that are identified in the motion, particularly as those are the places where our younger citizens, who have the lowest vaccine uptake rates, gather in larger numbers.

As we move into the autumn and winter months, when the huge and rising number of cases will only impact further on NHS services, it is imperative to be proactive and to ensure that as many of our young people as possible are fully vaccinated as soon as possible. I hope that the introduction of the vaccine certificate will encourage more of our young people to take up the vaccine, as has happened in European countries such as France, which saw a wave of young people being vaccinated after the roll-out of Covid vaccine certificates was announced.

I believe that the election result in May is a testament to the trust that the Scottish people have placed in the SNP Government to lead our country out of the pandemic. The Scottish public understand that the First Minister and her Government will do everything that they can to ensure the safety and wellbeing of all. That remains their top priority, with a particular emphasis on protecting people in higher-risk settings.

Ultimately, being fully vaccinated is the best defence against rising infection rates. It limits transmission and lowers the risk of the extremely serious consequences that contracting Covid can have. Vaccine certification gives us one more tool with which to reduce transmission and the risk of severe illness. Times continue to be challenging and there is no denying how difficult the decision on certification is, for members and the Government alike. I, for one, trust the Scottish Government to continue prioritising public safety, as it has done throughout the pandemic.

16:31

Gillian Mackay (Central Scotland) (Green): We all hoped that this decision would not need to be made, but the simple fact is that the pandemic continues to rage and action is needed once again. I want to set out and explain how the Greens have come to our position on the issue. [*Laughter.*] I do not think that laughter from the Conservatives is helpful.

The rise in case numbers and plateauing vaccine rates mean that we are on the brink of reimposing restrictions that we thought we were at the end of, and many of our health boards are struggling to cope. Many of them have stopped non-urgent surgery and are dealing with rising

numbers of presentations at accident and emergency and minor injuries services.

Many people have written to me about vaccine certificates, and I have taken into careful consideration what has been said when arriving at the position that we have reached. It is true that the vaccine is less effective at stopping transmission of the delta variant compared with the alpha variant. It does, however, reduce transmission and serious illness. I have scientific papers, if anyone wants to see them; I can send people links.

Daniel Johnson: According to *Nature*, a study in Wisconsin between June and July showed that the viral loads of the delta variant in vaccinated and unvaccinated people were comparable, suggesting that there is very little reduction in transmission by those who are vaccinated.

Gillian Mackay: There is also a study in the *New England Journal of Medicine*, which says that there is a reduction in the transmissibility of the virus when people are double-vaccinated.

Daniel Johnson: Will the member take another intervention?

Gillian Mackay: No, thank you.

For the reduction in transmission to happen, however, we need more people to be vaccinated than there are currently. The lower uptake numbers of the vaccine in lower age groups have been widely reported and we must continue to encourage young people to take up the vaccine. I hope that—[*Interruption.*] I have a lot to get through and the Greens have only one speech. I am genuinely sorry.

We need to continue to encourage young people to take up the vaccine, and I hope that, alongside other measures, certification will be part of that, as has happened elsewhere. I would appreciate it if the cabinet secretary would tell us in closing whether there have been any early signs of an impact on vaccine uptake since certification was announced.

Evidence that was published in *The Lancet* on 1 September by Antonelli et al said:

“We found that the odds of having symptoms for 28 days or more after post-vaccination infection were approximately halved by having two vaccine doses. This result suggests that the risk of long COVID is reduced in individuals who have received double vaccination, when additionally considering the already documented reduced risk of infection overall.”

I hope that the Scottish Government will look into that further and commission research on it in a Scottish setting.

For some young people, the advice will seem contradictory to the narrative throughout the pandemic. We have told young people for 18

months that they are at less risk of becoming seriously ill. That does not mean, however, that there is no possibility that they will become ill, and there are now more people under 40 than in any other age category in hospital. Long Covid has also always been, and will continue to be, a real danger for anyone who catches the virus.

At the start of the pandemic, young people were asked to do the right thing, abide by lockdown measures and keep everyone safe, which meant that they often missed out on formative experiences, such as graduation, freshers week and entering the workforce. We greatly appreciate those sacrifices, and we now have to ask them again to do something so that they do not miss anything.

Daniel Johnson: Will the member take an intervention?

Gillian Mackay: I really need to get through stuff.

We ask young people to get their vaccinations not just to protect them, but to protect everyone around them.

Some people have said that a vaccine certification scheme might increase vaccine hesitancy, but that does not appear to have happened in comparable countries that have introduced similar schemes. I implore health boards and the Government to continue to reach out to those who have expressed hesitancy to give them the information that they need on the vaccine.

Since the plans were announced last week, I and my colleagues in the Green group have pushed strongly to ensure that the scheme is time limited and targeted, in order to increase the vaccination rate and, as a result, decrease the rate of transmission. I am pleased that, in addition to a review every three weeks, a provisional end date for the scheme is set for the end of February.

I have also pushed to ensure that the scheme will not adversely impact disabled people and other marginalised groups. I am pleased that paper certificates will be readily available, that the medical data will be limited and that individuals who cannot be vaccinated for health reasons will be exempt. Nevertheless, I am acutely aware that such an adverse impact remains a risk of the policy, and I will keep a close eye on the matter.

I am also aware of the impact that the scheme could have on students and others who have been vaccinated in countries where it might be difficult to obtain proof of vaccination. We are continuing to work with the Government on that issue, and I am encouraged that everyone who has taken part in a vaccine trial will automatically get the certificate.

I understand the moral and ethical concerns that other members have raised. I respect their point of view, which is one that the Greens previously shared when furlough was still in place and some age groups had not yet had access to vaccinations. If we were considering the health impacts of Covid, re-imposing wider restrictions would probably be the obvious initial step. However, with furlough ending shortly, we no longer have that choice. The consequences of shutting industries without furlough would lead to job losses and the closure of businesses on a scale far beyond what we have already seen. We would be having an entirely different discussion today if we had the ability to extend furlough and provide the needed financial support to reintroduce restrictions. We are in the realm of the least-worst option.

Daniel Johnson: Will the member take an intervention at this point?

Gillian Mackay: No. I am in my final minute.

Conservative colleagues have said that they will vote against the scheme this evening, but it is important that they speak to colleagues at Westminster—I implore them to do so—and lobby for furlough to be extended. It is hypocritical to vote against health protection measures here without any making attempt to resolve the issues that hamstringing other interventions.

As I said, we did not want the decision to be on the table for many reasons, which I have laid out. However, we will not shy away from taking the decisions that are in the best interests of this country. We will continue to work with the Government to ensure that the most vulnerable are protected and that the scheme is not in place for a day longer than it needs to be, and to minimise the restrictions on our civil liberties that the pandemic has sadly made necessary.

16:38

Douglas Lumsden (North East Scotland) (Con): Vaccine passports are a contentious issue that has raised a substantial amount of correspondence from individuals and businesses across North East Scotland. People are expressing a huge amount of anxiety about the pace of, and the lack of consultation on, the scheme, the form that the passports will take and the impact that they will have on businesses and those who attend events.

The SNP-Green Government's screeching U-turn has led to confusion, chaos and concern for many of my constituents, born out of a deep distrust of the devolved Government and its ability to deliver projects. We have already seen the fiasco over the new information technology system for the farming sector and the promising of apps

that were never delivered. Businesses and citizens simply do not trust the devolved Government to implement a system that works for them and their customers, particularly when they have not been consulted on that sudden U-turn.

A year ago, the Conservatives called for a business panel to be established to be a sounding board for the Government on Covid measures. That never happened and I am positive that, on reflection, the minister is now wishing that he had listened to the Conservatives and implemented such a business panel, so that we could have heard what businesses need instead of working through what looks like a dog's dinner of a policy without the knowledge of business on the ground.

This devolved Government has a habit of talking down to business and telling it what is best rather than listening to understand its needs and requirements. In my discussion with business leaders, this is what I have been told. I have been contacted by the chairman of a football club, who said:

"clubs with over 10,000 attending are going to be severely challenged financially. We have already had a huge number of season ticket holders state that if we force them to get vaccinated, they want their money back. We have done everything not to make anyone redundant at the club. Our initial estimate is that this will cost us at least £1.5 million in lost income."

Clubs have gone through all the pre-season planning, jumped through all the hoops, put in place Covid measures and adhered to all the guidelines, but with this ill-thought-out policy the Government is putting all of that in jeopardy.

John Mason: Does the member have some suggestions other than the certificate? For example, should we just stop having crowds at football altogether?

Douglas Lumsden: We heard earlier from Douglas Ross that getting test and protect working would be more effective.

When I read the proposals—if we can call them proposals—I can understand the concerns that football clubs have. The paper says that staff at a venue can download a free QR code verifier. Has anyone from the Government ever been to a football match? There is not one orderly queue for 50,000 people; there are hundreds of turnstiles, most of which are unmanned. There is not a guy at each turnstile with an app on a phone.

A couple of days after the regulations are due to come into force, four matches will be affected. The proposal will be a hammer blow to those clubs that have already suffered hugely during the past 18 months—[*Interruption.*]

The Deputy Presiding Officer: Mr Lumsden, hold on a second. I want to hear what Mr Lumsden

has to say. There is too much chatter across the chamber.

Douglas Lumsden: If the Government does force this measure through today, I urge it to work closely with those clubs and not hang them out to dry.

The Night Time Industries Association has also written to MSPs and put forward some helpful suggestions on how the impact of the policy could be mitigated. It asks the Government to pause and reflect on where the numbers are going. As the First Minister suggested yesterday, the case numbers might have peaked and are now starting to fall again, so surely it is premature to bring the policy in quickly and without the necessary infrastructure in place.

The NTIA also raised with me another issue that is also touched on in the proposal, and that is the definition of a nightclub. The Government does not have a definition for them yet, so I suspect that many pubs will be in for a big nasty surprise.

Kaukab Stewart: There seems to be a lot of talk about a definition. I have had a wee bit of time to look it up, and the definition of a nightclub is that it is a noun; it is an entertainment venue that is open from the evening until early morning, having facilities such as a bar and a disco, or other entertainment. Thank you.

Douglas Lumsden: I thank the member for that intervention, but she obviously has not read the notes that were released earlier today, which say that there is no definition of a nightclub and that it is still being worked on. How we can vote on the proposals when that definition is not in place is a strange one on me.

The proposals that the Government has presented to us have more holes than a Swiss cheese. They are meant for nightclubs, but we cannot define a nightclub. The medical exemption process is still being developed. Under-18s will be exempt, but that might be changed to under-16s, and young people going to a concert will now have to prove that they are under 18 and if they do not have a driving licence or a passport, I am not sure how they will do that.

We have no idea on costs to businesses. Guidance on “reasonable measures” will come later. We are being asked to approve so many unknowns today!

I am also extremely concerned by recent reports that events organisers are abstaining from coming to Scotland and moving existing events to England as the measures proposed by the devolved Government will prove too costly and too difficult for them to operate in Scotland.

The events industry in Scotland is worth around £1.5 billion a year. If that income were to be lost or

substantially reduced, that would have a major economic impact on many regions, including the north-east. Of course, we have a major event coming to Scotland in just seven weeks’ time: the 26th United Nations climate change conference of the parties—COP26. We have no idea how that conference will be impacted by what is proposed today; we will just have to cross our fingers and hope for the best.

There is one final concern that I want to highlight, which is to do with the timing of the introduction of the proposed scheme. If its introduction forces someone to get vaccinated, the soonest they will be allowed into a venue will be 10 weeks after their first injection. If they got their first jab today, it would be 18 November before they were able to go to a football match or a concert, which does not seem fair.

This is an ill-thought-out policy from the coalition of chaos. The screeching U-turn by the SNP-Green devolved Government is a sight to behold. Where is the once-principled view of Patrick Harvie, who was so ardently against the policy but has now fallen into line just to protect his ministerial salary? There has been no planning, no discussion and no consultation. No thought has been given to the policy; it has been written on the back of an envelope without the information technology systems to support its being in place. Once again, the people and businesses of Scotland will be left to suffer and to try to cope as best they can.

16:46

Fulton MacGregor (Coatbridge and Chryston) (SNP): It is a great privilege to speak in a debate on a matter of such huge significance. I say at the outset that I intend to vote for the Government’s motion, but before I outline my reasons for that decision, I want to take some time to express concerns that I have—which I think that members across the chamber have—about the vaccination certification scheme and to make sure that the voices of the many constituents who have been in touch are heard.

My first concern, as a member of the Parliament and of the Equalities, Human Rights and Civil Justice Committee, comes from a human rights perspective. Members will be aware that the Scottish Human Rights Commission’s briefing for the debate said that the Government should ensure that two tests are met in order for vaccine passports to comply with human rights. The Government should provide evidence that the measure is necessary to achieve a pressing social aim, and that it is proportionate, in that it goes no further than is necessary to achieve that aim. I feel that the Deputy First Minister’s opening speech demonstrated that, for now, those tests have been

met by keeping certification only for high-risk events—*[Interruption.]* I will not take an intervention just now. I might do so in a bit.

The scheme will also be kept under regular review and scrutiny. I think that those conditions are very important in allowing many of us to vote for the introduction of vaccine certification.

As other members have said—this might be where Mr Johnson was going—the night-time industry has raised significant points, which were backed up by my constituent who runs a number of nightclubs in my constituency and across Lanarkshire. Today, he spoke to me as someone who has been very supportive of measures to restrict Covid. He is not opposed to the measures that we are discussing, but he reiterated questions that other members—mainly Opposition members—have asked about what constitutes a nightclub or a late bar. I think that those are legitimate questions. John Mason's point was a good one—we will need to flesh out some of that.

My constituent also raised concerns about how the scheme will be enforced, how fraud can be prevented and so on, which other members have covered. He went on to tell me—this might be the point that Douglas Ross was making to the cabinet secretary, but I think that he made it in the wrong way—that his nightclubs have been open since 13 August and have had 6,780 people through their doors but have had no pings from the test and protect system and no staff members unwell. He put that down to having robust systems in place, including everyone being signed into test and protect, temperature checks being carried out and having an innovative system that pumps—I had better get this right—1 cubic metre of fresh air per second and filters out the same amount of dirty air. I wonder whether the Government would consider coming to visit that example of good practice. I always welcome visits to my constituency. I know that my constituent has had good practice throughout the pandemic, as well as contact with the Government. *[Interruption.]*

Will I get the time back if I take the intervention, Presiding Officer? I have a lot to get through.

The Deputy Presiding Officer: Yes, you will get a little bit of time back.

Michael Marra (North East Scotland) (Lab): The member talks about proportionality. I am glad that he has not resorted to Google, as some other members have done, in an effort to make up definitions as they go along. Part of the proportionality issue is the need to ensure that all other means have been exhausted before such a scheme is brought in. Is it not right that we get test and protect working properly before we move into such a scenario? Is that not a test of proportionality?

Fulton MacGregor: I have already covered that. The need for proportionality has been met by what the Deputy First Minister has said. I think that members from all parties would agree that the fact that the measure has a provisional end date and that there will be a three-weekly review brings in proportionality.

Douglas Ross rose—

Fulton MacGregor: I am sorry, Mr Ross, but I would like to make some progress.

I have mentioned one constituent. I thank around 50 other Coatbridge and Chryston constituents who got in touch with me and who will each receive a response from me. I understand the arguments about human rights and individual choice that they have put to me. I also understand that many of them have been double vaccinated but are worried about the possible trajectory of such a move and where it might lead even after the pandemic has subsided. I will continue being their voice in Parliament. There is no indication that this will be anything other than a short-term measure. *[Interruption.]* I will not give way just now.

I also understand the concerns of some specific groups. My partner and I experienced that when she was pregnant. There was conflicting advice and it was not easy to make choices about vaccination.

I will talk about why I support the motion. We are in the middle of a global pandemic. I do not know about anyone else, but I do not want to go back into lockdown and restrictions. If the measure adds value to the others that we have, I am for it.

Last week, I attended an NHS Lanarkshire briefing—*[Interruption.]* I will not take an intervention just now. I have already taken one intervention.

We were told that two thirds of those currently in hospital with Covid-19 are unvaccinated and that a significant proportion of the remaining one third of hospital patients have had only one jab. Think about the fact that two thirds are unvaccinated. If one of the primary aims of the measure is to increase vaccination among groups who have not already had it, we have a duty to try that. That is why I cannot understand why Opposition members are so against this. They are not even arguing to and fro like SNP members; they are totally against it. Are those guys going to the same briefings as me? The NHS Lanarkshire briefing could not have been clearer.

There is also a simple trust issue. I am a member of the Parliament and of the governing party, but first and foremost I am a father, son, partner, friend and citizen of Scotland. The Government has earned our trust during the

pandemic, which was demonstrated by the recent election. If the First Minister, the Deputy First Minister, the Government and its advisers think that this is a good idea and that it will help, we should support it. I know that the cabinet secretary will be the first to come here and tell us if the measure is not working and that he will pull it.

The irony will not be lost on anyone that Douglas Ross and even Anas Sarwar think that this is a good enough measure for tackling the virus in England but not here, in Scotland. Is that really what they are saying? Perhaps it is not—perhaps I am misquoting them—but it feels that way to me. The measure has a built-in three-weekly review; there is nothing to lose. They are seeing an opportune moment to play party politics.*[Interruption.]* I am not taking any more interventions—I have already taken one.

I am happy to support the motion. I have raised my own concerns and those of constituents, and I look forward to updates on the success—or otherwise—of these measures in tackling the pandemic.

The Deputy Presiding Officer: I remind members that it is up to the speaker whether to take an intervention.

16:53

Alex Rowley (Mid Scotland and Fife) (Lab): I will first make clear my support, and that of my party, for vaccination. Without the successful procurement of the vaccine across the four nations and the massive uptake of vaccination by the public, we would not be in a position to see the opening up of our economy and society.

I have spent much of the past five days researching the issue, with the intention of basing my decision on the evidence given and the wide range of views and concerns being expressed about what is proposed. The fact that the proposals come to us as emergency legislation means that there is not the level of scrutiny that would be normal for such serious measures. I note that the House of Commons Public Administration and Constitutional Affairs Committee took advice on the introduction of Covid status certification, and that committee published a report on 10 June this year. Basically, it found that the UK Government had not presented a scientific or public health case for introducing a Covid status certification system. It also made the point that such a significant measure should be introduced through primary legislation.

My view is that, today, the Scottish Government has not brought forward a convincing scientific case for introducing a certification system that will target certain venues and gatherings, nor has it provided evidence that the specific areas that are

being targeted are causing major outbreaks in the spread of the virus. That is important, because we must surely have that knowledge in order to try to get back on top of driving the R number down.

From my knowledge of people getting Covid, the greatest area of spread seems to be schools. I worry that the Government seems a bit heartless when it comes to knowing what to do while schools are struggling to manage the situation that they find themselves in. From what I can see, the main purpose of introducing the measures is to use the stick approach to increase uptake among younger people.

Last week, the Deputy First Minister told the COVID-19 Recovery Committee:

“The primary purpose of the policy proposal that the First Minister set out ... is to strengthen resistance to the virus by maximising compliance with the measures that we know will have the greatest impact in stemming the prevalence of serious illness as a consequence of people contracting it.”—*[Official Report, COVID-19 Recovery Committee, 2 September 2021; c 6.]*

That statement raises a number of questions, the first of which is whether the proposal will improve vaccine uptake compliance among younger people. Where has the evidence been given to show that that will be the case? Initial research on the question raises concerns that the proposal may have the opposite effect and entrench vaccine hesitancy, particularly in groups that need to be reached.

The Government will win the vote today and proceed with the proposal, but I ask it to produce much more detail on what it is doing to focus specifically on those geographical areas and groups, such as the younger population, where there is low take-up of vaccination. I note from watching the TV news on the past few nights that the numbers of young people who are going for vaccination has been on the increase in many areas. I believe that taking those steps is far more important to encourage uptake among people who, for whatever reason, have concerns and fears about getting the vaccine.

Humza Yousaf: I thank the member for giving way during what is, I think, a very considered contribution. He said that he notes anecdotally that numbers have increased in the past few days. Does he think that that might be to do with the fact that we have announced the certification scheme and our intention is to implement it?

Alex Rowley: I also note that a lot of the evidence suggests that trying to force people to get the vaccine can have the opposite effect, so I am less than convinced of that. I believe that we need to focus measures on how we reach those we might call hard to reach.

The Scottish Human Rights Commission makes the point that take-up of Covid-19 vaccines is lower among some groups, including people from lower socioeconomic backgrounds, people from certain ethnic minority groups, refugees and people seeking asylum.

We also have to do more to challenge the level of misinformation from anti-vaccination groups, which is rife and increasing. The more misinformation goes unchallenged, the more dangerous it becomes. If the Government brings forward measures and demonstrates that they will increase the uptake of vaccination, I will certainly support those measures, but it needs to be able to produce the evidence that sits behind them.

On compliance, I note that disregard for mask wearing in shops, on public transport and in other areas where it is required by law is, sadly, increasing at a worrying rate. What steps is the Government taking to support retailers, for example, to enforce the law on face coverings? Why is it being left to shop workers to ask the questions and put themselves at risk? To use emergency legislation to bring in new laws while ignoring the laws that we have in place to protect people is not right, and we need to address that.

Likewise, we have all seen the pictures of overcrowding on trains, which is a direct responsibility of this Government. It is one thing to tell others what to do—surely we need to get our act right alongside that.

I am not sure that the proposed measures will deliver the intended result, and I want the Government to enforce the laws that are already in place to keep people safe.

The Deputy Presiding Officer: I call Pam Duncan-Glancy to make a brief contribution. She will be the last speaker in the open debate.

17:00

Pam Duncan-Glancy (Glasgow) (Lab): A concern that has been raised with me is that people who have had one vaccine in one country and one in another cannot get their vaccine passport. I have asked NHS National Services Scotland about that, and it said that it is not yet possible to bring together vaccination data from different countries. I would be grateful if the Government could give an indication of when it expects to resolve that issue.

Disabled people, carers and other seldom-heard groups have been strong in their concern over the lack of consultation with them on the Scottish Government's Covid response, and they have consistently asked that they be involved in all aspects of it. It is crucial that any introduction of a vaccine passport scheme is considered and

planned to ensure that it does not perpetuate or exacerbate existing inequalities. Has the Government carried out a detailed and robust equality impact assessment and human rights impact assessment on vaccine passports? If so, when will it publish them? If not, could the Deputy First Minister or cabinet secretary explain why not?

If the Parliament votes for vaccine passports, how will the Government involve disabled people, people living with long-term conditions, unpaid carers and other seldom-heard groups in designing how the passports work and how they are rolled out? I would be grateful if the cabinet secretary could set that out in his closing remarks.

The Deputy Presiding Officer: We move to closing speeches.

17:02

Willie Rennie (North East Fife) (LD): Just six weeks ago, Patrick Harvie wrote in my favourite authoritative journal, *The National*. He railed against Boris Johnson's plans for vaccine passports and said that

"threats and coercion will backfire",

that the plans could destroy public trust,

"deepen discrimination ... deepen inequality"

and allow

"anti-vaxxers ... to spread misinformation".

To top it off, Mr Harvie said that Boris Johnson just "doesn't care."

Patrick Harvie: Will the member give way?

Willie Rennie: Not just now.

I know that Mr Harvie was nuanced and understated in that article, but forensic analysis will glean that, on balance, he was not in favour of vaccine passports.

Fast forward six weeks and Mr Harvie has changed his view. I am not sure whether he now thinks that use of threats and coercion to get people vaccinated is acceptable. I am not sure whether he is bothered about public trust, inequality or discrimination any more.

Patrick Harvie rose—

Willie Rennie: Not just now.

Is Patrick Harvie content to let anti-vaxxers spread misinformation? Does he now think that Boris Johnson cares after all? I know that Government office can change people, but I did not think that it would turn Patrick Harvie into Boris Johnson's biggest cheerleader.

Patrick Harvie: I am not sure that Willie Rennie took that last comment any more seriously than I

did. He is quoting my article every bit as selectively as several members have quoted Stephen Reicher's tweets from this morning. Can he tell the chamber what the daily case rate of Covid transmission was when I wrote that article?

Willie Rennie: It is amazing how compliant Mr Harvie has become after just a few weeks in office. Six weeks ago, he was against coercion. Now he has joined the SNP and he is in favour of coercion. I have a little bit of advice for Mr Harvie. Some may say that I have a little bit of experience of this. If Mr Harvie does not want to get pushed around for the next five years by his new coalition partners, he needs to stand up now for what he believes, and there is no better opportunity to do that than today. His vote will make the difference in this debate. I say, "Stand up for what you believe, Mr Harvie."

My opposition to Covid ID cards was first expressed last autumn, when I asked the First Minister about them in this very chamber. She denied that she had any plans to introduce them. I raised the issue again in the spring, and several times in the election campaign. I banged my desk in approval when Patrick Harvie challenged the First Minister about Covid ID cards.

My opposition is simple: as a Liberal, I am always suspicious of Governments that want to accrue for themselves more powers—no matter how apparently innocuous they are—over the freedom of the individual. It is why I opposed the SNP Government's plans to introduce a super ID database—the precursor to an ID card in this country. It is why I was opposed to the Labour Government's ID cards, which, I say to Mr Harvie, we scrapped when we got into power. It is a major shift in the power balance between the state and the individual to introduce vaccine ID cards in this country. It would require people to be treated in order to get access to normal services. That is not something that I am prepared to accept. We need to be very careful whenever we consider shifts in the power of the state. Such shifts should not be rushed.

We received the flimsy six-page note from the Government this morning. A few hours are insufficient time to consider the issue. Parliament should not be bounced by the Government, and the issue deserves more than a couple of thousand words of waffle. The note asserts this: Covid ID cards will work. That is about the length of the argument. There is no guidance, no regulations and no agreement with other countries—not even our neighbours in the rest of the UK. The QR code has not been widely tested. The technology has not been shared with venues and they have had no training. All of this is supposed to be in place in 21 days' time—three weeks.

The IT system cannot cope with the current demand for vaccine passports for foreign travel, so I cannot see how it will cope with a massive increase in demand. I am also unclear as to what the Government thinks vaccine passports will fix. Having the vaccine does not stop people from contracting or spreading the virus, although it does limit it. The danger is—this is Professor Reicher's argument—that people at big events will ignore all the protections, as if they have had the all-clear from a Government-endorsed ID card. That is an argument that Government ministers have been particularly enthusiastic about over the past 18 months.

I am afraid that the Government has lost its head. It has been captured by the "Something must be done" advocates. We have worked together through the pandemic. I have praised the First Minister for her leadership. We have asked many people to make many great sacrifices, and many have made the ultimate sacrifice. However, we have always sought to unite society to beat the virus together. I fear that the Government is abandoning that approach today. It is overreaching; it is garnering more powers for itself against the individual, and it is doing it with such great haste.

I urge the Government to think again.

17:08

Daniel Johnson (Edinburgh Southern) (Lab):

Let me begin with some points that I think we can all agree on. As Alex Rowley said, we all want vaccination rates to increase. As Gillian Martin said, we want to find safe ways of doing the things that we did before the pandemic. As the Deputy First Minister said, we have to ensure that we suppress the virus and consider what will work.

However, we have to question the approach that the Government has taken. We have to question why it has created the imperative now. We have to question the process by which the Government has brought that imperative about and the fundamental rationale that lies behind the measures that it has put before us in the motion this afternoon.

Why now? Last December, we knew that the roll-out would conclude roughly at the end of this summer. At that point, when we knew the timeline, the questions were always going to come up whether we would need to enforce vaccination and whether we would ask people to prove that they had been vaccinated.

Earlier this year, discussion of vaccine passports took place throughout the world. In July, we knew that Scotland was a global hotspot for the virus. Throughout, there has been the opportunity to discuss and explore the possibility

of a vaccine passport, to look at the practicalities and to look at what would happen.

Quite simply, it is not good enough for the First Minister to say that she did not reject the idea, and to claim that her Government was developing it, because it was not. If ministers had wanted to develop the idea, they should have been examining it in detail and preparing it. Even the UK Government did a consultation, back in March.

This is a false imperative. As Willie Rennie said, the Government has been captured by the idea that “Something must be done: this is apparently ‘something’, therefore we must do it.” That is the sum total of the Government’s argument, this evening.

Clare Adamson (Motherwell and Wishaw) (SNP): I have listened very carefully to the concerns that have been raised. However, two weeks ago, I attended an NHS briefing in Lanarkshire. Members of the Labour Party were there, but, to the best of my knowledge, not a single Tory MSP or MP was there, yet they are going to oppose the measure this evening.

My constituents cannot get personal care unless it is an emergency, and we cannot get operations in Lanarkshire. Positive case rates are going up, and the briefing from the NHS officials was absolutely clear that we have to do something about vaccination uptake in order to protect our health service. For that reason, I will vote for the proposal. Does Daniel Johnson understand how hard it is for my constituents at the moment?

Daniel Johnson: I really do understand Clare Adamson’s motivation, and I agree that we have to listen and go to briefings. However, ultimately, it is a question of whether the measure will do what she is suggesting. I think that we have to question that.

One of the fundamental issues here—I was going to come on to this later—is the proposition that vaccination reduces transmission, because the Government is conflating two fundamental elements of vaccine efficacy. There is the efficacy of the vaccine in terms of ensuring that people do not get ill and go to hospital. The evidence on that is clear: the vaccine does reduce it.

However, the evidence of the vaccine’s ability to reduce transmission is far from clear. That is why the WHO stated back in February that it did not recommend vaccine passports as a measure to reduce transmission, and it is why, in July, it reiterated that the evidence was not clear. It is why the *New England Journal of Medicine* published an article just the other day stating that, on transmission, it is not clear that passports can be used as a measure.

We also have to look at the legislative process that the Government is taking in regard to the measure. There has been derision and amusement regarding definitions of nightclubs, but Douglas Ross is absolutely right to raise that, because when we legislate and introduce measures, definitions matter. If we fail to accurately define the scope of a measure, we will get things wrong.

That is not the only issue with what is being proposed today. We have to be steered by international organisations and scientific advice. The WHO has set out the parameters by which Governments should approach vaccine passports. As well as scope, it says that there should be detailed cost benefit analysis, yet the proposal from the Government has none. It says that there should be detailed examination of digital barriers and discrimination, and it suggests that there should be a full equality impact assessment. I wanted to ask Fulton MacGregor whether he thinks that the Government should undertake a full equality impact assessment before it introduces the measure, because there has been none.

The WHO also says that Governments should take all necessary measures to protect participants in terms of continuity of care and particular focus being placed on data relating to individuals, but there is scant detail of how such details will be protected in the Government’s measure.

We need to look at the very real concerns that have been raised by the Liberal Democrats—by Alex Cole-Hamilton—and others.

We have to look at the implications of what we are introducing. Vaccination passports are medical ID cards by the back door. I do not entirely share the concerns of the Liberal Democrats about identity cards, but I am clear about the fact that we should not introduce ID cards by the back door. We must not introduce medical photographic ID for one purpose, only for that to result in its being used for another one. That is a real danger of the measure—[*Interruption.*] I cannot take an intervention, as I have to wind up.

Ultimately, the Government’s position can be summed up as having no detail, having had no consultation and having no evidence—the measure should have no confidence from the Scottish Parliament.

17:15

Murdo Fraser (Mid Scotland and Fife) (Con): Several members in today’s debate have referred to correspondence from constituents. I am sure that we have all had a great volume of correspondence from many constituents who are hostile in principle to the notion of Covid

vaccination passports. That position was well articulated in the debate by representatives of the Liberal Democrats. However, most of us in the Parliament are probably not in that position and do not take a particularly principled stance on the issue. We wrestle with conflicting arguments. There are arguments about civil liberties and efficacy, which we have to weigh against the arguments about the benefits to public health that we have heard several members refer to today. We are trying to find a way forward on the basis of the evidence as to what works.

A few weeks ago in a radio interview, I was asked about the use of vaccine passports. At that time—when restrictions were still in place—my view was that it was a reasonable trade-off if we were to allow large events to start to take place but to require those attending to produce either proof of vaccination status or proof of a negative test. Unlike some other members, I have not changed my view. When the announcement was made in the chamber last week on the introduction of vaccination passports, I asked the First Minister whether negative tests would be accepted as an alternative to certification, but the answer was no.

Alex Cole-Hamilton: I accept Mr Fraser's very nuanced position and respect the fact that it might be different from mine. However, does he recognise that the hospitality sector and the events industry have said that their preference is for lateral flow certification, so that people can evidence their health on that particular day, which is far safer than the Government's vaccine passport plan?

Murdo Fraser: That is a fair point from Mr Cole-Hamilton and I am in agreement with it.

Certification of vaccine status is not something new or unusual. Some years ago, I travelled to Tanzania and had to provide proof of yellow fever vaccination. Many travel companies require proof of vaccination status and other countries have already implemented certification schemes. However, there is still widespread public concern about what is being proposed by the Scottish Government. At this stage, I do not believe that the Scottish Government has made a case that convinces us of the need for these measures at this time.

At last week's meeting of the COVID-19 Recovery Committee, I asked John Swinney what the purpose of the policy was. Was it about preventing the further spread of infection given that we know that double vaccination provides only limited protection against the delta variant, or was it about pushing unvaccinated groups, such as the young, to get vaccinated? I did not get a direct answer to that question.

Labour's Alex Rowley asked that the evidence behind the decision be shared with the committee and the wider Parliament. Mr Swinney undertook to provide that evidence. One week later and I have seen no further information from the Scottish Government to justify the policy or show the evidence behind it. We are simply in the dark. All we have seen today is this flimsy document, which contains just 2,000 words. I have quoted it already, but I will do so again. It says that the Scottish Government will

"continue to gather evidence from around the world on certification schemes ... We will also publish a full assessment of the evidence for certification".

Yet, we are being asked today—in a matter of minutes—to vote to approve the scheme for which the evidence has not been presented. I am sure that Mr Swinney himself understands what an unreasonable ask of the Parliament that is. *[Interruption.]* Let me make a further point before giving way.

That takes us back to the important issue of parliamentary scrutiny. This week, the Delegated Powers and Law Reform Committee wrote to the Scottish Government to ask that there be an opportunity to scrutinise the detailed regulations that we are expecting before they are implemented, because there are many unanswered questions about the detail, which we have heard in the debate. This morning, the COVID-19 Recovery Committee endorsed that call. I have just seen a response from the Minister for Parliamentary Business to that very reasonable request. To say that it is disappointing would be an understatement. According to him, regulations will be introduced and imposed without debate, scrutiny or vote in committee. I will quote directly from that letter. He said:

"The Debate in the Chamber today, and—if circumstances permit—consideration by the Covid-19 Committee will ensure that there is some Parliamentary scrutiny of the proposals before any regulations come into force."

That is it. The entirety of scrutiny of a complex and sensitive issue is this two-hour debate this afternoon. That is not parliamentary democracy in action.

If the Parliament votes yes in a few minutes' time, as I expect it will, that will be it. Vaccine passports will come in, the Scottish Government will have sole and unfettered control over the detail of what will be new law, and Parliament will consider that only after it has been introduced and it is the law of the land. That is a shameful way for the Government to treat the Parliament.

There is much more that I could say about the impact on civil liberties. We have had representations from groups such as the Health and Social Care Alliance Scotland that talk about

the impact on human rights, particularly for those who are disabled and people who live with long-term conditions. They are concerned that inequalities could be exacerbated. The Scottish Government says that those with medical conditions that do not permit vaccination would be exempt from needing to provide certification, but it appears that that would not apply to those with a religious objection to vaccination, for example. I have had correspondence from a constituent in that category. No exemption is provided for them.

We know that the business community has widespread concerns about the use of vaccination passports. The document that we have seen today says that the costs will be met by businesses themselves, but we have no idea what those costs will be. There has been no impact assessment and no financial memorandum to accompany the measure. Again, we are being asked to vote for something whose impact we are in the dark about.

We have already seen the SNP U-turn on this issue. Only a few weeks ago, John Swinney and Humza Yousaf were saying that this was not the right way to go. Even if it is troubling for them to have changed their position, it is even more embarrassing for the other part of this Government coalition of chaos. As recently as the end of July, Patrick Harvie was railing against Covid vaccination passports but, here today, he and his colleagues are supporting the Government in voting them through, despite all the concerns that we have heard. Mr Harvie and his colleagues are bought and sold for the price of two ministerial salaries, and they should be ashamed of themselves for letting down their party members and voters.

Today, the Scottish Conservatives will vote against the Scottish Government's proposals. The Scottish Government has simply not made the case, and there are too many unanswered questions. I am afraid that, as of today, the case for vaccine passports has not yet been made.

17:23

The Cabinet Secretary for Health and Social Care (Humza Yousaf): It is fair to say that it has been a mixed debate. Some contributions have been more heat than light, but I must acknowledge that there have been other contributions from our own back benchers and many Opposition members in which very important and pertinent questions have been asked. Many have reflected on the numerous emails that we have all received in our inboxes and questions from members of the public. I will attempt to answer as many of those as I possibly can.

It was right for the Deputy First Minister to start—I know that Daniel Johnson did this in his

contribution, too—by reminding us of what we agree on and why we are here. Maybe in the humdrum of political debate, we can sometimes forget just how difficult, serious and significant the challenge that we face as a nation is. All of us have a duty as parliamentarians to give any proposal or initiative that is brought forward by the Government or, indeed, others full consideration, given the challenge that is in front of us. Weekly cases are increasing, from above 26,000 to more than 44,000, the number of people in hospital with Covid has increased from 391 to 883, and the number of people in our intensive care units has almost doubled, from 44 to 82.

Today alone, 12 people have died. Twelve families have been devastated and are grieving because of their loss through Covid. I know somebody in his mid-30s—I think that Anas Sarwar probably knows the individual, too—who passed away with Covid-19 this week. That is a reminder that we are here to find solutions. It does not mean that we all have to agree—we will not always agree, and today is a case in point—but we are here because we want to work our way through what is the most challenging set of circumstances that, I suspect, any Government will ever have to deal with, certainly for many years to come.

So, we must do something. That does not mean just doing anything, however—and I will come back to that point. Some people in the Opposition have said that we have moved too quickly. I would say to the Opposition that we have a variant—the delta variant this time—that moves incredibly quickly, and it is so important that we, too, move at pace so that the virus does not outrun us.

Oliver Mundell: Does that not make the point that the Deputy First Minister should not be going on the radio, giving categorical positions and rubbishing ideas that have come forward in other parts of the UK, and then going away and doing no work, and then coming back at the last minute with a poorly prepared proposal?

Humza Yousaf: Unsurprisingly, I do not agree with the member's characterisation. In fact, neither the Deputy First Minister nor I, nor the First Minister, have ever ruled out a Covid certification scheme. We have put on record where our concerns are. We have managed to get a workaround for some of those concerns. For example, I was always concerned about people who may be digitally excluded—and Douglas Lumsden and a couple of other members made that point—but we found a workaround for that whereby people can receive a paper copy, which takes three to four days, on average, to arrive. This is not a step that the Government has taken lightly. However, in the light of the case numbers—[*Interruption.*] If the member lets me

make a little bit of progress, I promise that I will take more interventions.

Daniel Johnson, Jackie Baillie and a number of other members asked for the clinical advice. There are a number of studies, and Gillian Mackay said that she could send them on to other members. I am equally happy to do that, too. A recent publication from the UK study on real-time assessment of community transmission, REACT-1, reports:

“the researchers estimate that fully vaccinated people in this testing round had between around 50% to 60% reduced risk of infection, including asymptomatic infection, compared to unvaccinated people.”

I think this is the really significant point:

“In addition, double vaccinated people were less likely than unvaccinated people to test positive after coming into contact with someone who had COVID”.

Another study shows that, although double-vaccinated people and unvaccinated people may have similar viral loads, those viral loads stayed in the body for a shorter period of time in the former, so they are less likely to transmit the virus.

Daniel Johnson: The cabinet secretary can cite some studies, but would he recognise that the evidence is still equivocal, which is why the WHO has not moved its position? More importantly, why were those studies not included in the Government paper that was published? Right now, the paper has nothing, which is why we have been googling for evidence during the debate.

Humza Yousaf: There is the evidence in the studies that I read, and at paragraph 6 our paper says:

“Research evidence indicates that being vaccinated reduces the risk that a person will become infected with the virus, and likely further reduces their risk of transmitting coronavirus.”

If the member’s criticism of the Government is that paragraph 6 should have had an appendix to it, with all the studies that I have mentioned, then I will take that on board, and I will be happy to send out some of the detail. [*Interruption.*] No, I will make some more progress, particularly on the international evidence.

I have often heard some members say that we should just stick to talking about Scotland but, in a global pandemic, we want to look across the world to where there is best practice. International evidence is convincing. Certification schemes exist in France, Austria, Germany, Israel, Italy, Belgium, Denmark, the Netherlands and Norway—and one will be introduced in England, too. In most of the countries, the use of a certification scheme is far broader than the very limited scope that we are suggesting. In his speech, Alex Cole-Hamilton suggested that the scheme is illiberal. Is he really suggesting that France, Germany and Italy are

illiberal—that Belgium, where the liberal party is part of the ruling coalition, is illiberal? That is not a position that I can agree with.

Alex Cole-Hamilton: Every single one of the European nations that the cabinet secretary has listed has had in place, for many years, constitutional protections around ID cards. We have no such protections in this country.

Humza Yousaf: Of course, we do not have a written constitution—that is the obvious point. What I am saying is that those countries are not illiberal, and a certification scheme is becoming the European norm, although it may not quite be the global norm.

A number of members asked about nightclubs. I go back to those countries that I have just mentioned. Nightclubs are included in our scheme because we believe, based on the clinical advice that we have received, that they are high-risk settings. However, it is not just us—they are included in the schemes in Austria, Denmark, France, Israel and some regions of Germany, and they will be included in other countries’ schemes, too.

Stephen Kerr: The cabinet secretary has mentioned studies and various other things that he is promising to publish. On the subject that the cabinet secretary is now addressing, the Deputy First Minister said that there had been an assessment of the economic impact of such measures on the night-time economy, for example. Will the cabinet secretary undertake to see to it that that information is also released into the public domain, so that we can scrutinise it?

Humza Yousaf: When we lay the regulations, we will, of course, follow that with an equality impact assessment and a business and regulatory impact assessment, and those will be published for the committee to scrutinise. There has also been engagement with business—I can give members the dates of that.

I want to touch on another issue, because I am rapidly running out of time. Gillian Mackay, Alex Rowley and a number of other members asked about this. The primary aim of our certification scheme is to try to reduce the risk of transmission—not to eliminate it; a number of members have made that point—in what we consider, from a clinical point of view, to be high-risk settings. However, one of the scheme’s other primary priorities is to incentivise vaccine uptake.

We can all agree that the vaccination programme has been a huge success. There is often competition among the four nations of the UK, and I am pleased that Scotland is holding its own, but all four nations have done incredibly well in their vaccination programmes. However, across the UK, uptake among younger cohorts is far

lower than we would like it to be. Using a vaccination passport scheme would not mean that we would not continue to run drop-in clinics, use mobile vaccination units or do social media messaging—we will do those things. However, there is evidence to suggest that vaccine certification schemes can help with uptake among younger cohorts. In fact, in Scotland, there has been a 10.4 per cent increase—*[Interruption.]* I will not take an intervention just now. I want to continue for a second.

The Presiding Officer: The cabinet secretary needs to begin to wind up.

Humza Yousaf: There has been a 10.4 per cent increase in first-dose vaccination uptake among 18 to 29-year-olds in Scotland. In Israel, a 100 per cent increase in daily doses was observed over a 10-day period when the country announced its Covid passport scheme—*[Interruption.]* I am afraid that I cannot take an intervention, as I have to wind up shortly. France has seen an increased uptake as well.

I will end by addressing some of the points that Pam Duncan-Glancy made. I want to reassure her that exemptions on medical grounds and for those on clinical trials will be available. We will publish guidance on those points before the implementation of any scheme begins. We will also have an interim solution for people who have been vaccinated outside Scotland, and thereafter we will have a digital solution.

Our discussion today has often descended into a lot of heat, but I believe that there is a collective desire among all of us to return to some sort of normality and to support all parts of society to engage in activities that have been missed for some time.

We have a consensus that we must support the country in recovering from the past 18 months, and we must continue to take proportionate measures. I believe that the scheme is, in very limited settings, a proportionate response to suppress the virus to a level that is consistent with alleviating its harms while we recover for a better future. Covid certification allows us to provide assurances and reduce the risk of transmission in those limited settings, in particular, and that is why I ask members to support the motion that is before us today.

Parliamentary Bureau Motion

17:34

The Presiding Officer (Alison Johnstone): The next item of business is consideration of Parliamentary Bureau motion S6M-01163, on approval of a Scottish statutory instrument. I ask George Adam, on behalf of the Parliamentary Bureau, to move the motion.

The Minister for Parliamentary Business (George Adam): I am quite happy to speak to the motion if the Presiding Officer wishes.

Members: No!

George Adam: Okay. I have 15 motions on SSIs to move. I am joking—there is only one. The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No 13) Regulations 2021 came into force on 14 June with the purpose of extending the definitions of elite sport for the Birmingham Commonwealth games.

I move,

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 13) Regulations 2021 (SSI 2021/237) be approved.

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

Decision Time

17:35

The Presiding Officer (Alison Johnstone):

There are five questions to be put as a result of today's business. I remind members that, if the amendment in the name of Douglas Ross is agreed to, the other amendments will fall.

The first question is, that amendment S6M-01123.2, in the name of Douglas Ross, which seeks to amend motion S6M-01123, in the name of John Swinney, on a Covid-19 vaccine certification scheme, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

There will be a short suspension to allow members to access the digital voting system.

17:35

Meeting suspended.

17:40

On resuming—

The Presiding Officer: Members may cast their votes now.

The vote is closed. If any member had difficulty in voting, they should let me know.

Alex Cole-Hamilton (Edinburgh Western) (LD): On a point of order, Presiding Officer. My internet crashed, but I would have voted yes.

The Presiding Officer: Thank you, Mr Cole-Hamilton. We will ensure that your vote is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)

Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (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)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 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)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (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)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)

Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division on amendment S6M-01123.2, in the name of Douglas Ross, which seeks to amend motion S6M-01123, in the name of John Swinney, on a Covid-19 vaccine certification scheme, is: For 55, Against 68, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S6M-01123.3, in the name of Jackie Baillie, which seeks to amend motion S6M-01123, in the name of John Swinney, on a Covid-19 vaccine certification scheme, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)

Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (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)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 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)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (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)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 55, Against 68, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S6M-01123.1, in the name of Alex Cole-Hamilton, which seeks to amend motion S6M-01123, in the name of John Swinney, on a Covid-19 vaccine certification scheme, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

Maggie Chapman (North East Scotland) (Green): On a point of order, Presiding Officer. It seems that Alex Cole-Hamilton has infected this little area of the chamber and I have no internet connection either. I would have voted no.

The Presiding Officer: Thank you, Ms Chapman. Your vote will be recorded.

Richard Leonard (Central Scotland) (Lab): On a point of order, Presiding Officer. I, too, was disconnected. If I had been able to vote, I would have abstained.

The Presiding Officer: Thank you, Mr Leonard. We will ensure that that is recorded.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (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)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 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)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (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)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)
 (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine)
 (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)
 (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

The Presiding Officer: The result of the division on amendment S6M-01123.1, in the name of Alex Cole-Hamilton, which seeks to amend motion S6M-01123, in the name of John Swinney, on a Covid-19 vaccine certification scheme, is: For 33, Against 68, Abstentions 22.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S6M-01123, in the name of John Swinney, on a Covid-19 vaccine certification scheme, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (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)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 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)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (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)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)
 (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)

Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)

Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division is: For 68, Against 55, Abstentions 0.

Motion agreed to,

That the Parliament commends the extraordinary effort of vaccination teams throughout Scotland, which means that, as of 6 September 2021, 84% of eligible over 18-year-olds were double-vaccinated against COVID-19; recognises that case numbers remain stubbornly high and that action is needed from all sectors to ensure that baseline COVID measures are rigorously implemented; acknowledges that a number of other countries have introduced COVID certification schemes and that the UK Government has plans to introduce a vaccine certification scheme in England; believes that, in line with the Scottish Government's strategic intent, a COVID Vaccine Certification scheme can provide a targeted means to maximise Scotland's ability to keep certain higher risk settings open, while reducing the impact of transmission and encouraging the remaining sections of the population to get vaccinated; supports the implementation of a COVID Vaccine Certification scheme; agrees that the scheme will apply to nightclubs, sexual entertainment venues, indoor unseated live events with 500 or more attendees, outdoor unseated live events with 4,000 or more attendees and all events with 10,000 or more attendees; notes that measures are being taken to ensure digital inclusivity and to ensure that disabled people are not disproportionately impacted, and agrees that this scheme will be kept under regular review.

The Presiding Officer: The final question is, that motion S6M-01163, in the name of George Adam, on approval of an SSI, be agreed to.

Motion agreed to,

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 13) Regulations 2021 (SSI 2021/237) be approved.

Meeting closed at 17:52.

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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